

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– Amber Ibarra  
Ward 2 Position 1—Arthur Penzo  
Ward 2 Position 2—Larry Ardemagni  
Ward 3 Position 1—Don Doudna  
Ward 3 Position 2—Tim Burress

## Committee of The Whole

June 15, 2021

### Agenda

The Tontitown Committee of the Whole meeting is scheduled for Tuesday, June 15, 2021 at 6:00 p.m. at the Tontitown City Hall, Tontitown, Arkansas and via Zoom and YouTube visit <https://zoom.us/j/95097016958>

Meeting ID: 950 9701 6958 or join by phone at +1 (312) 626-6799. When prompted for Meeting ID: 950 9701 6958#  
If you do not have a Participant Number: press #

If you wish to watch Online without interactively participating, you can stream the meeting online via YouTube, from our YouTube Channel:

- By PC, Mac, iOS (iPhone), or Android: Navigate to the “Tontitown City Hall” channel:

<https://www.youtube.com/channel/UClbUv481CeNFF2JNwoOsrNQ>

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1. Meeting Call to Order
  2. Roll Call
  3. Pledge of Allegiance
  4. Approval of Agenda
  5. Approval of May 18, 2021 COW Minutes
  6. Monthly Financials
  7. Comments from Citizens
  8. Department Reports
    - a) Police Department – Chief Corey Jenison
    - b) Fire Department—Operations Chief Todd Witzigman
    - c) Public Works Department – James Clark
    - d) Planning Department – Rocky Clinton
    - e) Tontitown Museum Board – Beverly Cortiana or Katherine Karras
  9. Old Business:
    - a) Discussion of a Conditional Use Permit for the Villas on Klenc Road -Doudna
    - b) Discussion of Job Description and Salary Ranges for City Employees -Burress
    - c) Discussion of City Personnel Handbook -Burress
    - d) Discussion of Bond Issue -Colvin
  10. New Business
    - a) Discussion of acceptance of Christie Lane into the City’s Public Street System -Colvin
    - b) Discussion of alderman living outside their ward -Ardemagni
    - c) Discussion of Impact Fees -Colvin
  11. Comments from Council Members
  12. Comments from Mayor
  13. Comments from Attorney
  14. Adjournment

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Ward 1 Position 1-Gene McCartney  
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Ward 3 Position 1—Don Doudna  
Ward 3 Position 2—Tim Burress

**Committee of The Whole**  
**May 18, 2021**  
**Minutes**

The Tontitown Committee of the Whole meeting is scheduled for Tuesday, May 18, 2021 at 6:00 p.m. at the Tontitown City Hall, Tontitown, Arkansas and via Zoom and YouTube visit <https://zoom.us/j/95097016958>

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1. Meeting Call to Order
  2. Roll Call  
All in attendance
  3. Pledge of Allegiance
  4. Approval of Agenda  
Arthur Penzo motioned to approve the agenda Second by Tim Burress Motion Passes
  5. Approval of April 20, 2021 COW Minutes  
Tim Burress motioned to approve the minutes Second by Arthur Penzo Motion Passes
  6. Monthly Financials  
Reference the city website for detailed report
  7. Comments from Citizens
  8. Department Reports
    - a) Police Department – Chief Corey Jenison  
Reference the city website for detailed report
    - b) Fire Department—Operations Chief Todd Witzigman  
Reference the city website for detailed report
    - c) Public Works Department – James Clark  
Reference the city website for detailed report
    - d) Planning Department – Rocky Clinton  
Reference the city website for detailed report
    - e) Tontitown Museum Board – Beverly Cortiana or Katherine Karras  
Reference the city website for detailed report
  9. Old Business:
    - a) Discussion of the purchase of None
  10. New Business
    - a) Discussion of the purchase of a Backhoe for the Public Works Department –Colvin

As requested by the council, James Clark reported the trade in value and the sell value of the city backhoe and it's approximately \$10,000.00 to \$16,000.00. James Clark has requested that the city keep the backhoe as a backup. Also, the council is looking at different avenues to pay for the new backhoe.

Tim Burress motioned to move to the next city council meeting    Second by Larry Ardemagni    Motion Passes

**b) Discussion of Bond Issue Projects –Doudna**

The council discussed to great lengths on this Bond Issue but no decision was made. So the council has agreed to move this item to the next city council meeting for further discussion and that will allow more time to gather more information.

Move to the next city council meeting for discussion only.

**c) Discussion of Impact Fees -McCartney**

The city council agreed to start the impact fees study because it could take up to 6 months and that would give the city time to see where and how to distribute the funds. But there are guidelines that will need to be followed when charging impact fees, if this is approved.

Tim Burress motioned to move to the next city council meeting    Second by Amber Ibarra    Motion Passes

**11. Comments from Council Members**

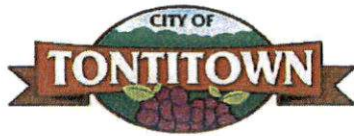
- **Amber Ibarra commented about the impact fees and wondered why it took so long, because the city has missed out on a lot of funds.**
- **Arthur Penzo commented that he would like a set impact fee for residential and commercial.**
- **Tim Burress said it was brought to his attention that commits he made at a prior meeting in regards to the mask mandate, was irresponsible and condescending. Tim publicly apologized and did not intend for his commits to be offensive or mean spirited and he will do better in the future.**
- **Gene McCartney said this council does a fabulous job and he is happy to be working with them.**

**12. Comments from Mayor**

- **The mayor said the citizens can start using Tontitown, AR 72762 as their address.**
- **The Fishing Tournament was a blast and looking forward to more events.**
- **The Farmers Market is this Saturday so keep the faith that the weather cooperates.**
- **The mayor said the reason people put their name in the hat to serve on this city council is to make Tontitown a better place to live, which is why the city staff works extremely hard to get the council all the information to them before each meeting. The mayor has asked that the council read all that information, because the actions of this council will effect generations to come.**
- **The mayor said he has been told he uses bullying tactics and maybe he comes across that way is because of the love and passion he has for the city. The mayor apologized to the council and will work to regain their trust.**

**13. Comments from Attorney**

**14. Adjournment- Arthur Penzo motioned to adjourn    Second by Amber Ibarra    All in Favor**



**City of Tontitown**  
**Financial Snapshot**  
**May 31, 2021**

	<b>2021</b>	<b>2020</b>	<b>% Change from Previous Year</b>
<b>833 Fire Restricted Fund Balance</b>	<b>\$72,655.34</b>	<b>\$55,305.00</b>	<b>31.4%</b>

	2021 Current Month	2021 Year to Date	2021 Budget & % To Budget	2020 Year to Date	Change from Previous Year
				\$ 15,000	
Income	\$6.17	\$8,392.98	55.95%	\$7,910.10	
Expenses	\$0.00	\$0.00	0.00%	\$0.00	
Net Transfers					
<b>Net Operating Income/(Expense)</b>	<b>\$6.17</b>	<b>\$8,392.98</b>		<b>\$7,910.10</b>	<b>\$482.88</b>

<b>988 Police Restricted Fund Balance</b>	<b>\$60,360.41</b>	<b>\$41,428.97</b>	<b>45.7%</b>
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	2021 Current Month	2021 Year to Date	\$ 40,000	2020 Year to Date	Change from Previous Year
Income	\$14,673.56	\$26,399.43	66.00%	\$21,709.83	
Expenses	\$0.00	\$11,326.70	28.32%	\$0.00	
Net Transfers					
<b>Net Operating Income/(Expense)</b>	<b>\$14,673.56</b>	<b>\$15,072.73</b>		<b>\$21,709.83</b>	<b>(\$6,637.10)</b>

<b>UnderCover Drug Fund</b>	<b>\$4,459.00</b>	<b>\$4,459.00</b>	<b>0.0%</b>
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<b>City General Fund Balance</b>	<b>\$4,455,319.52</b>	<b>\$3,416,193.17</b>	<b>30.4%</b>
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	2021 Current Month	2021 Year to Date	\$ 4,177,350	2020 Year to Date	Change from Previous Year
Income	\$414,750.75	\$1,625,145.56	38.90%	\$1,405,413.19	
Expenses	\$175,456.76	\$1,380,456.81	33.05%	\$704,036.09	
<b>Operating Income/(Expense)</b>	<b>\$239,293.99</b>	<b>\$244,688.75</b>		<b>\$701,377.10</b>	
Net Transfers	\$0.00	(\$2,960.73)		\$466.43	
<b>Net Operating Income/(Expense)</b>	<b>\$239,293.99</b>	<b>\$241,728.02</b>		<b>\$701,843.53</b>	<b>(\$460,115.51)</b>

<b>Water Sewer Fund Balance</b>	<b>\$4,439,123.74</b>	<b>\$3,533,822.91</b>	<b>25.6%</b>
<i>Bond Restricted Accts</i>	<i>\$1,205,328.53</i>	<i>\$1,174,152.10</i>	

	2021 Current Month	2021 Year to Date	\$ 5,153,550	2020 Year to Date	Change from Previous Year
Operating Income	\$408,598.86	\$1,691,724.91	32.83%	\$1,471,891.48	
Operating Expenses	\$253,000.51	\$1,381,573.64	26.81%	\$1,182,692.82	
Restricted SUT - UMB 3/4% Bond	\$28,729.30	\$143,620.89		\$141,910.60	
Restricted SUT - F&M 3/4% Bond	\$107,478.83	\$417,436.16		\$352,497.07	
Net Transfers	\$1,572.46	\$3,979.55		\$37,209.40	
Gross Income	\$293,378.94	\$875,187.87		\$820,815.73	\$54,372.14
<b>Net Operating Income/(Expense)</b>	<b>\$155,598.35</b>	<b>\$310,151.27</b>		<b>\$289,198.66</b>	<b>\$20,952.61</b>

<b>Street Fund Balance</b>	<b>\$660,804.70</b>	<b>\$511,686.97</b>	<b>29.1%</b>
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	2021 Current Month	2021 Year to Date	\$ 678,000	2020 Year to Date	Change from Previous Year
Income	\$60,536.48	\$194,352.21	28.67%	\$106,459.44	
Expenses	\$63,880.69	\$125,893.58	18.57%	\$216,006.75	
<b>Operating Income/(Expense)</b>	<b>(\$3,344.21)</b>	<b>\$68,458.63</b>		<b>(\$109,547.31)</b>	
Net Transfers	\$0.00	\$0.00		\$0.00	
<b>Net Operating Income/(Expense)</b>	<b>(\$3,344.21)</b>	<b>\$68,458.63</b>		<b>(\$109,547.31)</b>	<b>\$178,005.94</b>

See Attached Detail

Act 833 Fund-Fire Restricted  
**Balance Sheet-Act 833 Fire Restricted**  
For Period Ending 5/31/2021

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	Book Value May 2021 Actual	Book Value May 2020 Actual
<b>Assets</b>		
<b>Current Assets</b>		
<b>Cash</b>		
7025-833 Fire Fund Restrict-DDA	72,655.34	55,305.00
<b>Total Current Assets</b>	<b>\$72,655.34</b>	<b>\$55,305.00</b>
<b>Total Assets</b>	<b>\$72,655.34</b>	<b>\$55,305.00</b>
<b>Fund Balance</b>		
<b>Accumulated Surplus (Deficit)</b>		
Fund Balance	72,655.34	55,305.00
<b>Total Fund Balance</b>	<b>\$72,655.34</b>	<b>\$55,305.00</b>
<b>Total Liabilities and Equity</b>	<b>\$72,655.34</b>	<b>\$55,305.00</b>

**Act 833 Fund-Fire Restricted**  
**Act 833 Fire**

Acct	Current Period May 2021 May 2021 Actual	Year-To-Date Jan 2021 May 2021 Actual	Annual Budget Jan 2021 Dec 2021	Jan 2021 Dec 2021 Percent of Budget	Prior Year-To- Date Jan 2020 May 2020 Actual
<b>Revenue &amp; Expenditures</b>					
<b>Revenue</b>					
4552 Act 833 Fund-Fire Restricted		8,365.63	15,000.00	55.77%	7,889.35
4650 Interest Income	6.17	27.35	0.00	0.00%	20.75
<b>Revenue</b>	<b>\$6.17</b>	<b>\$8,392.98</b>	<b>\$15,000.00</b>		<b>\$7,910.10</b>
<b>Gross Profit</b>	<b>\$6.17</b>	<b>\$8,392.98</b>	<b>\$15,000.00</b>		<b>\$7,910.10</b>
<b>Revenue Less Expenditures</b>	<b>\$6.17</b>	<b>\$8,392.98</b>	<b>\$15,000.00</b>		<b>\$7,910.10</b>
<b>Other Expenses</b>					
8001 Transfer Out		0.00	15,000.00	0.00%	
<b>Other Expenses</b>		<b>\$0.00</b>	<b>\$15,000.00</b>		
<b>Net Change in Fund Balance</b>	<b>\$6.17</b>	<b>\$8,392.98</b>	<b>\$0.00</b>		<b>\$7,910.10</b>
<b>Fund Balances</b>					
Beginning Fund Balance	72,649.17	64,262.36	0.00	0.00%	47,394.90
Net Change in Fund Balance	6.17	8,392.98	0.00	0.00%	7,910.10
Ending Fund Balance	72,655.34	72,655.34	0.00	0.00%	55,305.00

*Report Options*

Fund: Act 833 Fund-Fire Restricted

Period: 5/1/2021 to 5/31/2021

Detail Level: Level 1 Accounts

Display Account Categories: No

Display Subtotals: No

Revenue Reporting Method: Budget - Actual

Expense Reporting Method: Budget - Actual

Budget: Act 833 Fund-Fire

Act 988 Fund-Police Restricted  
**Balance Sheet-Act 988 Police Restricted**  
For Period Ending 5/31/2021

	Book Value May 2021 Actual	Book Value May 2020 Actual
<b>Assets</b>		
<b>Current Assets</b>		
<b>Cash</b>		
7033-988 Police Fund-DDA	60,360.41	41,428.97
<b>Total Current Assets</b>	<b>\$60,360.41</b>	<b>\$41,428.97</b>
<b>Total Assets</b>	<b>\$60,360.41</b>	<b>\$41,428.97</b>
<b>Fund Balance</b>		
<b>Accumulated Surplus (Deficit)</b>		
Fund Balance	60,360.41	41,428.97
<b>Total Fund Balance</b>	<b>\$60,360.41</b>	<b>\$41,428.97</b>
<b>Total Liabilities and Equity</b>	<b>\$60,360.41</b>	<b>\$41,428.97</b>

**Statement of Revenue and Expenditures**

Acct		Current Period May 2021 May 2021 Actual	Year-To-Date Jan 2021 May 2021 Actual	Annual Budget Jan 2021 Dec 2021	Jan 2021 Dec 2021 Percent of Budget	Prior Year-To-Date Jan 2020 May 2020 Actual
<b>Revenue &amp; Expenditures</b>						
<b>Revenue</b>						
4550	Act 988 Fund-Police Restricted	14,669.11	26,380.00	40,000.00	65.95%	21,697.11
4650	Interest Income	4.45	19.43	0.00	0.00%	12.72
	<b>Revenue</b>	<b>\$14,673.56</b>	<b>\$26,399.43</b>	<b>\$40,000.00</b>		<b>\$21,709.83</b>
	<b>Gross Profit</b>	<b>\$14,673.56</b>	<b>\$26,399.43</b>	<b>\$40,000.00</b>		<b>\$21,709.83</b>
<b>Expenses</b>						
5025	Automobile Expense		11,326.70	0.00	0.00%	
	<b>Expenses</b>		<b>\$11,326.70</b>	<b>\$0.00</b>		
	<b>Revenue Less Expenditures</b>	<b>\$14,673.56</b>	<b>\$15,072.73</b>	<b>\$40,000.00</b>		<b>\$21,709.83</b>
<b>Other Expenses</b>						
8001	Transfer Out		0.00	40,000.00	0.00%	
	<b>Other Expenses</b>		<b>\$0.00</b>	<b>\$40,000.00</b>		
	<b>Net Change in Fund Balance</b>	<b>\$14,673.56</b>	<b>\$15,072.73</b>	<b>\$0.00</b>		<b>\$21,709.83</b>
<b>Fund Balances</b>						
	Beginning Fund Balance	45,686.85	45,287.68	0.00	0.00%	19,719.14
	Net Change in Fund Balance	14,673.56	15,072.73	0.00	0.00%	21,709.83
	Ending Fund Balance	60,360.41	60,360.41	0.00	0.00%	41,428.97



**Undercover Drug Fund**  
**Balance Sheet-Undercover Drug Fund**  
**For Period Ending 5/31/2021**

	Book Value May 2021 Actual	Book Value May 2020 Actual
<b>Assets</b>		
<b>Current Assets</b>		
<b>Cash</b>		
6476-Undercover Drug Fund-DDA	4,459.00	0.00
<b>Total Current Assets</b>	<b>\$4,459.00</b>	<b>\$0.00</b>
<b>Total Assets</b>	<b>\$4,459.00</b>	<b>\$0.00</b>
<b>Fund Balance</b>		
<b>Accumulated Surplus (Deficit)</b>		
Fund Balance	4,459.00	0.00
<b>Total Fund Balance</b>	<b>\$4,459.00</b>	<b>\$0.00</b>
<b>Total Liabilities and Equity</b>	<b>\$4,459.00</b>	<b>\$0.00</b>

## Undercover Drug Fund Statement of Revenue and Expenditures

	Current Period May 2021 May 2021 Actual	Year-To-Date Jan 2021 May 2021 Actual	Prior Year-To-Date Jan 2020 May 2020 Actual
<b>Revenue &amp; Expenditures</b>			
<b>Other Revenue</b>			
<b>Unallocated</b>			
Transfer In	0.00	4,459.00	0.00
<b>Unallocated Totals</b>	<b>\$0.00</b>	<b>\$4,459.00</b>	<b>\$0.00</b>
<b>Other Revenue</b>	<b>\$0.00</b>	<b>\$4,459.00</b>	<b>\$0.00</b>
<b>Net Change In Fund Balance</b>	<b>\$0.00</b>	<b>\$4,459.00</b>	<b>\$0.00</b>
<b>Fund Balances</b>			
Beginning Fund Balance	4,459.00	0.00	0.00
Net Change In Fund Balance	0.00	4,459.00	0.00
Ending Fund Balance	4,459.00	4,459.00	0.00

*Report Options*

Fund: Undercover Drug Fund  
 Period: 5/1/2021 to 5/31/2021  
 Detail Level: Level 1 Accounts  
 Display Account Categories: No  
 Display Subtotals: No  
 Revenue Reporting Method: Budget - Actual  
 Expense Reporting Method: Budget - Actual

**City of Tontitown**  
**Balance Sheet - City General Fund**  
**For Period Ending 5/31/2021**

Account Number		Book Value May 2021 Actual	Book Value May 2020 Actual
<b>Assets</b>			
<b>Current Assets</b>			
<b>Cash</b>			
1010	0170-City Gen Operating-DDA	466,506.98	622,532.95
1113	3150-General Museum-CD	0.00	213,501.71
1015	6476-Undercover Drug Fund-DDA	0.00	4,459.00
1012	7469-City Museum Sav	239,388.80	15,007.31
1004	7598-Parks and Trails Dev MMS	104,270.41	16,442.93
1003	7882-General - MMS	3,645,153.33	2,544,249.27
	<b>Total Current Assets</b>	<b>\$4,455,319.52</b>	<b>\$3,416,193.17</b>
	<b>Total Assets</b>	<b>\$4,455,319.52</b>	<b>\$3,416,193.17</b>
 <b>Fund Balance</b>			
<b>Accumulated Surplus (Deficit)</b>			
3000	Fund Balance	4,455,319.52	3,416,193.17
	<b>Total Fund Balance</b>	<b>\$4,455,319.52</b>	<b>\$3,416,193.17</b>
	<b>Total Liabilities and Equity</b>	<b>\$4,455,319.52</b>	<b>\$3,416,193.17</b>

City of Tontitown  
General Fund

Statement of Revenue and Expenditures

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2021	Prior Year-To-Date
	May 2021	Jan 2021		Dec 2021	Jan 2020
	May 2021 Actual	May 2021 Actual		Percent of Budget	May 2020 Actual
<b>Revenue &amp; Expenditures</b>					
<b>Revenue</b>					
<b>General Dept</b>					
4363		0.00	500.00	0.0%	
4040	4,255.00	5,585.00	40,750.00	13.7%	4,002.95
4057	103.20	719.33	1,500.00	48.0%	718.76
4086	315.00	1,765.00	0.00	0.0%	
4586		1,000.00	0.00	0.0%	
4085	2,000.00	6,800.00	0.00	0.0%	
4000	9,044.72	149,435.21	198,000.00	75.5%	132,201.10
4010		168,885.48	370,000.00	45.6%	168,819.49
4595		26,008.00	0.00	0.0%	
4650	533.49	3,920.46	3,000.00	130.7%	15,977.69
4020	94.85	114.10	0.00	0.0%	50.00
4100	3,214.50	4,068.25	4,000.00	101.7%	3,908.00
4185		14,000.00	0.00	0.0%	
4083		0.00	200,000.00	0.0%	
4180	690.00	2,155.00	900.00	239.4%	395.00
4200	10,533.97	224,495.89	350,000.00	64.1%	228,323.33
4542		4,000.00	0.00	0.0%	
4080		13,402.23	0.00	0.0%	1,000.00
4540	70,062.06	166,562.77	275,000.00	60.6%	155,245.26
4560	165,607.72	230,972.10	325,000.00	71.1%	172,421.49
4570	60,119.55	253,732.25	450,000.00	56.4%	225,183.39
4580	85,983.07	333,948.92	595,000.00	56.1%	281,997.65
4645	2,193.62	13,575.57	35,000.00	38.8%	15,169.08
	<b>General Dept Totals</b>	<b>\$414,750.75</b>	<b>\$1,625,145.56</b>	<b>\$2,848,650.00</b>	<b>\$1,405,413.19</b>
	<b>Revenue</b>	<b>\$414,750.75</b>	<b>\$1,625,145.56</b>	<b>\$2,848,650.00</b>	<b>\$1,405,413.19</b>
	<b>Gross Profit</b>	<b>\$414,750.75</b>	<b>\$1,625,145.56</b>	<b>\$2,848,650.00</b>	<b>\$1,405,413.19</b>
<b>Expenses</b>					
<b>Administration</b>					
5030	208.66	711.79	2,000.00	35.6%	395.45
5095		0.00	1,000.00	0.0%	
5281		4,669.06	10,000.00	46.7%	1,312.87
5035		3,048.39	10,000.00	30.5%	1,446.34

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

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2021	Prior Year-To-Date
	May 2021	Jan 2021		Dec 2021	Jan 2020
	May 2021 Actual	May 2021 Actual	Jan 2021 Dec 2021	Percent of Budget	May 2020 Actual
<b>Revenue &amp; Expenditures</b>					
<b>Expenses</b>					
<b>Administration</b>					
5591	Contract-Central EMS	0.00	25,600.00	0.0%	
5590	Contracts	7,274.89	19,400.00	105.3%	10,817.68
5040	Dues and Subscriptions	1,653.72	25,000.00	40.7%	7,184.69
5050	Fixed Assets Purchases		0.00	0.0%	
5047	Fuel		500.00	0.0%	154.29
5150	Insurance, Vehicles & Property		6,500.00	0.0%	
5380	Legal Fees	7,053.82	150,000.00	18.7%	23,261.65
5060	Materials and Supplies	774.88	2,500.00	31.0%	248.77
5341	Meetings Training and Travel	1,800.00	2,500.00	72.0%	1,376.94
5340	Miscellaneous Expense		500.00	246.0%	
5090	Office Expenses	494.75	7,500.00	29.1%	1,458.19
5630	Payroll w/Benefits	12,978.41	185,000.00	27.8%	32,431.33
5629	Payroll-Elected Officials	9,710.05	94,000.00	49.2%	38,624.73
5633	Payroll-Municipal Workers		3,000.00	9.3%	1,282.00
5350	Profession Fees	1,500.00	750.00	748.0%	2,760.00
5420	Repairs & Maintenance		1,000.00	0.0%	35.00
8027	Transfer to Street		1,328,750.00	0.0%	
5500	Utilities	550.93	15,000.00	35.6%	5,709.34
	<b>Administration Totals</b>	<b>\$44,000.11</b>	<b>\$566,611.71</b>		<b>\$128,499.27</b>
<b>Building Dept</b>					
5025	Automobile Expense		2,500.00	0.0%	
5035	Computer Software & Support		1,000.00	161.4%	
5590	Contracts	325.47	5,000.00	43.5%	1,602.91
5040	Dues and Subscriptions		4,000.00	0.0%	
5050	Fixed Assets Purchases		28,000.00	0.0%	
5047	Fuel	297.84	3,000.00	39.3%	875.27
5150	Insurance, Vehicles & Property		500.00	0.0%	
5060	Materials and Supplies		5,000.00	18.3%	1,475.52
5341	Meetings Training and Travel		1,500.00	0.0%	130.00
5090	Office Expenses		500.00	20.4%	76.29
5630	Payroll w/Benefits	10,892.14	102,000.00	37.6%	14,937.35
5633	Payroll-Municipal Workers		1,000.00	0.0%	

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

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2021	Prior Year-To-Date
		May 2021	Jan 2021		Dec 2021	Jan 2020
		Actual	Actual	Jan 2021	Percent of	May 2020
				Dec 2021	Budget	Actual
<b>Revenue &amp; Expenditures</b>						
<b>Expenses</b>						
<b>Building Dept</b>						
5170	Taxes-Construction Surcharge	146.31	1,402.39	30,000.00	4.7%	6,466.43
5597	Uniform Expense		0.00	500.00	0.0%	154.69
5500	Utilities	165.00	515.94	1,000.00	51.6%	242.49
	<b>Building Dept Totals</b>	<b>\$11,816.76</b>	<b>\$46,254.04</b>	<b>\$185,500.00</b>		<b>\$25,960.95</b>
<b>Community Dev</b>						
5035	Computer Software & Support		2,876.50	2,500.00	115.1%	1,268.43
5590	Contracts	162.74	1,088.61	2,500.00	43.5%	740.40
5040	Dues and Subscriptions		0.00	8,000.00	0.0%	
5370	Engineering		39,388.40	27,000.00	145.9%	17,366.30
5380	Legal Fees	25.00	100.00	1,000.00	10.0%	
5341	Meetings Training and Travel		0.00	1,000.00	0.0%	
5090	Office Expenses		404.58	500.00	80.9%	21.95
5630	Payroll w/Benefits	5,986.67	29,501.73	78,000.00	37.8%	22,750.59
5633	Payroll-Municipal Workers		0.00	100.00	0.0%	
5634	Payroll-Planning	1,888.10	6,906.75	15,000.00	46.0%	4,452.95
5350	Profession Fees		0.00	2,500.00	0.0%	
5500	Utilities	42.49	169.94	600.00	28.3%	241.94
	<b>Community Dev Totals</b>	<b>\$8,105.00</b>	<b>\$80,436.51</b>	<b>\$138,700.00</b>		<b>\$46,842.56</b>
<b>Fire Dept</b>						
5025	Automobile Expense	7.74	5,338.03	5,000.00	106.8%	81.13
5035	Computer Software & Support		0.00	2,800.00	0.0%	
5590	Contracts	488.21	1,941.94	14,000.00	13.9%	84,473.70
5592	Contract-TAFD	16,746.66	83,733.30	215,000.00	38.9%	
5040	Dues and Subscriptions		1,078.69	4,000.00	27.0%	127.08
5050	Fixed Assets Purchases		8,421.00	59,000.00	14.3%	
5047	Fuel	258.04	1,172.03	6,500.00	18.0%	1,472.12
5150	Insurance, Vehicles & Property		0.00	7,500.00	0.0%	
5060	Materials and Supplies	142.45	2,536.15	19,250.00	13.2%	130.81
5341	Meetings Training and Travel		508.00	3,600.00	14.1%	
5090	Office Expenses		312.78	900.00	34.8%	301.40
5630	Payroll w/Benefits	10,813.79	54,188.52	140,000.00	38.7%	43,536.70
5633	Payroll-Municipal Workers		1,953.28	5,000.00	39.1%	3,432.00

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

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2021	Prior Year-To-Date
		May 2021	Jan 2021	Jan 2021	Dec 2021	Jan 2020
		May 2021 Actual	May 2021 Actual	Jan 2021 Dec 2021	Percent of Budget	May 2020 Actual
<b>Revenue &amp; Expenditures</b>						
<b>Expenses</b>						
<b>Fire Dept</b>						
5350	Profession Fees		1,251.00	0.00	0.0%	
5420	Repairs & Maintenance		1,302.94	10,000.00	13.0%	1,643.71
5530	Tools and Equipment		0.00	2,000.00	0.0%	
5597	Uniform Expense		122.54	1,000.00	12.3%	64.00
5500	Utilities	135.45	2,859.30	8,500.00	33.6%	2,952.48
	<b>Fire Dept Totals</b>	<b>\$28,592.34</b>	<b>\$166,719.50</b>	<b>\$504,050.00</b>		<b>\$138,215.13</b>
<b>Museum Dept</b>						
5035	Computer Software & Support		508.93	600.00	84.8%	
5590	Contracts	162.74	956.65	2,500.00	38.3%	740.40
5040	Dues and Subscriptions		403.16	750.00	53.8%	174.95
5050	Fixed Assets Purchases		0.00	0.00	0.0%	4,325.50
5150	Insurance, Vehicles & Property		0.00	250.00	0.0%	
5060	Materials and Supplies	150.00	150.00	500.00	30.0%	
5341	Meetings Training and Travel		85.00	1,000.00	8.5%	69.95
5090	Office Expenses		191.62	1,000.00	19.2%	716.28
5630	Payroll w/Benefits	596.44	3,178.59	9,000.00	35.3%	3,019.25
5110	Printing and Reproduction	150.00	588.48	1,500.00	39.2%	306.86
5420	Repairs & Maintenance		0.00	1,000.00	0.0%	
5500	Utilities	48.77	628.61	1,500.00	41.9%	604.41
	<b>Museum Dept Totals</b>	<b>\$1,107.95</b>	<b>\$6,691.04</b>	<b>\$19,600.00</b>		<b>\$9,957.60</b>
<b>Park Dept</b>						
5590	Contracts		0.00	0.00	0.0%	4,080.00
5040	Dues and Subscriptions		0.00	500.00	0.0%	
5370	Engineering	850.00	7,650.00	25,000.00	30.6%	
5470	Equipment Repairs		3,026.81	2,500.00	121.1%	1,418.00
5043	Farmer Market Expense	890.59	1,547.75	0.00	0.0%	
5050	Fixed Assets Purchases		10,403.82	150,000.00	6.9%	
5047	Fuel	95.32	133.43	1,000.00	13.3%	20.75
5150	Insurance, Vehicles & Property		0.00	1,000.00	0.0%	
5060	Materials and Supplies	93.21	748.84	10,000.00	7.5%	158.15
5340	Miscellaneous Expense		440.98	500.00	88.2%	
5090	Office Expenses		0.00	500.00	0.0%	110.48

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

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2021	Prior Year-To-Date
		May 2021	Jan 2021		Dec 2021	Jan 2020
		May 2021 Actual	May 2021 Actual	Jan 2021 Dec 2021	Percent of Budget	May 2020 Actual
<b>Revenue &amp; Expenditures</b>						
<b>Expenses</b>						
<b>Park Dept</b>						
5630	Payroll w/Benefits	2,252.14	9,927.88	38,000.00	26.1%	3,734.38
5420	Repairs & Maintenance	480.00	8,314.15	5,000.00	166.3%	469.73
5500	Utilities		1,574.90	3,500.00	45.0%	1,115.96
	<b>Park Dept Totals</b>	<b>\$4,661.26</b>	<b>\$43,768.56</b>	<b>\$237,500.00</b>		<b>\$11,107.45</b>
<b>Police Dept</b>						
5020	Animal Sheltering	(360.00)	(360.00)	500.00	(72.0%)	
5025	Automobile Expense	8,154.31	27,566.69	40,000.00	68.9%	13,901.24
5035	Computer Software & Support	15.90	3,634.99	2,500.00	145.4%	266.85
5590	Contracts	2,724.69	9,885.19	15,000.00	65.9%	4,239.82
5027	Court Clerk Expense		22,935.70	50,000.00	45.9%	26,751.31
5040	Dues and Subscriptions	225.46	5,955.89	20,000.00	29.8%	4,077.67
5050	Fixed Assets Purchases		78,144.00	80,000.00	97.7%	20,600.00
5047	Fuel	4,143.90	18,237.92	45,000.00	40.5%	14,704.28
5150	Insurance, Vehicles & Property		1,472.04	10,000.00	14.7%	410.24
5596	K-9 Animal Expense		0.00	1,000.00	0.0%	
5380	Legal Fees	1,200.00	6,000.00	15,000.00	40.0%	5,703.72
5060	Materials and Supplies	1,584.14	4,238.47	7,000.00	60.5%	706.37
5341	Meetings Training and Travel	70.53	726.70	6,000.00	12.1%	17.61
5090	Office Expenses	383.39	1,251.80	4,000.00	31.3%	
5630	Payroll w/Benefits	54,644.33	266,780.99	842,000.00	31.7%	217,823.77
5633	Payroll-Municipal Workers		6,557.44	12,000.00	54.6%	11,375.00
5420	Repairs & Maintenance	50.00	50.00	2,500.00	2.0%	376.73
5597	Uniform Expense	2,539.00	6,237.04	12,000.00	52.0%	5,241.07
5500	Utilities	1,797.69	6,105.39	25,000.00	24.4%	6,969.74
5562	Washington County Inmates		4,555.20	12,000.00	38.0%	10,287.71
	<b>Police Dept Totals</b>	<b>\$77,173.34</b>	<b>\$469,975.45</b>	<b>\$1,201,500.00</b>		<b>\$343,453.13</b>
	<b>Expenses</b>	<b>\$175,456.76</b>	<b>\$1,380,456.81</b>	<b>\$4,177,350.00</b>		<b>\$704,036.09</b>
	<b>Revenue Less Expenditures</b>	<b>\$239,293.99</b>	<b>\$244,688.75</b>	<b>(\$1,328,700.00)</b>		<b>\$701,377.10</b>
<b>Other Revenue</b>						
<b>General Dept</b>						
4990	Transfer In		360,123.27	1,328,700.00	27.1%	208,027.43



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

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2021	Prior Year-To-Date
	May 2021	Jan 2021		Dec 2021	Jan 2020
	May 2021 Actual	May 2021 Actual	Jan 2021 Dec 2021	Percent of Budget	May 2020 Actual
<b>Revenue &amp; Expenditures</b>					
<b>Other Revenue</b>					
	General Dept Totals	\$360,123.27	\$1,328,700.00		\$208,027.43
	Other Revenue	\$360,123.27	\$1,328,700.00		\$208,027.43
<b>Other Expenses</b>					
<b>Administration</b>					
8001	Transfer Out	363,084.00	0.00	0.0%	207,561.00
	Administration Totals	\$363,084.00	\$0.00		\$207,561.00
	Other Expenses	\$363,084.00	\$0.00		\$207,561.00
	Net Change In Fund Balance	\$239,293.99	\$241,728.02	\$0.00	\$701,843.53
<b>Fund Balances</b>					
	Beginning Fund Balance	4,216,025.53	4,213,591.50	0.00	2,714,349.64
	Net Change in Fund Balance	239,293.99	241,728.02	0.00	701,843.53
	Ending Fund Balance	4,455,319.52	4,455,319.52	0.00	3,416,193.17

**City of Tontitown**  
**Balance Sheet - Water/Sewer Fund**  
**For Period Endng 5/31/2021**

	Acct #	Acct	Book Value May 2021 Actual	Book Value May 2020 Actual
<b>Assets</b>				
<b>Current Assets</b>				
	1050	0605-Water Meter Deposit-DDA	108,990.94	96,126.84
	1040	0613-Water Depreciation-MMS	344,464.32	301,672.42
	1030	0621-W&S Tap-Cap Impr-MMS	589,238.91	332,635.17
	1081	1081 Cash In Transit-SoftWater	(1,758.08)	913.81
	1126	3543-Water Excess Oper-CD	0.00	835,311.01
	1080	5484-Water Oper Fund-DDA	662,605.61	439,919.41
	1070	5492-W/S Excess Funds DDA+	2,375,177.68	1,167,970.19
	1095	7122-Water NACA Restricted-DDA	360,404.36	359,274.06
	1021	RC-141831.1-UMB-Principal Acct	153,416.96	150,811.76
	1022	RC-141831.2-UMB-Reserve Acct	171,491.10	172,288.48
	1023	RC-141831.4-UMB-Bond Acct	15,500.00	15,500.00
	1024	RC-141831.6-UMB Interest Acct	19,133.16	20,917.64
	1043	RC-1553--Grand Savings DDA	0.00	58,781.29
	1042	RC-5230-Grand Sav CD	0.00	176,474.97
	1027	RC-5698-Regions Bond Fund	10,386.28	8,774.03
	1044	RC-6521-Grand Savings MMS	202,111.81	0.00
	1028	RC-8513-3-01-F&M AR SUT Bd Fd	419,373.03	356,710.07
	1029	RC-8514-3-01-F&M-AR Debt Serv	213,916.19	213,893.86
		<b>Total Current Assets</b>	<b>\$5,644,452.27</b>	<b>\$4,707,975.01</b>
<b>Fixed Assets</b>				
	1510	GIS System	284,099.11	284,099.11
	1520	Vehicles	117,479.75	117,479.75
	1800	Accumulated Depreciation	(5,609,879.25)	(5,609,879.25)
		<b>Total Fixed Assets</b>	<b>(\$5,208,300.39)</b>	<b>(\$5,208,300.39)</b>
<b>Other Assets</b>				
	1200	Accounts Receivable	181,393.74	181,393.74
	1581	Buildings & Improvements	558,244.18	558,244.18
	1762	CIP-4.2 Bypass Sewerline	(393,938.00)	(393,938.00)
	1767	CIP-Water Tank	324,610.63	72,200.00
	1765	CIP-Water Trans Line BWRPA	9,393,320.92	9,356,730.89
	1400	Inventory	64,602.63	64,602.63
	1505	Land	361,913.73	361,913.73
	1530	Machinery & Equipment	(28,500.00)	(28,500.00)
	1534	Machinery & Equipment	336,925.19	336,925.19
	1515	Office Furniture & Equipment	64,648.57	64,648.57
	1301	Prepaid Expenses	9,678.10	9,678.10
	1150	Sales Tax Receivable	186,076.82	186,076.82
	1601	Water & Sewer Systems	17,156,227.75	17,156,227.75
		<b>Total Other Assets</b>	<b>\$28,215,204.26</b>	<b>\$27,926,203.60</b>
		<b>Total Assets</b>	<b>\$28,651,356.14</b>	<b>\$27,425,878.22</b>
<b>Liabilities</b>				
<b>Current Liabilities</b>				
	2000	Accounts Payable	128,500.02	128,500.02
	2410	Accrued Bond Interest Payable	72,788.77	72,788.77
	2089	Arkansas Health Fee Payable	5,841.90	5,164.42
	2045	Franchise Tax Payable	1,057.90	622.61
	2490	Meter Deposits	118,497.16	95,692.47
	2040	Sales Tax Payable	6,328.72	8,167.38

**City of Tontitown**  
**Balance Sheet - Water/Sewer Fund**  
**For Period Ending 5/31/2021**

<u>Acct #</u>	<u>Acct</u>	<u>Book Value May 2021 Actual</u>	<u>Book Value May 2020 Actual</u>
2540	Water Revenue Bond Region #31-	116,169.00	116,169.00
	<b>Total Current Liabilities</b>	<b>\$449,183.47</b>	<b>\$427,104.67</b>
<b>Long Term Liabilities</b>			
2600	3128-Rev Bond#1 Water Tower	0.00	1,280,000.00
2601	3167-Rev Bond#2 Water Tower	0.00	420,609.50
2602	Grand Sav Bk-Trans Line Loan	750,000.00	1,000,000.00
2550	Sales Use Tax Bond 2017 (F&M)	6,115,968.75	6,855,968.75
2605	USDA RD Loan 91-01 Water Tower	1,280,000.00	0.00
2606	USDA RD Loan 91-02 Water Tower	700,000.00	0.00
2525	Bond Refunding Series 2013	3,270,000.00	3,495,000.00
2141	Current Portion of LTD	(447,500.00)	(447,500.00)
2142	Current Portion of LTD	447,500.00	447,500.00
2005	Retainage Payable	464,082.70	464,082.70
	<b>Total Long Term Liabilities</b>	<b>\$12,580,051.45</b>	<b>\$13,515,660.95</b>
	<b>Total Liabilities</b>	<b>\$13,029,234.92</b>	<b>\$13,942,765.62</b>
<b>Fund Balance</b>			
3085	Invested In Capital Assets	10,747,418.00	10,747,418.00
3065	Reserved for bond retirement	551,155.83	551,155.83
3000	Fund Balance	4,323,547.39	2,184,538.77
	<b>Total Fund Balance</b>	<b>\$15,622,121.22</b>	<b>\$13,483,112.60</b>
	<b>Total Liabilities and Equity</b>	<b>\$28,651,356.14</b>	<b>\$27,425,878.22</b>

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

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2021	Prior Year-To-
		May 2021	Jan 2021		Dec 2021	Date
		May 2021	May 2021	Jan 2021	Percent of	Jan 2020
		Actual	Actual	Dec 2021	Budget	May 2020
						Actual
<b>Revenue &amp; Expenditures</b>						
<b>Revenue</b>						
<b>Sewer Dept</b>						
4650	Interest Income	6.54	33.11	250.00	13.2%	817.06
4591	Sales Tax-1999 Umb Excess	114,575.81	412,960.66	261,000.00	158.2%	328,085.48
4051	Sewer Sales	72,110.16	291,094.93	500,000.00	58.2%	196,045.17
4069	Sewer Tapping Fees	2,000.00	33,500.00	100,000.00	33.5%	39,000.00
4032	Waste Management Sewer	21,398.15	107,800.11	250,000.00	43.1%	134,338.07
	<b>Sewer Dept Totals</b>	<b>\$210,090.66</b>	<b>\$845,388.81</b>	<b>\$1,111,250.00</b>		<b>\$698,285.78</b>
<b>Solid Waste Dept</b>						
4053	Billing & Meter Fee Income	1,163.40	4,466.89	7,500.00	59.6%	3,605.03
4055	Recycling Fee Income	1,581.64	5,896.80	8,000.00	73.7%	4,155.97
4031	Sanitation SW Billing	24,973.25	95,311.75	150,000.00	63.5%	73,970.68
4056	Yellow Bag Sales	277.20	1,403.44	2,500.00	56.1%	1,293.11
	<b>Solid Waste Dept Totals</b>	<b>\$27,995.49</b>	<b>\$107,078.88</b>	<b>\$168,000.00</b>		<b>\$83,024.79</b>
<b>Water Dept</b>						
4053	Billing & Meter Fee Income	3,824.06	15,075.48	8,000.00	188.4%	273.00
4057	Convenience Fee Income	306.27	1,339.09	3,000.00	44.6%	1,371.56
4650	Interest Income	569.69	4,832.99	1,500.00	322.2%	28,837.00
4052	Late Fee Income	2,347.02	14,164.03	16,000.00	88.5%	7,064.50
4020	Miscellaneous Income		0.00	500.00	0.0%	
4060	Overpayment of Water Sales	1,945.06	18,069.86	30,000.00	60.2%	16,297.61
4058	Reconnection Fee	25.00	918.16	2,000.00	45.9%	779.51
4299	Returned Checks Fees	143.38	430.71	500.00	86.1%	620.14
4580	Sales Tax-City SUT 2005 Series	42,991.53	166,974.47	350,000.00	47.7%	187,998.43
4050	Water Sales	113,610.70	441,452.43	850,000.00	51.9%	379,989.16
4064	Water Tapping Fees	4,750.00	76,000.00	150,000.00	50.7%	67,350.00
	<b>Water Dept Totals</b>	<b>\$170,512.71</b>	<b>\$739,257.22</b>	<b>\$1,411,500.00</b>		<b>\$690,580.91</b>
	<b>Revenue</b>	<b>\$408,598.86</b>	<b>\$1,691,724.91</b>	<b>\$2,690,750.00</b>		<b>\$1,471,891.48</b>
	<b>Gross Profit</b>	<b>\$408,598.86</b>	<b>\$1,691,724.91</b>	<b>\$2,690,750.00</b>		<b>\$1,471,891.48</b>
<b>Expenses</b>						
<b>Sewer Dept</b>						
5022	Audit Expense		0.00	4,500.00	0.0%	2,322.50
5025	Automobile Expense		255.38	1,500.00	17.0%	

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

Acct	Current Period		Year-To-Date		Prior Year-To-Date	
	May 2021	Jan 2021	Annual Budget	Jan 2021	Jan 2020	
	May 2021 Actual	May 2021 Actual	Jan 2021 Dec 2021	Percent of Budget	May 2020 Actual	
<b>Revenue &amp; Expenditures</b>						
<b>Expenses</b>						
<b>Sewer Dept</b>						
5281	Building Repairs		0.00	2,000.00	0.0%	1,790.83
5035	Computer Software & Support		45.68	2,500.00	1.8%	1,000.00
5590	Contracts	569.58	3,078.94	4,000.00	77.0%	1,476.32
5040	Dues and Subscriptions	145.35	928.85	3,750.00	24.8%	671.00
5370	Engineering		29,766.56	65,000.00	45.8%	25,615.48
5470	Equipment Repairs	1,950.89	3,643.87	7,500.00	48.6%	1,916.28
5050	Fixed Assets Purchases	13,049.00	24,132.76	65,000.00	37.1%	
5047	Fuel	296.48	1,902.39	6,500.00	29.3%	1,884.55
5150	Insurance, Vehicles & Property		106.55	7,000.00	1.5%	
5650	Interest Expense Bonds		0.00	125,000.00	0.0%	58,966.25
5441	Laboratory Testing	310.00	1,860.00	3,500.00	53.1%	1,550.00
5380	Legal Fees		0.00	2,500.00	0.0%	
5285	Locate Service	131.57	561.92	2,000.00	28.1%	551.01
5060	Materials and Supplies	56.69	2,269.45	25,500.00	8.9%	3,703.25
5341	Meetings Training and Travel		0.00	1,500.00	0.0%	
5090	Office Expenses		55.44	2,000.00	2.8%	754.17
5630	Payroll w/Benefits	10,233.37	60,592.63	225,000.00	26.9%	52,878.02
5633	Payroll-Municipal Workers		2,023.04	3,000.00	67.4%	2,564.50
5110	Printing and Reproduction		0.00	1,000.00	0.0%	
5350	Profession Fees		0.00	1,500.00	0.0%	
5202	Scada		0.00	20,000.00	0.0%	18,552.66
5011	Sewer Service Purchase	87,242.44	419,499.82	850,000.00	49.4%	330,181.24
5287	Sewer System Construction		3,200.00	200,000.00	1.6%	
5283	Sewer System Repairs	2,451.35	30,815.60	20,000.00	154.1%	2,280.52
5530	Tools and Equipment		0.00	3,000.00	0.0%	401.48
5351	Trustee Fees		0.00	3,000.00	0.0%	3,000.00
5597	Uniform Expense	376.37	376.37	1,500.00	25.1%	
5500	Utilities	2,226.46	10,262.88	25,000.00	41.1%	9,053.28
5536	Water and Sewer Billing		3,000.00	9,000.00	33.3%	4,000.00
	<b>Sewer Dept Totals</b>	<b>\$119,039.55</b>	<b>\$598,378.13</b>	<b>\$1,693,250.00</b>		<b>\$525,113.34</b>

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

Acct	Current Period		Year-To-Date		Annual Budget	Prior Year-To-Date	
	May 2021	Jan 2021	Jan 2021	Dec 2021		Jan 2021	Jan 2020
	Actual	Actual	Actual	Dec 2021	Percent of Budget	Actual	
<b>Revenue &amp; Expenditures</b>							
<b>Expenses</b>							
<b>Solid Waste Dept</b>							
5040	Dues and Subscriptions		615.00	1,500.00	41.0%	307.50	
5012	Sanitation Expense-WMgmt	20,284.69	99,208.83	200,000.00	49.6%	80,925.06	
5675	Yellow Bag Purchases		0.00	2,500.00	0.0%		
	<b>Solid Waste Dept Totals</b>	<b>\$20,284.69</b>	<b>\$99,823.83</b>	<b>\$204,000.00</b>		<b>\$81,232.56</b>	
<b>Water Dept</b>							
5022	Audit Expense		0.00	4,500.00	0.0%	2,322.50	
5025	Automobile Expense		341.44	2,500.00	13.7%	686.00	
5030	Bank Service Charges	235.10	1,118.33	3,000.00	37.3%	977.57	
5201	Bond Expense-Grand Savings B		16,059.25	45,000.00	35.7%	21,928.76	
5199	Bond Expense-Regions		500.00	20,000.00	2.5%	2,111.67	
5200	Bond Exp-F&M-Water Trans Lin		109,648.88	228,000.00	48.1%	2,732.00	
5061	Bond Processing Fee		0.00	0.00	0.0%	950.00	
5281	Building Repairs		0.00	2,500.00	0.0%	1,872.94	
5035	Computer Software & Support		150.68	6,000.00	2.5%	2,455.85	
5590	Contracts	621.60	3,131.00	6,500.00	48.2%	3,036.33	
5040	Dues and Subscriptions	141.02	3,113.89	9,300.00	33.5%	3,128.03	
5370	Engineering		109,627.77	100,000.00	109.6%	54,635.40	
5470	Equipment Repairs	1,950.89	3,949.57	3,500.00	112.8%	428.44	
5050	Fixed Assets Purchases	47,299.00	58,382.77	115,000.00	50.8%	36,047.55	
5047	Fuel	296.47	1,902.38	6,500.00	29.3%	1,884.55	
5150	Insurance, Vehicles & Property		106.55	7,000.00	1.5%		
5650	Interest Expense Bonds		56,435.00	0.00	0.0%		
5380	Legal Fees		950.00	5,000.00	19.0%	248.16	
5285	Locate Service	131.58	561.93	2,000.00	28.1%	550.99	
5060	Materials and Supplies	3,868.60	15,245.64	51,000.00	29.9%	10,267.31	
5341	Meetings Training and Travel	100.00	100.00	1,500.00	6.7%	183.86	
5203	Meters		15,217.84	75,000.00	20.3%	37,940.10	
5340	Miscellaneous Expense		0.00	1,000.00	0.0%	472.79	
5090	Office Expenses		263.68	3,500.00	7.5%	1,718.07	
5630	Payroll w/Benefits	10,233.20	60,591.51	225,000.00	26.9%	54,570.00	
5633	Payroll-Municipal Workers		2,023.04	3,000.00	67.4%	2,564.50	

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

Acct	Current Period		Year-To-Date	Annual Budget	Jan 2021	Prior Year-To-
	May 2021	Jan 2021	Jan 2021	Jan 2021	Dec 2021	Date
	May 2021	May 2021	Jan 2021	Jan 2021	Percent of	Jan 2020
	Actual	Actual	Dec 2021	Dec 2021	Budget	May 2020
						Actual
<b>Revenue &amp; Expenditures</b>						
<b>Expenses</b>						
<b>Water Dept</b>						
5110	Printing and Reproduction		0.00	1,000.00	0.0%	
5350	Profession Fees		0.00	2,500.00	0.0%	
5202	Scada		7,031.49	20,000.00	35.2%	3,495.60
5530	Tools and Equipment		0.00	3,000.00	0.0%	1,660.11
5351	Trustee Fees		3,000.00	0.00	0.0%	
5597	Uniform Expense	376.39	376.39	1,500.00	25.1%	513.94
5525	USDA Loan Service	5,881.00	29,405.00	78,000.00	37.7%	29,587.80
5500	Utilities	3,227.67	17,084.79	35,000.00	48.8%	3,840.11
5536	Water and Sewer Billing		3,000.00	9,000.00	33.3%	4,000.00
5010	Water Purchases	38,745.00	161,024.98	650,000.00	24.8%	268,637.91
5284	Water System Repairs	568.75	3,027.88	30,000.00	10.1%	20,898.08
5286	Waterline Extension		0.00	1,500,000.00	0.0%	
	<b>Water Dept Totals</b>	<b>\$113,676.27</b>	<b>\$683,371.68</b>	<b>\$3,256,300.00</b>		<b>\$576,346.92</b>
	<b>Expenses</b>	<b>\$253,000.51</b>	<b>\$1,381,573.64</b>	<b>\$5,153,550.00</b>		<b>\$1,182,692.82</b>
	<b>Revenue Less Expenditures</b>	<b>\$155,598.35</b>	<b>\$310,151.27</b>	<b>(\$2,462,800.00)</b>		<b>\$289,198.66</b>
<b>Other Revenue</b>						
<b>Sewer Dept</b>						
4593	Sales Tax-1999 UMB 3/4% Rest	28,729.30	143,620.89	810,000.00	17.7%	141,910.60
	<b>Sewer Dept Totals</b>	<b>\$28,729.30</b>	<b>\$143,620.89</b>	<b>\$810,000.00</b>		<b>\$141,910.60</b>
<b>Water Dept</b>						
4588	Sales Tax-2017-F & M Restrict	107,478.83	417,436.16	788,000.00	53.0%	352,497.07
4990	Transfer In	5,008.25	223,384.15	864,800.00	25.8%	738,390.86
	<b>Water Dept Totals</b>	<b>\$112,487.08</b>	<b>\$640,820.31</b>	<b>\$1,652,800.00</b>		<b>\$1,090,887.93</b>
	<b>Other Revenue</b>	<b>\$141,216.38</b>	<b>\$784,441.20</b>	<b>\$2,462,800.00</b>		<b>\$1,232,798.53</b>
<b>Other Expenses</b>						
<b>Water Dept</b>						
8001	Transfer Out	3,435.79	219,404.60	0.00	0.0%	701,181.46
	<b>Water Dept Totals</b>	<b>\$3,435.79</b>	<b>\$219,404.60</b>	<b>\$0.00</b>		<b>\$701,181.46</b>
	<b>Other Expenses</b>	<b>\$3,435.79</b>	<b>\$219,404.60</b>	<b>\$0.00</b>		<b>\$701,181.46</b>
	<b>Net Change in Fund Balance</b>	<b>\$293,378.94</b>	<b>\$875,187.87</b>	<b>\$0.00</b>		<b>\$820,815.73</b>

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

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2021	Prior Year-To-
	May 2021	Jan 2021		Dec 2021	Date
	May 2021	May 2021	Jan 2021	Percent of	Jan 2020
	Actual	Actual	Dec 2021	Budget	May 2020
					Actual
<b>Fund Balances</b>					
Beginning Fund Balance	15,328,742.28	14,746,933.35	0.00	0.0%	13,550,510.16
Net Change in Fund Balance	293,378.94	875,187.87	0.00	0.0%	820,815.73
Ending Fund Balance	15,622,121.22	15,622,121.22	0.00	0.0%	13,483,112.60



**City of Tontitown**  
**Balance Sheet - Street Fund**  
**For Period Ending 5/31/2021**

Account Number		Book Value May 2021 Actual	Book Value May 2020 Actual
<b>Assets</b>			
<b>Current Assets</b>			
<b>Cash</b>			
1020	0188-Street Fund Operating-DDA	292,833.83	144,870.15
1131	6041-Street Excess Funds-DDA	367,970.87	366,816.82
	<b>Total Current Assets</b>	<b>\$660,804.70</b>	<b>\$511,686.97</b>
	<b>Total Assets</b>	<b>\$660,804.70</b>	<b>\$511,686.97</b>
 <b>Fund Balance</b>			
<b>Accumulated Surplus (Deficit)</b>			
3000	Fund Balance	660,804.70	511,686.97
	<b>Total Fund Balance</b>	<b>\$660,804.70</b>	<b>\$511,686.97</b>
	<b>Total Liabilities and Equity</b>	<b>\$660,804.70</b>	<b>\$511,686.97</b>

City of Tontitown

Street Fund

Statement of Revenue and Expenditures

Acct		Current Period May 2021 May 2021 Actual	Year-To-Date Jan 2021 May 2021 Actual	Annual Budget Jan 2021 Dec 2021	Jan 2021 Dec 2021 Percent of Budget	Prior Year-To- Date Jan 2020 May 2020 Actual
<b>Revenue &amp; Expenditures</b>						
<b>Revenue</b>						
4650	Interest Income	72.72	449.98	500.00	90.0%	2,554.85
4200	Permits-Income	0.00	20,000.00	0.00	0.0%	
4560	Property Tax	26,780.15	35,553.68	52,500.00	67.7%	25,762.39
4580	Sales Tax-City SUT 2005 Series	14,330.51	55,658.16	100,000.00	55.7%	
4645	State Turnback-City & Muni A	19,353.10	82,690.39	165,000.00	50.1%	78,142.20
4465	Street Grant Income	0.00	0.00	360,000.00	0.0%	
	<b>Revenue</b>	<b>\$60,536.48</b>	<b>\$194,352.21</b>	<b>\$678,000.00</b>		<b>\$106,459.44</b>
	<b>Gross Profit</b>	<b>\$60,536.48</b>	<b>\$194,352.21</b>	<b>\$678,000.00</b>		<b>\$106,459.44</b>
<b>Expenses</b>						
5025	Automobile Expense	0.00	774.26	2,000.00	38.7%	325.00
5590	Contracts	162.74	426.67	1,500.00	28.4%	1,096.94
5040	Dues and Subscriptions	66.45	1,207.18	1,000.00	120.7%	329.25
5370	Engineering	8,200.00	8,200.00	35,000.00	23.4%	14,483.24
5470	Equipment Repairs	313.84	677.10	7,500.00	9.0%	1,353.57
5050	Fixed Assets Purchases	0.00	4,247.26	70,000.00	6.1%	144,975.12
5052	Fletcher Road Project	40,682.76	45,645.14	1,610,000.00	2.8%	
5047	Fuel	398.45	1,728.42	3,500.00	49.4%	1,268.14
5150	Insurance, Vehides & Property	0.00	0.00	5,500.00	0.0%	
5380	Legal Fees	0.00	0.00	1,000.00	0.0%	513.04
5060	Materials and Supplies	3,218.62	8,058.60	10,000.00	80.6%	4,894.88
5090	Office Expenses	0.00	0.00	250.00	0.0%	
5630	Payroll w/Benefits	3,564.01	18,564.49	50,000.00	37.1%	16,750.32
5633	Payroll-Municipal Workers	0.00	1,116.16	2,000.00	55.8%	1,896.00
5420	Repairs & Maintenance	4,003.10	4,003.10	2,500.00	160.1%	
5465	Street Grant Expense	0.00	0.00	90,000.00	0.0%	
5461	Street Improvements	0.00	12,000.00	75,000.00	16.0%	18,660.00
5462	Street Signage	1,107.38	9,365.62	15,000.00	62.4%	3,045.06
5500	Utilities	2,163.34	9,879.58	25,000.00	39.5%	6,416.19
	<b>Expenses</b>	<b>\$63,880.69</b>	<b>\$125,893.58</b>	<b>\$2,006,750.00</b>		<b>\$216,006.75</b>
	<b>Revenue Less Expenditures</b>	<b>(\$3,344.21)</b>	<b>\$68,458.63</b>	<b>(\$1,328,750.00)</b>		<b>(\$109,547.31)</b>
<b>Other Revenue</b>						
4990	Transfer In	0.00	0.00	1,328,750.00	0.0%	
	<b>Other Revenue</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,328,750.00</b>		
	<b>Net Change In Fund Balance</b>	<b>(\$3,344.21)</b>	<b>\$68,458.63</b>	<b>\$0.00</b>		<b>(\$109,547.31)</b>
<b>Fund Balances</b>						
	Beginning Fund Balance	664,148.91	592,346.07	0.00	0.0%	621,234.28
	Net Change In Fund Balance	(3,344.21)	68,458.63	0.00	0.0%	(109,547.31)
	Ending Fund Balance	660,804.70	660,804.70	0.00	0.0%	511,686.97



## **Tontitown Police Monthly Report**

**Month: May 2021**

Calls for Service: 936

Accident Reports: 26

Warrants Served: 82

Warrants Outstanding: 800

Warrants Amount: \$ 1,033,804.17

Training Hours (YTD): 240

Citation Totals: 340

Speeding Citations: 21

(Other) Traffic Citations: 162

Criminal Citations: 49

Improper Driving (city ordinance): 108

Warning Total: 460

Speeding Warnings: 179

(other)Traffic Warnings: 278

Improper Driving (city ordinance): 3

	Citation	Warning	Warrant
ASSAULT - 3RD DEGREE - FAMILY OR HOUSEHOLD MEMBER	1	0	0
CARELESS AND PROHIBITED DRIVING	2	2	0
CITY OF TONTITOWN - IMPROPER DRIVING	108	3	0
CONTEMPT OF COURT FOR FAILURE TO PAY FINES (FTP)	0	0	11
CONTRIBUTING TO DELINQUENCY OF A MINOR	3	0	0
CRIMINAL MISCHIEF - 1ST DEGREE (DAMAGE <= \$1,000)	1	0	0
DRIVER OF MOTOR VEHICLE FAILURE TO REGISTER 1ST OFFENSE	17	22	0
DRIVER OF MOTOR VEHICLE FAILURE TO REGISTER 2ND OR SUBS OFFENSE	1	0	0
DRIVING DWI SUSPENDED LICENSE	5	0	0
DRIVING LEFT OF CENTER	2	15	0
DRIVING ON SUSPENDED LICENSE	28	0	0
DRIVING VEHICLE WITHOUT TAGS	0	3	0
DRIVING WHILE INTOXICATED - DWI 1ST	7	0	0
ENDANGERING THE WELFARE OF A MINOR - 3RD DEGREE	3	0	0
FAIL PRESENT DRIVER LICENSE	0	1	0
FAIL TO AFFIX/DISPLAY LICENSE PLATE	0	3	0
FAIL TO APPEAR ON CLASS A MISDEMEANOR (FTA)	0	0	10
FAIL TO APPEAR ON CLASS B MISDEMEANOR (FTA)	1	0	38
FAIL TO APPEAR ON CLASS C MISDEMEANOR (FTA)	0	0	10
FAIL TO APPEAR ON CLASS D MISDEMEANOR (FTA)	0	0	1
FAIL TO APPEAR ON UNCLASSIFIED MISDEMEANOR (FTA)	0	0	1
FAIL TO APPEAR ON VIOLATION (FTA)	0	0	7
FAIL TO CHANGE ADDRESS ON DRIVER LICENSE	0	1	0
FAIL TO OBEY POLICE OFFICER	1	0	0
FAIL TO OBEY STOP SIGN	0	5	0
FAIL TO OBEY TRAFFIC CONTROL DEVICE	0	5	0
FAIL TO PAY FINE OR COSTS (FTP/TP)	0	0	1
FAIL TO PRESENT PROOF OF INSURANCE (NO PROOF)	0	2	0
FAIL TO STOP AT RED LIGHT	1	2	0
FAIL TO STOP OR YIELD	0	1	0
FAIL TO TRANSFER TO AR DRIVERS LICENSE	0	1	0
FAIL TO YIELD AT INTERSECTION	0	2	0
FAIL TO YIELD RIGHT OF WAY	0	1	0
FAIL TO YIELD TO EMERGENCY VEHICLE	2	0	0
FICTITIOUS TAGS	4	4	0

FLEEING - VEHICLE OR CONVEYANCE	2	0	0
FOLLOWING TOO CLOSELY	0	7	0
HOT CHECK <= \$1,000	0	0	1
HOT CHECK <= \$1,000 1ST OFFENSE	0	0	2
IMPEDING TRAFFIC - DRIVING CONTINUOUSLY IN LEFT LANE	0	5	0
IMPROPER DISPLAY OF LICENSE TAGS	2	8	0
IMPROPER LANE CHANGE/USAGE	0	25	0
IMPROPER TURN AT INTERSECTION	1	2	0
IMPROPER TURN SIGNAL	0	5	0
IMPROPER USE OF CENTER LEFT-TURN LANES	0	3	0
INADEQUATE INSURANCE DURING AN ACCIDENT	1	0	0
INATTENTIVE DRIVING	0	1	0
LEAVING SCENE OF ACCIDENT INVOLVING PROPERTY DAMAGE ONLY	1	0	0
MISDEMEANOR CRIMINAL TRESPASS	1	0	0
MOTORCYCLE - RIDING WITHOUT OPERATORS LICENSE	1	0	0
MOTORCYCLE - RIDING WITHOUT PROTECTIVE GLASSES	0	1	0
NO CHILD PASSENGER RESTRAINT	2	2	0
NO DRIVER LICENSE OR LICENSE EXPIRED	20	3	0
NO LIABILITY INSURANCE	38	2	0
NO LIABILITY INSURANCE 2ND	1	0	0
NO SEATBELT	21	64	0
OBSTRUCTING GOVERNMENTAL OPERATIONS	2	0	0
OPEN CONTAINER CONTAINING ALCOHOL IN MOTOR VEHICLE	3	0	0
OWNER FAIL TO REGISTER VEHICLE - EXPIRED TAGS	8	24	0
OWNER FAIL TO REGISTER VEHICLE 2ND - EXPIRED TAGS	1	0	0
PASSING AUTHORIZED VEHICLE STOPPED ON HIGHWAY	0	3	0
POSSESS CONTROLLED SUBSTANCE SCHED VI < 4 OZ	3	0	0
POSSESS DRUG PARAPHERNALIA	5	1	0
PUBLIC INTOXICATION	1	0	0
PURCHASE OR POSSESSION OF ALCOHOL BY MINOR	1	0	0
RACING ON A PUBLIC HIGHWAY	1	0	0
RACING ON A PUBLIC HIGHWAY	1	0	0
RECKLESS DRIVING	3	0	0
RECKLESS DRIVING - 1ST	4	0	0
SPEEDING - 1 TO 15 MPH OVER LIMIT	4	133	0
SPEEDING - MORE THAN 15 MPH OVER LIMIT	17	39	0

THEFT BY RECEIVING > \$1,000 <= \$5,000	1	0	0
THEFT OF PROPERTY >= \$1,000 < \$5,000	2	0	0
UNLAWFUL USE OF RED OR AMBER ROTATING OR FLASHING LIGHT ON VEHICLE	0	1	0
UNSAFE VEHICLE -- DEFECTIVE EQUIPMENT	1	1	0
USE WIRELESS DEVICE W/O HANDS FREE WHILE DRIVING - 18-21 YRS OLD	0	2	0
USE WIRELESS DEVICE WHILE DRIVING - UNDER 18 YRS OLD	0	1	0
USE WIRELESS PHONE FOR INTERACTIVE COMMUNICATION WHILE DRIVING 1ST OFFENSE	2	18	0
USE WIRELESS PHONE FOR INTERACTIVE COMMUNICATION WHILE DRIVING INVOLVING COLLISION OR ACCIDENT	0	1	0
VEH LIGHTS - DEFECTIVE/IMPROPER HEAD LAMPS	0	10	0
VEH LIGHTS - DEFECTIVE/IMPROPER SIGNAL LAMPS AND SIGNAL DEVICES	0	3	0
VEH LIGHTS - DEFECTIVE/IMPROPER TAIL LAMPS AND REFLECTORS	0	20	0
VEH LIGHTS - NO LIGHTS AT NIGHT	0	1	0
VEH LIGHTS - USE OF MULTIPLE-BEAM ROAD LIGHTING EQUIPMENT - HIGH BEAM	0	1	0
VIOLATION OF DRIVERS LICENSE RESTRICTIONS	2	0	0
<b><u>Totals</u></b>	<b><u>340</u></b>	<b><u>460</u></b>	<b><u>82</u></b>



Tontitown Fire Dept.  
141 Zulpo St.  
P.O. Box 305  
Tontitown AR 72770

## Fire Department Report

### May 2021

City Calls	32
Rural Calls	11

#### Grants

There are no updates to any of the active grants.

#### Training

Mark Ramsey completed an 80-hour Arson Investigation class at the Arkansas Fire Academy in Camden, AR. He also completed a 40-hour plans review class at the National Fire Academy in Emmitsburg, MD. Operations Chief completed on line training on "Suppression Tactics in Single-Family Homes.

**BUILDING/PLANNING:**

The City of Tontitown Planning Commission and Board of Zoning Adjustments will be holding a Public Hearing on Tuesday, June 22, 2021 at 6:00 p.m. The meeting will be held at the Tontitown City Hall, City Council Chambers, 235 E. Henri de Tonti Blvd, Tontitown AR, and via zoom. The following items will be discussed:

1. A Conditional Use Permit application for Eco Vista, LLC to construct a trash container repair shop. The shop will be constructed at 1041 Arbor Acres Ave.
2. A request to rezone Parcel #830-37688-000 from R-3 to R-4. The parcel is approximately 19.66 acres, and is located approximately 1350 feet north of the intersection of US Hwy 412 and N. Mantegani Rd on the west side of N. Mantegani Rd.
3. A Conditional Use Permit application for SCP Distributors to have outdoor storage and parking on a portion of Parcel #830-38668-000 at the southeast corner of the cul-de-sac on Florence Ave.
4. A request for variance for the height of a new fence to be constructed at 804 Bausinger Rd.

Additional items to be heard include the following:

1. A large-scale development for Eco Vista, LLC at the property located at 2210 Waste Management Drive. The request is for the landfill expansion and improvements.
2. A proposed residential subdivision for NORRHO, LLC to be called Venetto Subdivision. The proposed subdivision is approximately 19.66 acres, will be composed of 64 single-family lots, and is proposed to be constructed approximately 1350 feet north of the intersection of US Hwy 412 and N. Mantegani Rd on the west side of N. Mantegani Rd.
3. A large-scale development for SCP Distributors to have outdoor storage and parking on a portion of Parcel #830-38668-000 at the southeast corner of the cul-de-sac on Florence Ave.
4. A commercial large-scale subdivision for Mathias Shopping Centers, Inc. on the south side of E. Henri de Tonti Blvd (US412) between Albano Dr and Agnes Dr. The project site is approximately 10.3 acres, and the subdivision will consist of 10 lots.

**STREETS/PARKS:**

Work on the Fletcher Road project has been very slow going. Like all dirt work projects, the frequent rains have made it very hard to accomplish much when you can only work a couple of days a week.

You may have noticed; the fence has been removed around the tennis court in the park. The contractor that is going to construct the new court was supposed to start last week and in order to save money, we agreed to demo the old fencing. As I understand, they are having issues with their fencing contractor and one of the first things they need to do is set the new posts. Hopefully, they will be able to get started in the next couple of weeks. They assure us that it will be completed in time for the Bocce tournament in September.



**Final Plats Approved at June 1, 2021 City Council Meeting for the Second Quarter of 2021**

**HPAC 2020 Minor Subdivision**

Created four lots along Highway 112 South in front of Highland Park Apartments.

**Wildcat Creek Farms, LLC Parcel No. 830-37891-000**

Created three parcels from an 83-acre parcel at 2297 Liberty Ave. Formerly owned by Ken Bailey.

**Pianalto Trust Minor Subdivision**

Divided Pete Pianalto's 80 acres on Morsani Avenue into four 20-acre parcels.

**Paul Colvin, Replat of Albert R. Piazza Minor Subdivision**

Divided 10 acres at 1255 Piazza Road into four 2.5-acre parcels.

**Kristin McCloud, Parcel Nos. 830-37692-280 & 830-37692-300**

Lot line adjustment for 1620 Liberty Avenue. West of Javello Road on the North side of Liberty.

**Henry/West/Duggar Incidental Subdivision Arbor Acres & S. Barrington**

Lot Line adjustment for numerous tracts at the Southwest corner of the intersection of Arbor Acres and S. Barrington.

**Bixler/Lyman Incidental Subdivision**

Added 2.5 acres to the parcel owned by Mike Lyman at 1277 Kelly Avenue, from a 26-acre parcel owned by Shirley Bixler.

## Tontitown Historical Museum (THM) Report for the COW Meeting

Tuesday, June 15, 2021

The THM Board of Directors met on Monday, June 7th.

1. **Tontitown Historical Museum Reopening** -- The board again discussed reopening the museum and decided that we will reopen Friday, August 13th (the weekend after the Tontitown Grape Festival) with pre-pandemic operations. Our regular open hours are Friday through Sunday, 1:00 to 4:00 pm.

Also, we will be open with extended hours for the Tontitown Grape Festival as follows:

Thursday, August 5 -- 3:00 to 7:00 pm  
Friday, August 6 -- 1:00 to 7:00 pm  
Saturday, August 7 -- 10:00 am to 7:00 pm

2. **Outdoor Exhibit** -- The board continued discussions about building a pole barn type structure for outdoor farm artifacts and chose a vendor. The tentative location is marked just south of the museum with X's and flags, measuring 40 feet long by 18 feet wide. We are taking next steps to move forward with design and construction.
3. **Blessings Box** -- Later this year, THM plans to help sponsor a Blessings Box with food and necessities for the needy. Misty Piazza will lead this effort. We plan to place the Blessings Box at the west end of the new outdoor exhibit, which will be close to the parking lot for easy access.
4. **Tontitown Grape Festival Exhibit** -- The board discussed plans for the Tontitown Grape Festival and decided not to host an exhibit in the Old School. Instead we will focus our staffing and exhibits in the museum and City Hall.

As a reminder, please contact Pam if you need to visit the museum for any reason. We are still not allowing the public to visit. Pam can be reached at 479-502-2221. Thank you!

The next THM Board of Directors meeting is scheduled for Monday, July 5, 2021 6 p.m. via in person.

### THM Board Members

Katherine Karras, President  
Misty Piazza, Vice President  
Emily Pianalto-Beshears, Secretary  
Bev Cortiana-McEuen, Treasurer

Caroline Franco-Ceola  
Jennifer De Martino  
Heather Ranalli-Peachee  
Riley Tessaro



## CITY OF TONTITOWN PLANNING OFFICE

201 E. Henri de Tonti Blvd.  
479-361-2700  
planning@tontitownar.gov

Meeting: **May 25, 2021**  
Project: **The Villas at Tontitown &  
Active Lifestyle Living**  
Planner: Anthony Apple

### AGENDA ITEM

## 5

### CONDITIONAL USE PERMIT REQUEST

The development is proposed on the east side of Klenc Rd  
at the intersection of Morsani Ave and Klenc Rd.  
Parcel #s 830-37667-004, 830-37667-005, 830-37667-006

**SUMMARY:** Request to allow a duplex and quadplex residential use in zone **C-1, Light Commercial/Office District and C-2, General Commercial District**  
**CURRENT ZONING:** **C-1, Light Commercial/Office District and C-2, General Commercial District**  
**FUTURE LAND USE CATEGORY:** **RC-N Residential/Commercial Neighborhood**  
**PROPOSED USE:** Duplex and quadplex residential  
**CITY WARD:** 3 - Don Doudna, Position 1 and Tim Burress, Position 2

#### INFRASTRUCTURE SERVICE AREAS (not a guarantee of service availability):

**Water:** City of Tontitown. There is an existing 8-inch water main along the west side of Klenc Rd south of Morsani Ave, an existing 2-inch water line on the west side of Klenc Rd south of Morsani Ave and an existing 3-inch water line on the west side of Klenc Rd north of Morsani Ave.

**Electric:** Ozarks Electric

**Sewer/Septic:** City of Tontitown sewer. There is an existing manhole at the northwest corner of the project property.

**Phone:** AT&T

**Natural Gas:** Black Hills Energy

**Cable:** Cox Communications

#### PROJECT SYNOPSIS:

The project is called "The Villas at Tontitown & Active Lifestyle Living Community."

Parcel 830-37667-004 is currently owned by Gillie Mantegani, Parcel 830-37667-005 is currently owned by Barbara Jean Greenlee, and Parcel 830-37667-006 is currently owned by Tommy and Zita Greenlee. Access to the project is from Klenc Rd. See Figure 1, Vicinity Map.

Parcel 830-37667-004 is currently zoned C-1, Light Commercial/Office District. Parcels 830-37667-005 and 830-37667-006 are currently zoned C-2, General Commercial District. See Figure 2, Current Zoning Map.

The developer is Norris Development. The developer is proposing to develop a 55+ residential community through the construction of 28 buildings (duplexes and quadplexes) for a total of 94 residential units. The development will be supported with a clubhouse and activity center. The development is currently in the concept phase. See Figure 3, Conceptual Plan.

Duplex and quadplex residential structures are allowed by Conditional Use Permit in C-1 and C-2 zoning districts.

**FUTURE LAND USE PLAN:**

The Future Land Use Category shown in this area is for the Residential/Commercial Neighborhood (RC-N). From the Vision Plan Document adopted by the City Council in November 2018:

**“RESIDENTIAL COMMERCIAL NEIGHBORHOOD (RC-N)**

Neighborhood Mixed Use Areas are more densely developed than the residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation allows a wide spectrum of uses and encourages density in all housing types, from single family to multifamily. A mix of residential and non-residential development (excluding industrial uses) is permitted; the ideal mix of uses will be moderate density residential, office, and commercial uses, with additional open space amenities included within the development site.

Nonresidential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

Neighborhood Mixed Use Areas encourage complete, compact and connected neighborhoods. While they encourage more dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient layout. Up to 18 multifamily dwelling units/acre.”

*STAFF ANALYSIS: This project is aligned with the Future Land Use plan for this area. There is no mix of uses. This development does internally create a “complete neighborhood”. It will have a club house, activity building, and walking trails. It will be connected to the commercial corridor by street and trail.*

**153.121 DEVELOPMENT STANDARDS AND REVIEW GUIDELINES:**

(A) All development shall be designed in such a way as to minimize any potential negative impact on the surrounding area. Special attention shall be given to buffering commercial developments from adjacent single-family areas. Design of the internal traffic circulation system, ingress and egress, off-street parking, loading and pedestrian ways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to protect water quality, and reduce erosion, heat and glare. Such areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening, open space, or other buffer may be required to give adequate separation between uses which are marginally compatible, and shall also be provided for the beautification and enhancement of the property.

*STAFF ANALYSIS: The applicant is showing primarily quadplex building with interspersed duplex buildings. The proposed development will be adjacent to duplex portion of The Reserves to the north, and R-3 zoned parcels to the east, south and west. The current concept plans show a good amount of greenspace. A full landscaping plan will be required during the technical plan review. Amenities proposed are as previously stated.*

*As this is in the concept phase, additional discussion will be had regarding internal traffic/pedestrian patterns. Sidewalks and internal connection are important.*

(B) In carrying out the purpose of this section, the following development standards and design specifics shall be subject to review and approval. The appropriateness of these standards shall be determined for each specific conditional use location.

(1) The proposed use is within the provision of "conditional uses," as set out in these regulations.

*STAFF ANALYSIS: Yes, duplex and quadplex residential may be considered as a conditional use in C-1 and C-2 zoning.*

- (2) The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.

*STAFF ANALYSIS: All setbacks, density maximums, design standards, and screening requirements will be required to be met prior to technical review of the plans.*

- (3) The proposed use is so designated, located, and proposed to be operated, that the public health, safety and welfare will be protected.

*STAFF ANALYSIS: The applicant is showing two entrances onto S. Klenc Rd. There are no current concerns regarding sight distance. There are not current concerns regarding distance between the proposed drives, or the distance between the northern proposed drive and the southern drive of The Reserves. There is an existing manhole at the northwest corner of the project property. There is an existing 8-inch water main along the west side of Klenc Rd south of Morsani Ave. The applicant's engineer must provide a Stormwater Pollution Prevention Plan prior to technical review.*

*Staff has no concerns that this project will have any negative impact on public health, safety and welfare.*

- (4) The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.

*STAFF ANALYSIS:*

*The proposed development will be adjacent to the duplex portion of The Reserves to the north (zoned C-2), and R-3 zoned parcels to the east, south and west.*

*The property immediately to the north of the proposed development consists of duplexes. To the east, south and west is primarily residential with lots generally greater than 2 acres. Compliance with the buffering and screening standards as well as residential compatibility standards will be required prior to technical review.*

- (5) The size and shape of the site, including the size, shape and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of these regulations.

*STAFF ANALYSIS: As stated above, the applicant plans to have the duplex and quadplex buildings. The space required per duplex is 10,500 sf, and the space required per quadplex is 21,000 sf per the latest Commercial, . . . District Standards. The applicant shall ensure this requirement is met.*

- (6) The proposed ingress and egress, internal circulation system, location and amount of off-street parking, loading and pedestrian ways are sufficiently adequate, and not inconsistent with requirements of these regulations.

*STAFF ANALYSIS: Specific drive locations and the circulation shown on the concept plan will be further evaluated with technical plans.*

- (7) The proposed landscaping and screening of the proposed use are in accordance with provisions of these

regulations.

*STAFF ANALYSIS: A landscape plan was not submitted with this concept. A landscape will be required for the technical review process.*

- (8) Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed

*STAFF ANALYSIS: Due to the nature of this project, noise, dust, odor, etc. are not a concern. All lighting should be "cut off" type lighting that will not contribute significantly to light pollution. The applicant will be required to provide a lighting cut sheet and diagram to show how the light is designed to remain on the site.*

**TECHNICAL INFORMATION:**

Technical information is addressed at a future stage of development request. The current request is a concept plan only.

**NEIGHBOR COMMENTS:** All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received two written comments at this time regarding this project. Neither neighbor has any concerns.

**STAFF RECOMMENDATION:** Based on the current proposal which shows the development to be in accordance with the adopted Future Land Use plan, currently zoning, surrounding properties, the availability of public services, and the availability to improve services to this property, **staff recommends approval of "The Villas at Tontitown & Active Lifestyle Living Community" Conditional Use Permit Request to allow for the construction of duplexes and quadplexes within this specific C-2 zoning.**

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. This project must proceed through the Large-Scale Development process, and address all technical information.
2. All applicable Large-Scale Development design standards, and required screening and landscaping shall be required.
3. All setbacks, density maximums, design standards, sidewalk requirements shall be required.
4. All lighting should be "cut off" type lighting that will not contribute significantly to light pollution. The applicant will be required to provide a lighting cut sheet and diagram to show how the light is designed to remain on the site.
5. Compatibility, connectivity, and adequate landscaping shall be required to meet the Conditional Use Permit standards.
6. This project shall develop generally as is stated in the applicant's letter and presented in the concept plan including any and all technical review comments made regarding the preliminary development plans.
7. Additional screening such as vegetation, privacy fence and/or berm, along the south property line will be required due to the single-family residence immediately south of the project property.
8. Compliance with the buffering and screening standards as well as residential compatibility standards along the east and north property lines will be required prior to technical review.

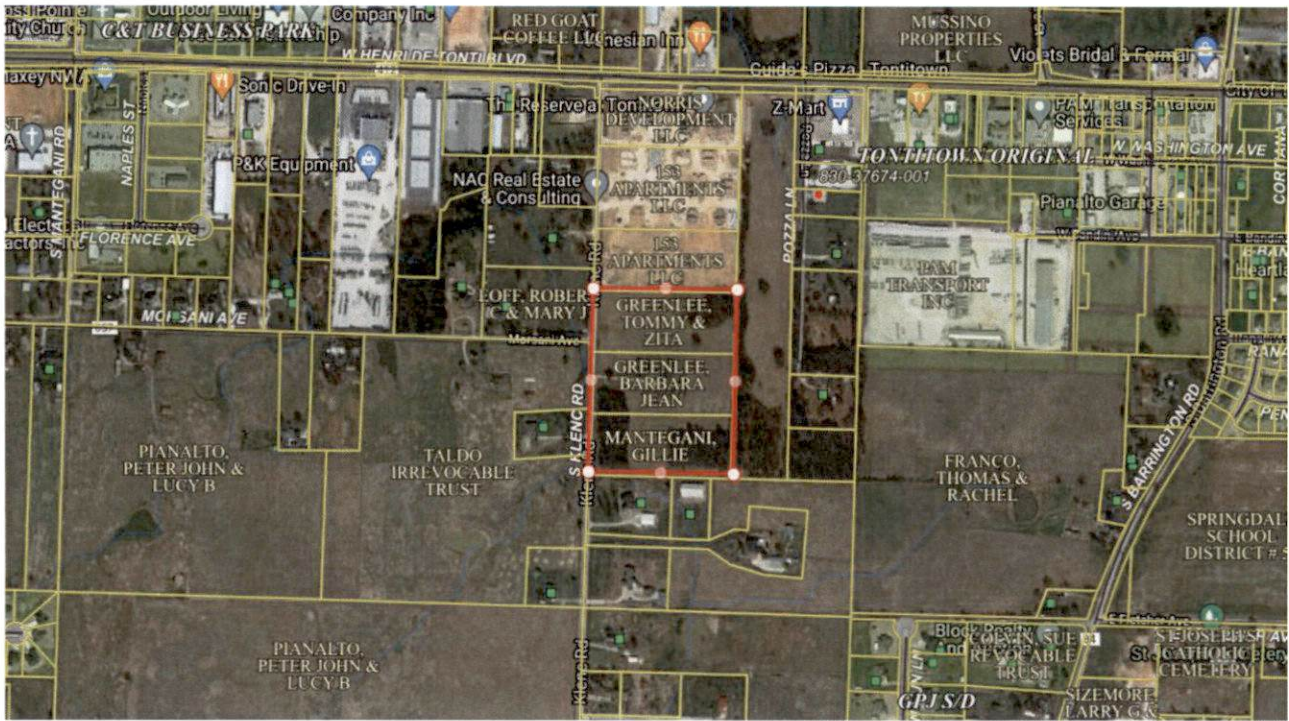


Figure 1: Vicinity Map

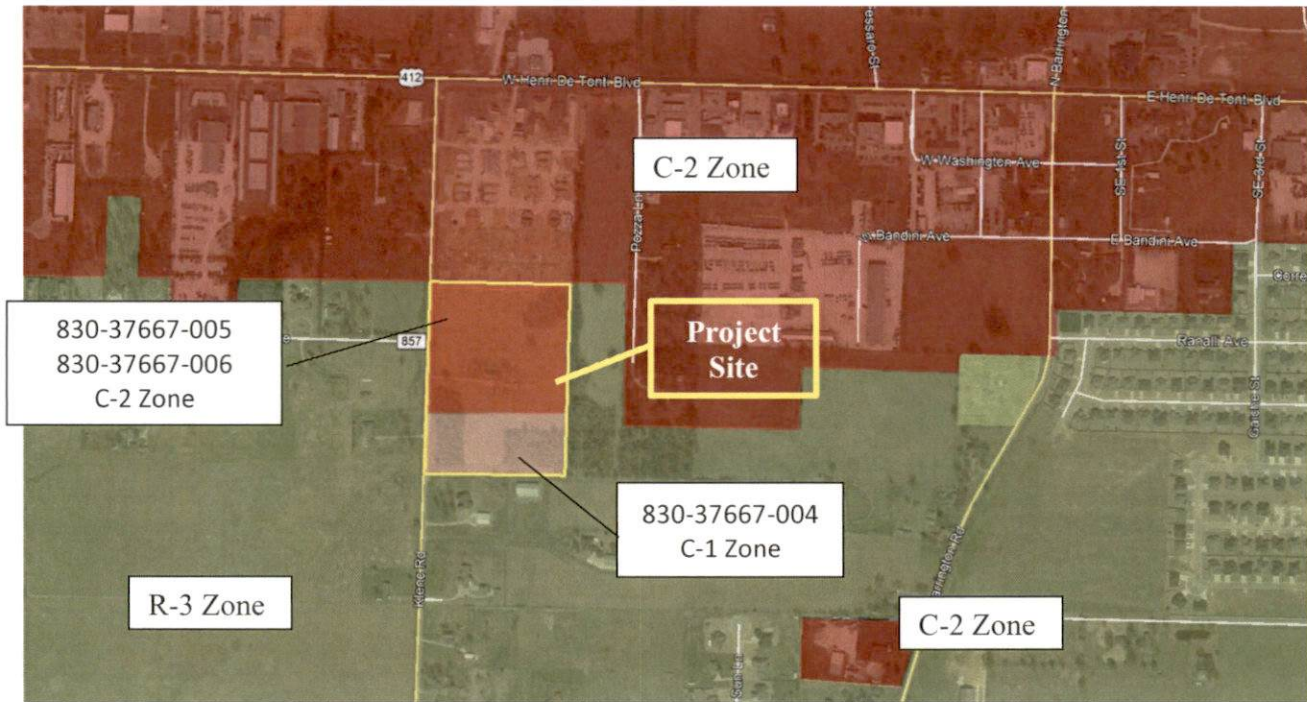


Figure 2: Current Zoning Map





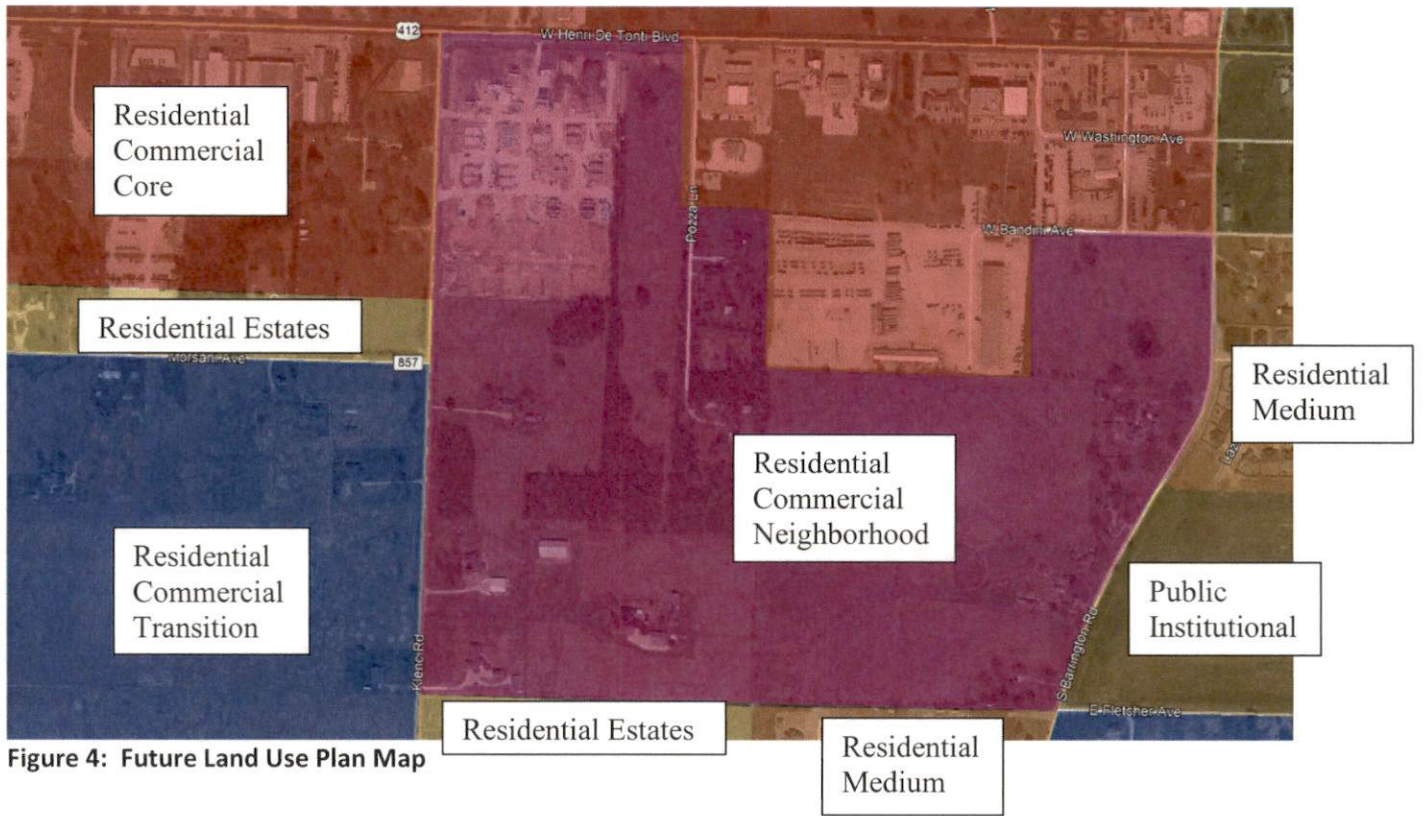


Figure 4: Future Land Use Plan Map

Figure 3: Conceptual Plan



**From:** [Justin Eichmann](#)  
**To:** [Renee Biby](#)  
**Cc:** [Taylor R. Lewis](#)  
**Subject:** Fwd: Resolution re: raises  
**Date:** Tuesday, June 15, 2021 10:00:35 AM  
**Attachments:** [Resolution Requiring Approval for 3% Pay Raises.docx](#)  
[image001.png](#)

---

Renee, Tim email me this morning and told me that he thought that I was going to send this resolution to you for the COW meeting. Please find it attached below.

-Justin

Sent from my iPad

Begin forwarded message:

**From:** Justin Eichmann <[jeichmann@arkansaslaw.com](mailto:jeichmann@arkansaslaw.com)>  
**Date:** June 11, 2021 at 2:43:44 PM CDT  
**To:** Tim Burress <[ward3-2@tontitownar.gov](mailto:ward3-2@tontitownar.gov)>  
**Subject: Re: Resolution re: raises**

Tim, attached is a new version of the Resolution with the changes that you requested. This new version requires that any change in salary in excess of 3% during the calendar year requires counsel approval, with one exception that I will explain below.

Note that I added a section that references Ark. Code Ann. § 14-42-110(a). Under that state law, the mayor has the sole authority to appoint or replace department heads, and any veto on the authority to appoint (such as to require the promotion to be approved first by the City Council) would violate state law, so that specific exception needed to be made. To my knowledge, this exception would only effect the situation where an existing employee is appointed to a department head position. In such a case, the position would still have to be budgeted previously by the council, but the mayor would not have to seek approval of the council if the salary increase due to the promotion of the existing employee exceeded 3%.

As we have discussed in the past, I still think the most appropriate was to address your concern is through the annual budget process and not through this resolution. I'm happy to discuss this more if needed

Also, you asked my assistant about the personnel handbook. As I mentioned at the last meeting, I am not aware of any new version of the handbook being issued in March of 2021. The handbook is approved by resolution of the council, and so any approved version should be filed and searchable on the city's website. If you could please provide me with a copy of the March 2021 version that you have, please provide it to me and I will look into it.

Thanks,

Justin



**R. Justin Eichmann**

4710 S. Thompson St., Suite 102  
Springdale, Arkansas 72764

T: (479) 751-6464

F: (479) 751-3715

[jeichmann@arkansaslaw.com](mailto:jeichmann@arkansaslaw.com)

[www.arkansaslaw.com](http://www.arkansaslaw.com)

On Jun 10, 2021, at 1:30 PM, Tim Burress <[ward3-2@tontitownar.gov](mailto:ward3-2@tontitownar.gov)> wrote:

Thank you!

Tim Burress, Alderman  
City of Tontitown

On Jun 10, 2021, at 1:25 PM, Justin Eichmann  
<[jeichmann@arkansaslaw.com](mailto:jeichmann@arkansaslaw.com)> wrote:

Thanks Tim - that clears it up for me. I will make those changes and send you the resolution.

<image001.png>

**R. Justin Eichmann**

4710 S. Thompson St., Suite 102  
Springdale, Arkansas 72764

T: (479) 751-6464

F: (479) 751-3715

[jeichmann@arkansaslaw.com](mailto:jeichmann@arkansaslaw.com)  
[www.arkansaslaw.com](http://www.arkansaslaw.com)

On Jun 10, 2021, at 1:24 PM, Tim Burress  
<[ward3-2@tontitownar.gov](mailto:ward3-2@tontitownar.gov)> wrote:

Justin,

Thanks for asking for clarification. Yes, I want the resolution to indicate any raise in excess of 3% in a calendar year should run through City Council for approval. That would include any raise or raises, promotion(s), job change(s), or increase(s) due to a training certificate. In every case where a 3% pay raise is given, it must run through City Council for approval. Feel free to call me if you need to discuss any further clarification.

Thank you for your service,

Tim Burress, Alderman  
City of Tontitown

On Jun 10, 2021, at 11:52 AM,  
Justin Eichmann  
<[jeichmann@arkansaslaw.com](mailto:jeichmann@arkansaslaw.com)>  
wrote:

Tim,

I got your message and want to get some clarification on your question about the resolution requiring council approval for a raise in excess of 3%. The current form of the resolution requires council approval if an employee is provided a raise or raises in excess of 3% in any calendar year, which the exception of job promotion or change in positions (for example, going from a part time

mower to a full-time position in public works) or based on attaining a training certificate (such as a water or sewer certification level) that provides an automatic raise in pay.

The message that I received asked that I change the resolution to require City Council approval for any promotion that would lead to more than a 3% raise. I want to make sure I received the correct information as that would lead to a situation where a promotion would require prior approval by the council by the hiring of somebody from the outside for the same position would not require such approval.

I can call you to discuss, but I wanted to make sure I understood this request correctly and didn't mistake anything.

Thanks,

Jusitn

<image001.png>

**R. Justin Eichmann**  
4710 S. Thompson St., Suite 102  
Springdale, Arkansas 72764

T: (479) 751-6464  
F: (479) 751-3715  
[jeichmann@arkansaslaw.com](mailto:jeichmann@arkansaslaw.com)  
[www.arkansaslaw.com](http://www.arkansaslaw.com)

<image001.png>

RESOLUTION NO. 2021-\_\_\_\_\_

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**A RESOLUTION REQUIRING PRIOR APPROVAL FOR ANY EMPLOYEE PAY RAISE IN EXCESS OF 3% IN ONE (1) CALENDAR YEAR BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS.**

**WHEREAS**, the City Council of the City of Tontitown recognizes the need for certain salary increases to be approved with the prior approval of the City Council; and

**WHEREAS**, the City Council of the City of Tontitown believes that it is in the best interest of citizens of the City of Tontitown that a raise or raises in excess of 3% of base rate compensation for any employee during one (1) calendar year shall be approved with the prior approval of the City Council of the City of Tontitown as set forth herein below.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the city of Tontitown, Arkansas:

**Section 1:** A raise or raises in base rate compensation for any employee in excess of 3% for a calendar year shall be approved or go into effect with the prior approval of the City Council of the City of Tontitown, and as set forth herein below.

**Section 2:** Such prior approval by the City Council shall be required for a raise or raises in base rate compensation associated with a job promotion within the city, an approved change of positions within the city in which the pay range for the new position is in excess of 3% more than the base rate compensation for the current position, or an increase in base compensation due to the attainment of a training certificate in which additional base rate compensation is automatically provided to employees.

**Section 3:** The prior approval of the City Council shall not be required for the appointment of department head positions as set forth in Ark. Code Ann. § 14-42-110(a).

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021**

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

ATTEST:

\_\_\_\_\_  
Rhonda Ardemagni, Clerk-Treasurer  
(SEAL)

**From:** [Kevin Faught](#)  
**To:** "[Ryan A. Bowman \(R Bowman@fridayfirm.com\)](#)"; [Paul Colvin](#); [Renee Biby](#); "[jeichmann@arkansaslaw.com](#)"  
**Subject:** RE: Updated ballot amounts  
**Date:** Tuesday, June 15, 2021 12:05:23 PM  
**Attachments:** [image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[image020.png](#)  
[image021.png](#)  
[image022.png](#)  
[image023.png](#)  
[image024.png](#)  
[Schedule of Events September 14 Election.doc](#)

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All,

Below are the updated ballot amounts based on our call this morning. I've attached an update calendar reflecting a Sept. 14<sup>th</sup> election as well. You can see the amounts that we talked about back in May in a previous email below for reference.

	<b>Project</b>	<b>Ballot</b>
Water	\$3,700,000	\$4,325,000
Sewer	\$3,800,000	\$4,425,000
Fire	\$4,300,000	\$4,950,000
Refund 2013		\$3,600,000

Please let me know if you have any questions.

Thanks,  
Kevin

**Kevin Faught**  
SENIOR VICE PRESIDENT  
PUBLIC FINANCE

**Stephens**

Capitalize on Independence™



[kfaught@stephens.com](mailto:kfaught@stephens.com) | 479.718.7444 (p) | 479.718.7490 (f)  
Public Finance | 3425 N. Futrell Drive, Suite 201  
Fayetteville, Arkansas 72703 | [www.stephens.com](http://www.stephens.com)

---

**From:** Kevin Faught  
**Sent:** Thursday, May 13, 2021 8:47 AM  
**To:** 'Ryan A. Bowman (R Bowman@fridayfirm.com)' <[R Bowman@fridayfirm.com](mailto:R Bowman@fridayfirm.com)>; [Paul Colvin](mailto:Paul Colvin) <[mayor@tontitownar.gov](mailto:mayor@tontitownar.gov)>; [adminasst@tontitownar.gov](mailto:adminasst@tontitownar.gov); [jeichmann@arkansaslaw.com](mailto:jeichmann@arkansaslaw.com)  
**Subject:** Updated ballot amounts

Good morning,

Below are the updated project and ballot amounts reflecting last night's discussion. The total ballot amount is slightly less at \$17,300,000 than the previous \$17,500,000 which is due to rounding when I do my calculations for the fire and street projects. Please let me know if you would like me to



adjust so it's the same as what was previously presented.

	<b>Project</b>	<b>Ballot</b>
Water	\$3,200,000	\$3,750,000
Sewer	\$2,800,000	\$3,250,000
Fire/Pub Safety	\$4,300,000	\$4,950,000
Street	\$1,500,000	\$1,750,000
Refund 2013		\$3,600,000

Thanks,  
Kevin

**Kevin Faught**  
SENIOR VICE PRESIDENT  
PUBLIC FINANCE

**Stephens**

Capitalize on Independence™

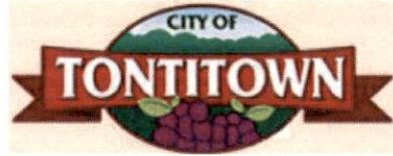


[kfaught@stephens.com](mailto:kfaught@stephens.com) | 479.718.7444 (p) | 479.718.7490 (f)  
Public Finance | 3425 N. Futrall Drive, Suite 201  
Fayetteville, Arkansas 72703 | [www.stephens.com](http://www.stephens.com)

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DRAFT



CITY OF TONTITOWN, ARKANSAS

Sales and Use Tax Refunding and Improvement Bonds, Series 2021

Preliminary Schedule of Events

February 2021						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
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2021	Event	Responsible Parties
July 1	City Council reading and adoption of Election Ordinance	City / Friday Eldredge & Clark (FEC) / Stephens
July 1-September 14	Financing Team conducts bond issue information presentations	City / Stephens
July 2	Ordinance filed with the County Election Commission and the County Clerk (Deadline-60 days prior to election)	City/FEC
August 29	Publish Notice of Election	City
September 14	Election	Citizens of Tontitown
October 3	Publish Proclamation of Election Results	City
Subsequent activities contingent upon election results.		
October 5	Distribute first draft of financing documents	FEC
October 8	Comments due on financing documents	All Parties
October 12	Blacklined financing documents distributed	FEC
October 18	Comments due on blacklined financing documents	All Parties

Stephens

Capitalize on Independence™

2021	Event	Responsible Parties
October 18	Submit financing documents to rating agency/insurers	Stephens
November 3	Receive/Evaluate Rating and Insurance Premiums	Stephens
November 9	Distribute Preliminary Official Statement to investors	Stephens / Underwriter
November 15	Pre-pricing meeting with the City	City / Stephens / Underwriter
November 16	Offer Bonds	Underwriter / Stephens
November 16	Commit to underwrite	Underwriter / Stephens
November 16	City adopts Bond Ordinance and executes Bond Purchase Agreement (special meeting)	All Parties
November 18	Distribute draft of the final Official Statement	FEC
November 21	Publish Bond Ordinance	City
November 19	Comments due on final Official Statement	All Parties
November 22	Distribute final Official Statement	FEC / Stephens / Underwriter
December 6	Prepare and distribute closing documents	FEC
December 22	Closing of issue and transfer of monies	All Parties

**Stephens**

Capitalize on Independence™

**From:** [James Clark](#)  
**To:** [Renee Bibb](#)  
**Subject:** FW: Flooding on Christie Ln  
**Date:** Wednesday, June 9, 2021 7:29:20 AM  
**Attachments:** [IMG\\_7942.jpg](#)

---

Please add to COW agenda for discussion.

**James Clark**  
**Public Works Director**  
**City of Tontitown**  
**P.O. Box 305**  
**Tontitown, AR 72770**  
**479-361-2700**

---

**From:** Jourdon Anderson <[criterionenergy@yahoo.com](mailto:criterionenergy@yahoo.com)>  
**Sent:** Thursday, May 20, 2021 5:43 PM  
**To:** James Clark <[pwdirector@tontitownar.gov](mailto:pwdirector@tontitownar.gov)>; [mbelleton@hotmail.com](mailto:mbelleton@hotmail.com)  
**Subject:** Fw: Flooding on Christie Ln

Good evening James,  
Below is a copy of the email originally sent on May 13, Please respond with a plan of action. Thank you sir.

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Thursday, May 13, 2021, 12:33 PM, Jourdon Anderson <[criterionenergy@yahoo.com](mailto:criterionenergy@yahoo.com)> wrote:

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Wednesday, May 12, 2021, 7:29 PM, Jourdon Anderson <[criterionenergy@yahoo.com](mailto:criterionenergy@yahoo.com)> wrote:

Concerning the common flooding on Christie Ln. About 18 to 20 years ago, before this part of Tontitown was annexed into city limits, Christie Ln was put in as a private drive to access 3 chicken houses. Every year since then, there has been substantial flooding at least twice a year, completely destroying the road. About 13 years ago, this area was annexed into city limits and several more people started building houses and using Christie Ln. Today, 7 households use this road to access their homes, and the chicken houses are no longer in existence. All of the tax paying residents that live on Christie Ln, over the past 10 plus years, have spent more than \$30,000 in time, equipment and material to continue to take care of this road. We are requesting that Christie Ln no longer be a private drive. All residents are willing to give access to part of their properties for utility easements.

Please see attached photos and video















1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017

# A Bill

HOUSE BILL 1733

4  
5 By: Representative Lynch

## For An Act To Be Entitled

8 AN ACT TO UPDATE LOCAL GOVERNMENT TERMINOLOGY  
9 CONCERNING ALDERMEN; AND FOR OTHER PURPOSES.

10  
11  
12  
13  
14  
15  
16

## Subtitle

13 TO UPDATE LOCAL GOVERNMENT TERMINOLOGY  
14 CONCERNING ALDERMEN.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18  
19 SECTION 1. Arkansas Code § 7-5-106(f)(1), concerning runoff elections,  
20 is amended to read as follows:

21 (f)(1) As used in this section, "municipal office" means offices of  
22 cities of the first class and cities of the second class and incorporated  
23 towns and includes the offices of ~~aldermen~~ council members, members of boards  
24 of managers, or other elective municipal offices elected by the voters of the  
25 entire municipality or from wards or districts within a municipality.

26  
27 SECTION 2. Arkansas Code § 7-7-304(e)(1), concerning primary election  
28 procedures, is amended to read as follows:

29 (e)(1) When there are two (2) or more nominees to be selected for the  
30 same office, such as state senator, state representative, justice of the  
31 peace, ~~alderman~~ council member, or for any other office, the proper committee  
32 shall require the candidates to designate in writing a particular position,  
33 i.e., ~~Position Number 1, Position Number 2, Position Number 3~~ position number  
34 one, position number two, position number three, etc., at the time that a  
35 party pledge is required to be filed with the secretary of the committee.

36



1 SECTION 3. Arkansas Code § 14-37-109 is amended to read as follows:

2 14-37-109. Appointment of enumerators to take census.

3 (a)(1) ~~Whenever any~~ If a city or incorporated town ~~shall desire~~  
4 desires to be made a city of the first class or a city of the second class,  
5 or if it ~~shall be~~ is deemed necessary to determine the number of inhabitants  
6 within the ~~town or~~ city or incorporated town for any purpose, on petition of  
7 ten (10) qualified voters of the ~~town or~~ city or incorporated town filed with  
8 the recorder ~~thereof~~ of the city or incorporated town, the ~~board of aldermen~~  
9 ~~of the town or~~ city or town council shall consider the petition at its next  
10 regular meeting.

11 (2) If the ~~board~~ city or town council deems the prayer of  
12 petitioners well founded and deems that a census of the ~~town or~~ city or  
13 incorporated town should be taken in accordance with the prayer of the  
14 petitioners, the ~~board~~ city or town council may pass a resolution authorizing  
15 and directing the taking of a census of the ~~town or~~ city or incorporated  
16 town, and the mayor shall appoint enumerators to take the census, the  
17 appointees to be approved by the ~~board~~ city or town council.

18 (b)(1) The resolution authorizing the taking of census shall prescribe  
19 the duties of the enumerators as to when and how to proceed.

20 (2)(A) Not more than one (1) enumerator shall be appointed for  
21 each ward.

22 (B) However, one (1) enumerator may take more than one (1)  
23 ward if the ~~board~~ city or town council deems it proper.

24  
25 SECTION 4. Arkansas Code § 14-40-1206(b)(2)(B), concerning plot  
26 requirements, is amended to read as follows:

27 (B) However, ~~ne~~ a change in the boundaries of the wards of  
28 the larger city or incorporated town shall not determine or affect the time  
29 of service of any previously elected ~~alderman~~ council member of any ward in  
30 the larger city or incorporated town.

31  
32 SECTION 5. Arkansas Code § 14-40-1207 is amended to read as follows:

33 14-40-1207. Special election of ~~aldermen~~ council members or all city  
34 officials.

35 (a)(1)(A) Except as provided under subdivision (a)(1)(B) of this  
36 section, the city or town council shall call a special election of ~~aldermen~~

1 council members, to be held at such times and places as the council may  
 2 direct pursuant to a proclamation issued by the mayor in accordance with § 7-  
 3 11-101 et seq., in the wards of the smaller municipality and for the election  
 4 of ~~aldermen~~ council members from any other new wards that may be created by  
 5 the council out of territory included in the larger city or incorporated town  
 6 before the annexation, as provided in this subchapter.

7 (B) If the petition calls for a citywide election for all  
 8 officials of the new consolidated city or incorporated town, then the city or  
 9 town council shall call a special election pursuant to a proclamation issued  
 10 by the mayor in accordance with § 7-11-101 et seq. for all city or town  
 11 officials to be held at the times and places as ~~it~~ the city or town council  
 12 may direct throughout each ward of the consolidated city or incorporated  
 13 town.

14 (2) If the implementation of the consolidation of the cities or  
 15 towns is delayed, the special election for new ~~aldermen~~ council members to a  
 16 city or town council or all city officials shall be held at least forty-five  
 17 (45) days before the effective date of the consolidation.

18 (b) Each ward of the consolidated city or incorporated town shall have  
 19 two (2) ~~aldermen~~ council members, to be elected in the same manner and for  
 20 the same term as ~~aldermen~~ council members are elected in cities and  
 21 incorporated towns.

22  
 23 SECTION 6. Arkansas Code § 14-40-1208(a), concerning existing  
 24 officers, is amended to read as follows:

25 (a) The term of office of all officers, ~~aldermen~~ council members, and  
 26 employees of the smaller municipality and all laws in force in the smaller  
 27 municipality shall cease upon and after the consolidation.

28  
 29 SECTION 7. Arkansas Code § 14-40-1212(b), concerning annexed  
 30 territory, is amended to read as follows:

31 (b)~~(1)~~ ~~Aldermen~~ Council members representing the wards composing the  
 32 territory of the smaller municipal corporation before consolidation ~~shall~~  
 33 have a right~~;~~;

34 (1) ~~at~~ At all times, to demand of the city or town council the  
 35 benefit of the revenue collected from the wards, as provided for in this  
 36 section~~;~~ and

1           (2) On the refusal ~~of~~ by the city or town council of the demand  
 2 made under subdivision (b)(1) of this section, ~~the aldermen shall have a~~  
 3 ~~right~~ to enforce the revenue rights by mandamus or other appropriate  
 4 proceedings.

5  
 6           SECTION 8. Arkansas Code § 14-40-1212(c), concerning consolidation, is  
 7 amended to read as follows:

8           (c) In the event the ~~aldermen~~ council members, or fifty (50) qualified  
 9 electors of the territory annexed, feel aggrieved in reference to the amount  
 10 of revenue expended on the territory or as to the other rights guaranteed in  
 11 this section to the annexed municipality, they may submit the matter to the  
 12 circuit court, which is authorized by appropriate orders to compel the  
 13 consolidated city or incorporated town to give the former territory of the  
 14 smaller municipal corporation the full benefit of its revenue as provided in  
 15 this section.

16  
 17           SECTION 9. Arkansas Code § 14-42-102 is amended to read as follows:  
 18 14-42-102. Corporate authority of cities.

19           The corporate authority of cities that are organized shall be vested in  
 20 one (1) principal officer, to be called the mayor, and one (1) board of  
 21 ~~aldermen~~ council members, to be called the city council, together with such  
 22 other officers as are mentioned in this subtitle or may be created under its  
 23 authority.

24  
 25           SECTION 10. Arkansas Code § 14-42-106 is amended to read as follows:  
 26 14-42-106. Oath and bond required.

27           (a) All officers elected or appointed in any municipal corporation  
 28 shall take the oath or affirmation prescribed for officers by the Arkansas  
 29 Constitution.

30           (b)(1) Except as provided in subdivision (b)(2) of this section, the  
 31 officers shall take their oaths before the Secretary of State or his or her  
 32 official designee, any justice or judge, judge of the county court, clerk of  
 33 the county court, clerk of the circuit court, or justice of the peace.

34           (2) The ~~aldermen~~ council members also may take their oaths  
 35 before the mayor of the municipality.

36           (c) The ~~aldermen or~~ council members of a municipal corporation may

1 require from the officers, as they think proper, a bond with good and  
 2 sufficient security and with a proper penalty for the faithful discharge of  
 3 their office and duty.

4 (d) The council ~~or aldermen~~ members shall have the power to declare  
 5 the office of any elected or appointed person vacant who shall fail to take  
 6 the oath of office or give the bond required in this section within ten (10)  
 7 days of the first day of January after his or her election or within ten (10)  
 8 days after he or she has been notified of his or her appointment. In such  
 9 case, the council ~~or aldermen~~ members shall proceed to appoint as in other  
 10 cases of vacancy.

11  
 12 SECTION 11. Arkansas Code § 14-42-107 is amended to read as follows:  
 13 14-42-107. Interest in offices or contracts prohibited.

14 (a)(1) ~~No alderman, member of any council,~~ A council member or elected  
 15 official of a municipal corporation, during the term for which he or she has  
 16 been elected or one (1) year thereafter, shall not be appointed to any  
 17 municipal office that was created or the emoluments of which have been  
 18 increased during the time for which he or she has been elected except to fill  
 19 a vacancy in the office of mayor, ~~alderman~~ council member, clerk, clerk-  
 20 treasurer, recorder, or recorder-treasurer.

21 (2) ~~No alderman or~~ A council member shall not be appointed to  
 22 any municipal office, except in cases provided for in this subtitle, during  
 23 the time for which he or she may have been elected.

24 (b)(1) ~~No~~ A alderman, council member, official, or municipal employee  
 25 shall not be interested, directly or indirectly, in the profits of any  
 26 contract for furnishing supplies, equipment, or services to the municipality  
 27 unless the governing body of the city has enacted an ordinance specifically  
 28 permitting ~~aldermen~~, council members, officials, or municipal employees to  
 29 conduct business with the city and prescribing the extent of this authority.

30 (2) The prohibition prescribed in this subsection ~~shall~~ does not  
 31 apply to contracts for furnishing supplies, equipment, or services to be  
 32 performed for a municipality by a corporation in which no ~~alderman~~, council  
 33 member, official, or municipal employee holds any executive or managerial  
 34 office or by a corporation in which a controlling interest is held by  
 35 stockholders who are not ~~aldermen or~~ council members.

36

1 SECTION 12. Arkansas Code § 14-42-201(c)(2), concerning election of  
 2 officers, is amended to read as follows:

3 (2) In cities of the first class and cities of the second class,  
 4 candidates for the position of ~~alderman~~ council member shall reside within  
 5 the corporate limits and their respective wards at the time they file as  
 6 candidates for ~~alderman~~ council member and when holding that office.

7  
 8 SECTION 13. Arkansas Code § 14-42-203(b), concerning special elections  
 9 of city mayors, is amended to read as follows:

10 (b) In all cities there shall be a place appointed in each ward for  
 11 holding elections, except in cities of the second class electing their  
 12 ~~aldermen~~ council members citywide, where there may be one (1) public place  
 13 only for holding elections.

14  
 15 SECTION 14. Arkansas Code § 14-42-206(b)(1), concerning municipal  
 16 elections, is amended to read as follows:

17 (b)(1) Any person desiring to become an independent candidate for  
 18 municipal office in cities and towns with the mayor-council form of  
 19 government shall file not more than one hundred two (102) days nor less than  
 20 eighty-one (81) days before the general election by 12:00 noon with the  
 21 county clerk the petition of nomination in substantially the following forms:

22 (A) For all candidates except ~~aldermen~~ council members in  
 23 cities of the first class and cities of the second class:

24  
 25 "PETITION OF NOMINATION

26 We, the undersigned qualified electors of the city (town) of \_\_\_\_\_,  
 27 Arkansas, being in number not less than ten (10) for incorporated towns and  
 28 cities of the second ~~(2nd)~~ class, and not less than thirty (30) for cities of  
 29 the first ~~(1st)~~ class, do hereby petition that the name of \_\_\_\_\_ be placed on  
 30 the ballot for the office of \_\_\_\_\_ (A candidate for ~~alderman~~ council member  
 31 in an incorporated town shall identify the position for which he or she is  
 32 running) at the next election of municipal officials in 20 \_\_\_\_\_.

33 Printed Name      Signature      Street Address      Date of Birth      Date of  
 34 Signing"

35  
 36 (B) For candidates for ~~alderman~~ council member elected by



1 ward in cities of the first class and cities of the second class, the  
2 nominating petitions shall be signed only by qualified electors of the ward  
3 in the following manner:

4

5 "PETITION OF NOMINATION

6 We, the undersigned qualified electors of Ward \_\_\_\_\_ of the city of  
7 \_\_\_\_\_, Arkansas, being in number not less than ten (10) for cities of the  
8 second ~~(2nd)~~ class, and not less than thirty (30) for cities of the first  
9 ~~(1st)~~ class, do hereby petition that the name of \_\_\_\_\_ be placed on the  
10 ballot for the office of ~~Alderman~~ council member, Ward \_\_\_\_\_, position \_\_\_\_\_,  
11 of the next election of municipal officials in 20 \_\_\_\_\_.

12 Printed Name Signature Street Address Date of Birth Date of  
13 Signing"

14

15 (C) For at-large candidates for ~~alderman~~ council member of  
16 a ward in cities of the first class and cities of the second class, the  
17 nominating petitions shall be signed by a qualified elector of the city in  
18 the following manner:

19

20 "PETITION OF NOMINATION

21 We, the undersigned qualified electors of the city of \_\_\_\_\_, Arkansas,  
22 being in number not less than ten (10) for cities of the second ~~(2nd)~~ class,  
23 and not less than thirty (30) for cities of the first ~~(1st)~~ class, do hereby  
24 petition that the name of \_\_\_\_\_ be placed on the ballot for the office of  
25 ~~Alderman~~ council member, Ward \_\_\_\_\_, position \_\_\_\_\_, of the next election of  
26 municipal officials in 20 \_\_\_\_\_.

27 Printed Name Signature Street Address Date of Birth Date  
28 of Signing"

29

30 SECTION 15. Arkansas Code § 14-43-303 is amended to read as follows:  
31 14-43-303. Officials in mayor-council cities of 50,000 or more.

32 (a)(1)(A) In the general election in the year 1960, and every four (4)  
33 years thereafter, cities of the first class that have a population of fifty  
34 thousand (50,000) persons or more, according to the latest decennial federal  
35 census or special federal census, and that also have the mayor-council form  
36 of government shall elect the following officials:

1 (i) One (1) mayor;  
2 (ii) One (1) city clerk; and  
3 (iii) One (1) alderman council member from each ward  
4 of the city.

5 (B) All of these officials shall hold office for a term of  
6 four (4) years and until their successors are elected and qualified.

7 (2)(A) At the general election in the year 1962 and every four  
8 (4) years thereafter, the city shall elect:

9 (i) One (1) city attorney;  
10 (ii) One (1) city treasurer; and  
11 (iii) One (1) alderman council member from each ward  
12 of the city.

13 (B) All of these officials shall hold office for a term of  
14 four (4) years and until their successors are elected and qualified.

15 (b) In all primaries or general elections, the candidates for the  
16 office of alderman council member shall reside in their respective wards.  
17 However, all qualified electors residing in these cities and entitled to vote  
18 in the elections ~~shall have the right to~~ may vote at their several voting  
19 precincts for each and every candidate so to be nominated or elected.

20 (c) All odd-year elections for municipal officials in the cities of  
21 the first class that have a population of fifty thousand (50,000) or more  
22 persons, according to the latest federal census, and that also have the  
23 mayor-council form of government are abolished.

24 (d)(1) If a city first attains a population of fifty thousand (50,000)  
25 as shown in a decennial federal census or special federal census completed  
26 after January 1, 1997, and the mayor or other elected official of the city  
27 last elected before the census was elected to a four-year term and the term  
28 will expire two (2) years before the quadrennial general election year at  
29 which city officials are elected as provided in subsection (a) of this  
30 section, the terms of such officials shall be extended for a period of two  
31 (2) years in order that the terms will coincide with the next quadrennial  
32 general election year. At that quadrennial general election and at each  
33 quadrennial general election thereafter, the mayor and such other municipal  
34 officials shall be elected to terms of four (4) years as provided in this  
35 section.

36 (2) The provisions of this subsection shall not affect in any

1 way the provisions of this section that provide for staggering the terms of  
 2 office of ~~aldermen~~ council member so that one (1) ~~alderman~~ council member  
 3 will be elected from each ward every two (2) years.

4  
 5 SECTION 16. Arkansas Code § 14-43-307 is amended to read as follows:

6 14-43-307. Election of ~~aldermen~~ council members at large or by ward.

7 (a)(1) Candidates for the office of ~~alderman~~ council member in cities  
 8 of the first class shall reside in the ward from which they seek to be  
 9 elected and shall run at large.

10 (2)(A) All of the qualified electors of these cities shall be  
 11 entitled to vote in the election.

12 (B)(i) Provisions shall be made by the election  
 13 commissioners in these cities so that the qualified electors of each ward  
 14 shall have at least one (1) voting precinct in each ward where the resident  
 15 electors thereof may cast their ballots.

16 (ii) Cities of the second class that elect their  
 17 ~~aldermen~~ council members citywide may have one (1) public place only for  
 18 holding elections.

19 (b)(1)(A) The city council of any such city or the governing body of  
 20 any city in transition to the mayor-council form of government ~~is empowered~~  
 21 ~~and authorized to provide, by ordinance, may provide by ordinance~~ that all  
 22 ~~aldermen~~ council members be elected by ward, in which event each ~~alderman~~  
 23 council member shall be voted upon by the qualified electors of the ward from  
 24 which ~~the person~~ he or she is a candidate.

25 (B)(i) When so provided by city ordinance, the name of the  
 26 candidate shall appear upon the ballot only in the ward in which he or she is  
 27 a candidate.

28 (ii) The city council of these cities may provide  
 29 for the election of one (1) ~~alderman~~ council member from each ward citywide  
 30 and the other ~~aldermen~~ council members from each ward by the voters of the  
 31 ward only.

32 (2) All such cities choosing to elect all ~~aldermen~~ council  
 33 members by wards or in part by wards shall provide, in the manner provided by  
 34 law, for the establishment of wards of substantially equal population in  
 35 order that each ~~alderman~~ council member elected from each ward shall  
 36 represent substantially the same number of people in the city.

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SECTION 17. Arkansas Code § 14-43-308 is amended to read as follows:

14-43-308. Residence qualifications of ~~aldermen~~ council members in primaries.

(a)(1) In all primaries held in any city of the first class by any organized political party, the candidates for nomination for the office of ~~alderman~~ council member shall reside in their respective wards.

(2) All qualified electors residing in these cities and entitled to vote in the primaries ~~shall have the right to~~ may vote at their several voting precincts for each and every candidate so to be nominated.

(b)(1) The city council ~~is authorized and empowered to provide, by ordinance,~~ may provide by ordinance that the candidate shall only be voted upon by qualified voters of the ward who are entitled to vote in the primary from which the person is a candidate.

(2) When ~~so provided by ordinance,~~ any of the candidates in such a case provided by ordinance, a candidate under subdivision (b)(1) of this section shall appear upon the ballot only in the ward in which he or she is a candidate.

SECTION 18. Arkansas Code § 14-43-309 is amended to read as follows:

14-43-309. Residence qualifications of ~~aldermen~~ council members in general elections.

(a)(1) In all general elections for ~~aldermen~~ council members in cities of the first class, the ~~aldermen~~ council members so elected shall reside in their respective wards, as provided by law.

(2) All qualified electors residing in these cities ~~shall have the right to~~ may vote at their several voting precincts for each ~~and every~~ alderman council member so to be elected.

(b)(1) The city council of any ~~such city is empowered and authorized to provide, by ordinance,~~ a city of the first class may provide by ordinance that ~~the aldermen~~ each council member shall only be voted upon by qualified voters of the ward from which the person is a candidate.

(2) When ~~so provided by ordinance,~~ the name of the candidate shall appear upon the ballot only in the ward in which he or she is a candidate.

1 SECTION 19. Arkansas Code § 14-43-310 is amended to read as follows:  
 2 14-43-310. ~~Alderman~~ Council member ceasing to reside in ward.

3 If any duly elected ~~alderman~~ council member shall cease to reside in  
 4 the ward from which he or she was elected, that person shall be disqualified  
 5 to hold the office and a vacancy shall exist which shall be filled as  
 6 prescribed by law.

7  
 8 SECTION 20. Arkansas Code § 14-43-311 is amended to read as follows:  
 9 14-43-311. Redistricting of wards.

10 (a)(1)(A) City councils in cities of the first class ~~shall have the~~  
 11 ~~authority to~~ may redistrict the wards in their city when they determine that  
 12 the people can best be served by adding wards, combining wards, or changing  
 13 ward boundary lines to equalize the population in the various wards.

14 (B) ~~It shall be the duty of the council to see~~ The city  
 15 council shall ensure that each ward has as nearly an equal population as  
 16 would best serve the interest of the people of the city.

17 (2)(A) Within ninety (90) days after redistricting, if one  
 18 hundred (100) or more qualified electors in the city are dissatisfied with  
 19 the redistricting of the city into wards, ~~they shall have the authority to~~  
 20 the electors may petition the circuit court.

21 (B) The court, after due hearing, ~~shall have authority to~~  
 22 may redistrict the city into such wards as the court shall deem best if the  
 23 court finds that the redistricting action by the city council was arbitrary  
 24 and capricious.

25 (b) At the next city election held, more than twenty (20) days after  
 26 the approval of redistricted wards, there shall be elected from each of the  
 27 new wards two (2) ~~aldermen~~ council members who shall organize the new city  
 28 council at the first council meeting in January after their election.

29 (c)(1)(A) All ~~aldermen~~ council members elected in the city prior to  
 30 redistricting of wards shall give up their positions to the new ~~aldermen~~  
 31 council members at the time for the organization of the new city council, as  
 32 provided in subsection (b) of this section.

33 (B) From that date the terms of office of all previously  
 34 elected ~~aldermen~~ council members shall cease and terminate.

35 (2)(A) It shall be lawful to increase the number of wards or  
 36 continue the same number of wards without affecting the terms of office of

1 incumbent ~~aldermen~~ council members of the city.

2 (B)(i) When the wards are reapportioned so as to increase  
 3 the number of wards or readjust existing wards so that ~~such~~ the wards contain  
 4 nearly equal population, ~~the aldermen who remain~~ a council member who remains  
 5 in ~~their~~ his or her old ward, or part thereof, shall continue in office.

6 (ii) New ~~aldermen~~ council members shall be elected  
 7 only for new wards actually formed out of the territory of old wards.

8 (d)(1) All clerk's costs and other costs incurred in the proceedings  
 9 authorized in this section shall be paid by the persons at whose instance the  
 10 services were rendered.

11 (2)(A) In case these proceedings result in the redistricting of  
 12 the city into new wards, the compensation of those individuals making the  
 13 redistricting shall be fixed by the circuit judge, certified to the city  
 14 council, and paid out of the city treasury.

15 (B) This compensation shall not exceed the sum of twenty-  
 16 five dollars (\$25.00) each.

17

18 SECTION 21. Arkansas Code § 14-43-312 is amended to read as follows:

19 14-43-312. ~~Aldermen~~ Council members in mayor-council cities of fewer  
 20 than 50,000.

21 (a)(1) On the Tuesday following the first Monday in November 1966 and  
 22 every two (2) years thereafter, the qualified voters of all cities of the  
 23 first class having the mayor-council form of government with fewer than fifty  
 24 thousand (50,000) inhabitants shall elect two (2) ~~aldermen~~ council members  
 25 from each ward for a term of two (2) years, except that by ordinance any city  
 26 of the first class may refer the question to voters to elect two (2) ~~aldermen~~  
 27 council members from each ward to four-year terms as more particularly set  
 28 out in subdivision (a)(2)(A) of this section.

29 (2)(A) On or before February 1 of the election year when the  
 30 procedure will go into effect, any city of the first class, by ordinance  
 31 referred to and approved by the voters at the previous general election or at  
 32 a special election called for that purpose, may elect two (2) ~~aldermen~~  
 33 council members from each ward to four-year terms, except for the initial  
 34 terms as provided in subdivision (a)(2)(B) of this section.

35 (B)(i) If this procedure is adopted by ordinance referred  
 36 to and approved by the voters of the city, the ~~alderman~~ council member

1 representing position number one from each ward ~~will~~ shall be elected to a  
2 four-year term at the next general election.

3 (ii) The ~~alderman~~ council member representing  
4 position number two from each ward ~~will~~ shall be elected to an initial two-  
5 year term at the next election, and thereafter ~~will~~ shall be elected to four-  
6 year terms, resulting in staggered terms with one (1) ~~alderman~~ council  
7 members being elected to a four-year term from each ward every two (2) years.

8 (b)(1) The ~~aldermen~~ council members shall be designated as "~~alderman~~  
9 council member number one" and "~~alderman~~ council member number two".

10 (2)(A) A candidate for the office of ~~alderman~~ council member  
11 shall designate the number of the ~~alderman's~~ council member's office which  
12 the candidate is seeking on the petition filed under § 14-42-206.

13 (B) When this designation has been made, the candidate  
14 shall not be permitted thereafter to change the designation on that petition.

15 (C) The county clerk shall not accept a petition for  
16 filing that does not designate the number of the office for ~~alderman~~ council  
17 member sought.

18 (D) Each city shall maintain in its records a document  
19 showing the name of each ~~alderman~~ council member and the number of the office  
20 which the candidate holds.

21 (c)(1)(A) The city council may refer an ordinance to voters on the  
22 question of returning a city to electing ~~aldermen~~ council members to two-year  
23 terms.

24 (B) The ordinance ~~must~~ shall be passed by a two-thirds  
25 vote of the city council before it is referred to and approved by voters at a  
26 general election.

27 (2) If the voters approve returning the city to electing  
28 ~~aldermen~~ council members to two-year terms, all ~~aldermen~~ council members  
29 shall be elected to two-year terms at the next general election and  
30 thereafter, except that those ~~aldermen~~ council members serving four-year  
31 terms shall complete their terms.

32 (3) The city council may not refer another question to voters on  
33 electing ~~aldermen~~ council members to four-year terms or on returning the city  
34 to electing ~~aldermen~~ council members to two-year terms unless at least four

35 (4) years have passed since the last election on changing the terms of  
36 ~~aldermen~~ council members.

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SECTION 22. Arkansas Code § 14-43-412(a), concerning vacancies in other elected offices, is amended to read as follows:

(a) In case any office of an elected officer, except aldermen council members of the ward, becomes vacant before the expiration of the regular term, then the vacancy shall be filled by the city council until a successor is duly elected and qualified.

SECTION 23. Arkansas Code § 14-43-502(b)(2)(B), concerning powers of the city council, is amended to read as follows:

(B) The mayor or any three (3) aldermen council members of any city or town, regardless of size or classification, may call special meetings in the manner as may be provided by ordinance.

SECTION 24. Arkansas Code § 14-43-504(d)(1)(B)(ii), concerning powers and duties of mayors, is amended to read as follows:

(ii) An ordinance, an order, or a resolution or part thereof, vetoed by the mayor is invalid unless, after the written statement is laid before it, the council, by a vote of two-thirds (2/3) of all the aldermen council members elected thereto, passes it over the veto.

SECTION 25. Arkansas Code § 14-44-103 is amended to read as follows:

14-44-103. Election of aldermen council members.

(a)(1) Except as provided under subdivision (a)(3) of this section, on the Tuesday following the first Monday in November 1982, and every two (2) years thereafter, the qualified voters in cities of the second class shall elect for each of the wards of these cities two (2) aldermen council members, who shall compose the city council.

(2) The qualified electors of every city of the second class shall elect from each ward of the city two (2) aldermen council members, who shall be designated as "alderman council member number one" and "alderman council member number two" of the ward.

(3)(A) A candidate for the office of alderman council member shall designate the number of the alderman's council member's office that the candidate is seeking on the petition filed pursuant to § 14-42-206.

(B) When this designation has been made, the candidate



1 shall not be permitted thereafter to change the designation on that petition.

2 (C) The county clerk shall not accept a petition for  
3 filing that does not designate the number of the office of ~~alderman~~ council  
4 member sought.

5 (D) Each city shall maintain in its records a document  
6 showing the name of each ~~alderman~~ council member and the number of the office  
7 which the candidate holds.

8 (4)(A) The city council of a city of the second class may refer  
9 to voters an ordinance on the question of electing the two (2) ~~aldermen~~  
10 council members for each ward to four-year terms.

11 (B) The voters shall vote on the ordinance at a general  
12 election or at a special election called for that purpose by proclamation of  
13 the mayor in accordance with § 7-11-201 et seq. However, the election to  
14 approve the four-year election procedure shall be held no later than February  
15 1 of the year of the general election in which the procedure is proposed to  
16 be effective.

17 (5)(A) If this procedure is adopted by ordinance referred to and  
18 approved by the voters of the city, the initial term for the ~~alderman~~ council  
19 member designated as "~~alderman~~ council member number one" of each ward shall  
20 be a four-year term at the next general election.

21 (B) The initial term for the ~~alderman~~ council member  
22 designated as "~~alderman~~ council member number two" of each ward shall be a  
23 two-year term at the next general election, and thereafter shall be a four-  
24 year term, resulting in staggered terms for the ward.

25 (6)(A) The city council may refer to voters an ordinance on the  
26 question of returning the city to electing ~~aldermen~~ council members to two-  
27 year terms using the procedures of subdivisions (a)(4)-(7) of this section.

28 (B) If the voters approve returning a city to two-year  
29 terms, all ~~aldermen~~ council members shall be elected to two-year terms at the  
30 next general election and thereafter.

31 (7) The city council may not refer to voters another question on  
32 electing ~~aldermen~~ council members to four-year terms or on returning the city  
33 to electing ~~aldermen~~ council members to two-year terms unless at least four  
34 (4) years have passed since the last election on changing the ~~aldermanic~~  
35 council members' terms.

36 (b)(1)(A) A candidate for the office of ~~alderman~~ council member in a

1 city of the second class shall reside in the ward from which he or she seeks  
 2 to be elected and shall run for election at large, except if the ~~alderman~~  
 3 council member is elected by ward under subsection (c) of this section.

4 (B) All of the qualified electors of the city ~~shall be~~  
 5 ~~entitled to~~ may vote in the election.

6 (C) Provision shall be made by the election commissioners  
 7 in these cities so that the qualified electors of each ward shall have at  
 8 least one (1) voting precinct in each ward where the resident electors  
 9 thereof may cast their ballots.

10 (2) If any duly elected ~~alderman~~ council member shall cease to  
 11 reside in the ward from which he or she was elected, that person shall be  
 12 disqualified to hold the office and a vacancy shall exist, which shall be  
 13 filled as prescribed by law.

14 (c)(1)(A) The city council of any such city ~~is empowered and~~  
 15 ~~authorized to provide, by ordinance,~~ may provide by ordinance that all  
 16 ~~aldermen~~ council members be elected by ward, in which event each ~~alderman~~  
 17 council member shall be voted upon by the qualified electors of the ward from  
 18 which the person is a candidate.

19 (B)(i) When ~~so~~ provided by city ordinance, the name of the  
 20 candidate shall appear upon the ballot only in the ward in which he or she is  
 21 a candidate.

22 (ii) The city council of these cities may provide  
 23 for the election of one (1) ~~alderman~~ council member from each ward citywide  
 24 and the other ~~aldermen~~ council members from each ward by the voters of the  
 25 ward only.

26 (2) All such cities choosing to elect all ~~aldermen~~ council  
 27 members by wards or part by wards shall provide, in the manner provided by  
 28 law, for the establishment of wards of substantially equal population in  
 29 order that each ~~alderman~~ council member elected from each ward shall  
 30 represent substantially the same number of people in the city.

31 (d) Cities of the second class that elect their ~~aldermen~~ council  
 32 members citywide may have one (1) public place only for holding elections.

34 SECTION 26. Arkansas Code § 14-44-104 is amended to read as follows:

35 14-44-104. Vacancy in ~~alderman's~~ council member's office.

36 (a) ~~Whenever~~ If a vacancy occurs in the office of ~~alderman~~ council

1 member in any city of the second class, at the first regular meeting after  
 2 the occurrence of the vacancy, the city council shall proceed to elect, by a  
 3 majority vote of the council, ~~an alderman~~ a council member to serve for the  
 4 unexpired term.

5 (b) The election to fill the vacancy under subsection (a) of this  
 6 section is not subject to veto by the mayor.

7

8 SECTION 27. Arkansas Code § 14-44-106 is amended to read as follows:  
 9 14-44-106. Vacancy in mayor's office.

10 ~~Whenever~~ If a vacancy occurs in the office of mayor in any city of the  
 11 second class, at the first regular meeting after the occurrence of the  
 12 vacancy, the city council shall proceed to either elect by a majority vote of  
 13 the ~~aldermen~~ council members a mayor to serve the unexpired term or call for  
 14 a special election to be held in accordance with § 7-11-101 et seq. to fill  
 15 the vacancy. At this election, a mayor shall be elected to ~~fill-out~~ serve the  
 16 unexpired term.

17

18 SECTION 28. Arkansas Code § 14-44-107(b)(2)(B), concerning the powers  
 19 of the mayor, is amended to read as follows:

20 (B) ~~No~~ An ordinance, resolution, or order, or part  
 21 thereof, vetoed by the mayor shall not have any force or validity unless,  
 22 after the written statement is laid before it, the council ~~shall pass~~ passes  
 23 it over the veto by a vote of two-thirds (2/3) of all the ~~aldermen~~ council  
 24 members elected thereto.

25

26 SECTION 29. Arkansas Code § 14-44-112 is amended to read as follows:  
 27 14-44-112. Vacancy in marshal's office.

28 ~~Whenever~~ If a vacancy ~~shall occur~~ occurs in the office of marshal in  
 29 any city of the second class, at the first regular meeting after the  
 30 occurrence of the vacancy, the city council shall proceed to elect by a  
 31 majority vote of all the ~~aldermen~~ council members a marshal to serve for the  
 32 unexpired term.

33

34 SECTION 30. Arkansas Code § 14-44-116 is amended to read as follows:  
 35 14-44-116. Vacancy in office of recorder, treasurer, or recorder-  
 36 treasurer.

1           Whenever if a vacancy occurs in the office of recorder, treasurer, or  
 2 recorder-treasurer in any city of the second class, at the first regular  
 3 meeting after the occurrence of the vacancy, the city council shall elect by  
 4 a majority vote of all the ~~aldermen~~ council members a person to serve for the  
 5 unexpired term.

6

7           SECTION 31. Arkansas Code § 14-45-101 is amended to read as follows:  
 8           14-45-101. Corporate authority.

9           (a) The corporate authority of incorporated towns shall vest in a town  
 10 council composed of the five (5) ~~aldermen~~ council members who shall be  
 11 qualified electors residing within the limits of the ~~corporation~~ incorporated  
 12 town and who shall hold office until their successors are elected and  
 13 qualified.

14           (b) A majority of the whole number of ~~aldermen~~ council members shall  
 15 constitute a quorum for the transaction of business.

16

17           SECTION 32. Arkansas Code § 14-45-102 is amended to read as follows:  
 18           14-45-102. Election of ~~aldermen~~ council members.

19           (a)(1) Except as provided in subdivision (a)(2) of this section, on  
 20 the Tuesday following the first Monday in November 1982 and every two (2)  
 21 years thereafter, the qualified voters of incorporated towns shall elect five  
 22 (5) ~~aldermen~~ council members.

23           (2)(A) The town council of an incorporated town may refer to the  
 24 voters an ordinance on the question of electing the five (5) ~~aldermen~~ council  
 25 members to four-year terms.

26           (B)(i) The voters shall vote on the ordinance at a general  
 27 election or at a special election called for that purpose.

28           (ii) The election to approve the four-year election  
 29 procedure shall be held no later than February 1 of the year of the general  
 30 election in which the procedure is proposed to be effective.

31           (C) If this procedure is adopted by an ordinance referred  
 32 to and approved by the voters of the incorporated town, the initial terms for  
 33 ~~aldermen~~ council members representing positions numbered "one", "three", and  
 34 "five" shall be four-year terms at the next general election and the initial  
 35 terms for ~~aldermen~~ council members representing positions numbered "two" and  
 36 "four" shall be two-year terms and thereafter four-year terms, resulting in

1 staggered terms.

2 (D)(i) The town council may refer to voters an ordinance  
3 on the question of returning the incorporated town to electing ~~aldermen~~  
4 council members to two-year terms using the procedures of subdivision (a)(2)  
5 of this section.

6 (ii) If the voters approve returning a an  
7 incorporated town to two-year terms, all ~~aldermen~~ council members shall be  
8 elected to two-year terms at the next general election and thereafter.

9 (E) The town council may not refer to voters another  
10 question on electing ~~aldermen~~ council members to four-year terms or on  
11 returning the incorporated town to electing ~~aldermen~~ council members to two-  
12 year terms unless at least four (4) years have passed since the last election  
13 on changing the terms of ~~aldermen~~ council members.

14 (b)(1) A candidate for the office of ~~alderman~~ council member shall  
15 designate the number of the office for ~~alderman~~ council member that the  
16 candidate is seeking on the petition filed pursuant to § 14-42-206.

17 (2) If there is a designation under subdivision (b)(1) of this  
18 section, the candidate shall not change the designation on that petition.

19 (3) The county clerk shall not accept a petition for filing that  
20 does not designate the number of the office for ~~alderman~~ council member  
21 sought.

22 (4) Each incorporated town shall maintain in its records a  
23 document showing the name of each ~~alderman~~ council member and the number of  
24 the office that the candidate holds.

25  
26 SECTION 33. Arkansas Code § 14-45-103 is amended to read as follows:  
27 14-45-103. Vacancies.

28 (a) When a vacancy occurs in the office of ~~alderman~~ council member in  
29 an incorporated town, at the first regular meeting after the occurrence of  
30 the vacancy, the town council shall elect by a majority vote of the town  
31 council ~~an alderman~~ a council member to serve for the unexpired term.

32 (b) When a vacancy occurs in the office of mayor in an incorporated  
33 town, at the first regular meeting after the occurrence of the vacancy, the  
34 town council shall:

35 (1) Elect by a majority vote of the ~~aldermen~~ council members a  
36 mayor to serve the unexpired term; or

1           (2)(A) Call for a special election to be held in accordance with  
2 § 7-11-101 et seq. to fill the vacancy.

3           (B) At the special election, a mayor shall be elected to  
4 complete the unexpired term.

5  
6           SECTION 34. Arkansas Code § 14-45-105(b)(2)(B), concerning the powers  
7 of the mayor, is amended to read as follows:

8           (B) ~~No~~ An ordinance, resolution, or order, or part  
9 thereof, vetoed by the mayor shall not have any force or validity unless,  
10 after the written statement is laid before it, the council ~~shall pass~~ passes  
11 it over the veto by a vote of two-thirds (2/3) of all the ~~aldermen~~ council  
12 members elected thereto.

13  
14           SECTION 35. Arkansas Code § 14-55-204 is amended to read as follows:  
15 14-55-204. Approval of appropriations.

16           All bylaws, ordinances, resolutions, or orders for the appropriation of  
17 money shall require for their passage or adoption the concurrence of a  
18 majority of the ~~aldermen~~ council members of any municipal corporation.

19  
20           SECTION 36. Arkansas Code § 14-88-305 is amended to read as follows:  
21 14-88-305. Removal of member.

22           (a)(1) The city or town council may remove a municipal board of  
23 improvement or any member of the board by a two-thirds vote of the whole  
24 number of ~~aldermen~~ council members elected to the council.

25           (2)(A) Removal shall be for cause only, including without  
26 limitation noncompliance with state or federal law or local ordinance, and  
27 after a hearing upon sworn charges proffered in writing by a real property  
28 owner in the improvement district.

29           (B) Ten (10) days' notice of the hearing of the charges  
30 shall be given.

31           (b) The council may remove the board or any member of the board by a  
32 vote of a majority of the whole number of ~~aldermen~~ council members elected to  
33 the council, upon the written petition of fifteen percent (15%) of the owners  
34 of real property located within the improvement district stating that the  
35 petitioners believe it to be in the best interest of the improvement  
36 district, and after a mandatory hearing upon ten (10) days' notice to each

1 member of the board affected.

2

3 SECTION 37. Arkansas Code § 14-201-325 is amended to read as follows:  
 4 14-201-325. Disposition of profits.

5 Any profits derived by any of the boards of public utilities created  
 6 under this subchapter, after there has been set aside from the earnings a sum  
 7 sufficient to pay all outstanding indebtedness of the plants or sewerage  
 8 systems under the control of the board and a sum sufficient to provide for  
 9 expenses, extensions, and enlargements found necessary, or which may be  
 10 reasonably anticipated, shall be used by the board to retire any outstanding  
 11 bonds or interest thereon issued by any of the boards of improvement of the  
 12 district constructing the plants under its control. In case there are no such  
 13 outstanding bonds or interest or when all of such outstanding bonds and  
 14 interest thereon have been paid, such profits shall be paid to the treasurer  
 15 of the city or town wherein the board is created. These funds are to be used  
 16 by the ~~board of aldermen of the city or town~~ council to defray any expense or  
 17 pay any debt of the city or town.

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20 APPROVED: 04/04/2017

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## MEMO

**Date:** June 15, 2021

**To:** Paul Colvin, Jr., Mayor of Tontitown

**From:** Juliet Richey, Garver

**Re:** Update regarding Capital Plan and Impact Fee Scoping for the City of Tontitown, Arkansas

The city has expressed an interest in developing Impact Fees for the following municipal service categories within the city: Water, Sewer, Police, Fire, Roads, and Drainage. Impact Fees are enabled in A.C.A 14-56-103, which requires that a "Capital Plan" be created as part of the impact fee process. A separate Capital Plan will be created for each municipal service category. Garver will work with subcontractor Duncan Associates to provide a Capital Plan and Impact Fee Study for the City.

Due to the unique nature of each municipal service category, we propose that the project be broken into two phases as shown below.

### Phase 1:

#### Phase 1a:

- Water
- Sewer

#### Phase 1b:

- Police
- Fire

### Phase 2:

- Roads
- Drainage

### Phase 1a

Phase 1a, which includes water and sewer improvements, should be the quickest phase to complete due to the recent water and sewer system plans and analyses completed by Garver and the availability of water and sewer system data needed to create the Capital Plan and the initial impact fee study.

We anticipate that we can have final estimate and a work order for Phase 1a presented to the city within 10 days. Once the work order is approved, signed, and we have received a notice to proceed from the city, we will initiate work on Phase 1a. Assuming that all required data can be acquired during the first six weeks, the Garver and Duncan Associates team can deliver an *initial* Capital Plan and Impact Fee Study draft within ten weeks of the notice to proceed. As outlined in the Duncan Associates memo (attached), the remainder of the schedule will be determined



largely by the time required for comments to be provided, the extent of changes requested, the amount of public participation desired, and the scheduling of meetings.

### **Phase 1b**

Phase 1b, which includes Police and Fire, will benefit from having the latest census numbers to move forward with its fee study. It is anticipated that these numbers will be available in September or October 2021 and the Phase 1b capital plan and fee study can be initiated at that time by separate work order. Generally, it is expected that the timeline for Phase 1b would be similar to the timeline of Phase 1a.

### **Phase 2**

Phase 2 will include a capital plan and impact fee study for Roads and Drainage. This phase will include the creation of a capital plan for road and drainage improvements within the city in addition to a fee study for potential impact fees. Due to the potential limitation of existing regulatory roadway exactions (half-street or offsite road improvements), this phase is the most complex and may take longer than other two phases.

Garver will be preparing the Capital Plans and collaborating with Duncan Associates on the Impact Fee Study portion the project. Please see the attached memo from Clancy Mullen, Duncan Associates, for additional information on the Impact Fee scoping for this project.

**MEMORANDUM**

**TO:** Juliet Richey, Garver  
**FROM:** Clancy Mullen, Duncan Associates  
**DATE:** June 15, 2021  
**RE:** Impact Fee Scoping for Tontitown, AR

---

Before undertaking an impact fee study, the City should select the types of facilities for which impact fees will be developed. The City has expressed an interest in developing fees for water, sewer, fire and police facilities. It is also considering fees for expanding major road and drainage infrastructure. Road impact fees would provide an alternative source of funding that would replace what the City currently gets through developer exactions such as half-street improvements, because the City would need to reduce the fee a developer would pay by the cost of the half-street improvement. However, they would give the City additional flexibility to construct improvements in a more rational way. Drainage impact fees may require additional study, and including both roads and drainage is likely to take more time.

Scope of Services. The steps involved in preparing an impact fee study include the following:

1. The first step is to collect the required data. This includes the existing inventory of facilities, the capacity provided and replacement costs of those facilities, the amount of existing development by land use type or customers by volume of demand (e.g., size of water meter) served by those facilities, financial information on outstanding debt on those facilities, planned improvements with cost estimates, and anticipated funding available from other sources to fund the planned improvements.
2. The second step is to incorporate the data gathered into an initial impact fee study draft for internal review by Garver and City staff. This step is essential to ensure that the impact fee consultant has correctly interpreted the data and that the City has confidence that the results are accurate and consistent with its goals and plans. During the process, the consultant would also work with the City to make decisions on any policy issues involved in the impact fee analysis. For example, we would suggest that the City develop a single public safety fee, rather than separate fees for fire and police, to give the City more flexibility in spending the funds.

3. The third step is to revise the draft as necessary and prepare the final report. If desired by the City, the consultant could also prepare a draft impact ordinance that would include the adoption of the impact fee rates along with other provisions required for an impact fee program to be administered in a manner consistent with state law and best practices. The ordinance could also provide for phasing in the new fees over a couple of years rather than imposing the full fees immediately.

Timeline. Assuming the study does not include roads and drainage, and that all required data can be acquired during the first six weeks, the consultant would deliver an initial draft within approximately ten weeks of the notice to proceed. The remainder of the schedule will be determined largely by the time required for comments to be provided, the extent of changes requested, the amount of public participation desired, and the scheduling of meetings.

Task	Months from Notice to Proceed			
	1	2	3	4
1. Data Collection	◆————◆			
2. Review Draft	◆————◆			
3. Final Report/Draft Ord.			◆————◆	
4. Adoption				TBD