

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— Penny Baskin  
Ward 3 Position 2— Tim Burress

**Public Hearing/City Council  
November 2, 2021  
Minutes**

The Tontitown City Council is scheduled for Tuesday November 2, 2021, at 6:00 p.m. at Tontitown City Hall and via Zoom and YouTube visit <https://zoom.us/j/97053037337>  
Meeting ID: 970 5303 7337# or join by phone at +1 (312) 626-6799

---

**PUBLIC HEARING**

1. **Vacate Request:** A Utility easement vacate request for 193 Fantinel Dr, Parcel #: 830-37867-000 – Justin Eichmann

Fantinel Business Park Subdivision, Lot 5 is requesting to vacate the unused portion of the 100 ft utility easement along the back of the lot. The lot is for sale and this unused utility easement substantially decreases the buildable area of the lot.

2. **Adjournment-** Adjourned

**CITY COUNCIL**

1. Meeting Call to Order
2. Roll Call  
All in attendance
3. Pledge of Allegiance
4. Approval of Agenda  
Gene McCartney motioned to approve the agenda  
Second by Arthur Penzo  
  
Motion Passes Unanimously
5. Approval of City Council Minutes from October 5, 2021  
Gene McCartney motioned to approve the minutes  
Second by Larry Ardemagni  
  
Motion Passes Unanimously
6. Approval of Special Road Training Session Minutes from October 22, 2021

Arthur Penzo motioned to approve  
Second by Larry Ardemagni

Motion Passes Unanimously

7. Appointment of vacant Council seat Ward 3, Position 1 – Council

Penny Baskin and Ken Robertson both submitted their names as candidates for this position.

Penny Baskin has a degree in Pre-Law and Criminal Justice Law Enforcement with minors, Psychology, Social work, and Special Education. Penny also has a training certificate or license for being Medication Administration Tech., First Responder, Direct Contract Training, Habilitation Training Specialist and Case Management and currently serves on the Tontitown Planning Commission and volunteers her time to the city's events.

Ken Robertson is a 25-year resident of Tontitown and has served previously as both a member of the Tontitown Planning Board and as a 4-year term member of the City Council. Ken has served on Boards of several non-profits in the area including the United Way of NWA and the Chile Pepper Cross Country Festival. Ken worked for 32 years for Wal-Mart and along with his wife, are also small business owners.

The council deliberated

Tim Burress motioned to appoint Penny Baskin to fill the vacant City Council seat  
Second by Amber Ibarra

Motion Passes Unanimously

Mayor Paull Colvin sworn in Mrs. Baskin, and she took her seat

8. Comments from Citizens-

Bernadette Collins thanked the council for their service. Mrs. Collins asked if the Planning Commission was given the correct paperwork when they voted. Mrs. Collins is concerned who the cell tower will affect the value of the surrounding properties.

Mike Collins researched the health issues of living near cell towers, like cancer.

Candy Black said the proposed cell tower is next to her property line where she has a lot of old and mature trees, she concerned that her trees could be damage or killed if the tower moves forward. Also, the tower design was not the same as what was submitted, and the fall zone is also a concern. Mrs. Black asked the council to vote NO.

9. Approval by City Council Members to Waive the 3 Reading Rule for All Ordinances on Agenda

Arthur Penzo motioned to approve  
Second by Gene McCartney

Motion Passes Unanimously

**10. Old Business:**

- A. Approval of the Conditional Use Permit for a cellular communication tower to be constructed for Verizon Wireless at the Southwest corner of 1853 W Henri De Tonti Blvd – Planning

Version agreed to build a 195 ft monopole tower with a 4ft antenna and will stay under 200 ft and no lights are required by the FAA.

Larry Ardemagni motioned to approve  
Second by Arthur Penzo

Penny Baskin voted- NO  
Amber Ibarra voted- NO  
Gene McCartney voted- YES  
Larry Ardemagni voted- YES  
Arthur Penzo voted- YES  
Tim Burress voted- NO            Tie Vote

Mayor voted- YES

Motion Passes

**11. New Business:**

- A. Approval of Utility easement vacate request for 193 Fantinel Dr, Parcel #: 830-37867-000 – Planning

Larry Ardemagni motioned to adopt Ordinance  
Second by Arthur Penzo

Motion Passes Unanimously

- B. Approval of the 2022 Budget – Colvin

Arthur Penzo motioned to approve  
Second by Gene McCartney

Arthur Penzo voted- YES  
Larry Ardemagni voted- YES  
Gene McCartney voted- YES  
Tim Buresse voted- NO  
Amber Ibarra voted- NO  
Penny Baskin- Abstained    This Item required four- YES or NO to pass

Mayor voted- YES

- C. Approval of budget to assist employees on family plans with monthly premium rates – Colvin

Gene McCartney motioned to approve  
Second by Arthur Penzo

Tim Burress voted- NO  
Amber Ibarra voted-YES  
Gene McCartney voted- YES  
Larry Ardemagni voted- YES  
Arthur Penzo voted- YES  
Penny Baskin voted- YES

Motion Passes

- D. Approval of a Resolution adopting premium pay for certain Municipal employees from the American Rescue Plan – Colvin

Arthur Penzo motioned to approve  
Second by Larry Ardemagni

Larry Ardemagni motioned to approve the resolution and amend the language in section 2 - change (in the) amount to (up to) the amount of \$2,500.00

Motion Passes Unanimously

- E. Approval to authorize The Chief of Police to put in orders for police cars based off the 2022 Budget – Jenison

Tim Burress motioned to approve  
Second by Larry Ardemagni

Motion Passes Unanimously

Back on April 10<sup>th</sup> Tontitown police were in pursuit of a vehicle that was reported stolen and flagged with armed occupants. The driver failed to make a curve and struck a tree on Brush Creek Road, the driver was trapped a couldn't get out on her own, when it caught fire. Officer Henry went into the burning vehicle and freed the driver and giving the driver a surviving chance.

The Attorney General's Office for the state of Arkansas accepts nominations for "Officer of the Year" and Tontitown's Officer Henry was selected and awarded the "Washington County Officer of the Year" for his actions. Congratulations!

- F. Approval of a resolution certifying local government endorsement of business to participate in the tax back program as authorized by section 15-4-2706(D) of the consolidated incentive act of 2003 – Scott Edmonson

**Tabled- Move to the next Committee of the Whole Meeting**

- G. Approval to allocate \$30,000.00 of ARPA funds to Central EMS for Ambulance purchase, staffing, and equipment – Colvin

Arthur Penzo motioned to approve  
Second by Gene McCartney

Motion Passes Unanimously

- H. Approval of a rezoning request with conditions to rezone property located at 761 W Henri De Tonti Blvd from c-2, General Commercial to L-I, Light Industrial to bring grandfathered use into compliance with city zoning code prior to submitting their Large-Scale Development Request – Planning

Wrong information was given by a past City Planner.

Arthur motioned to Table and have the Planning Commission revisit this item.  
Second by Tim Burress

Motion Passes Unanimously

**Move to the next Planning Meeting**

- I. Approval of \$45,000.00 for the materials/labor to pave of a section of Ardemagni Road – Colvin

Arthur motioned to approve  
Second by Larry Ardemagni

Motion Passes Unanimously

- J. Discussion of General City Audit – Colvin

This was brought forward from the last Committee of the Whole Meeting.

The mayor presented to the council the finding of the Legislative Audit for the General Fund, for the last 2 years. This information was also mailed to the council members but if someone didn't receive it come by the mayor's office.

2 violations and they were against the mayor:

- 1) Providing a Christmas dinner for our employees without putting on some sort of training and no minutes were recorded.
- 2) The purchase of a tent Tommy Granata's Funeral.

## 12. Comments from Aldermen

Larry Ardemagni said we had lots to talk about and congratulated Penny Baskin.

Amber Ibarra said she loves the idea of repurposing the old Fire Department but thinks all Fire should stay under one roof. And this year's Halloween in the Park was 2 to 3 times bigger than expected. The ghost busters' theme and the witch were a hit. Amber also thanked Rhonda Doudna for starting this event.

Arthur Penzo congratulated Penny Baskin.

Gene McCartney wanted to thank all the citizens, businesses, and council for all the donated candy and to all who worked so hard to get the park ready, it was fantastic. Also, he agrees with Amber Ibarra on the Fire Department.

Tim Burress thanks everyone for attending tonight's meeting and congratulated Penny Baskin.

Penny Baskin thanked the council for the opportunity to serve with them. She wanted to thank the Planning Commission for their part in the Halloween in the Park.

### 13. Comments from Mayor

The mayor said this year's Halloween in the Park was unbelievable he thanked the city staff, Danielle, Amber, Penny, City Police and Fire Department for all the hard work that had to be done to make this happen.

The mayor said he'd like to speak one on one about the Fire Department.

The mayor thanked the council for their service and please understand that he is passionate in what he does and what he and his staff bring before the council. So, we may argue in the chambers but when we walk out those doors that's where it ends.

### 13. Comments from City Attorney

14. **Adjournment**- Meeting adjourned

All in Favor