

Acting Mayor – Gene McCartney
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

Committee of The Whole

April 19, 2022

Agenda

The Tontitown Committee of the Whole meeting is scheduled for **Tuesday April 19, 2022**, 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 **March 15, 2022** 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) New Build Permit Report – James Clark
 - e) Planning Department – Planning
 - f) Tontitown Museum Board – Beverly Cortiana or Katherine Karras
 9. Old Business:
 - A. Discussion of the previously approved Verizon Wireless Tower at 1853 W Henri De Tonti Blvd – Tim
 - B. Discussion of an Ordinance to revise the ward boundaries in the City of Tontitown – Gene
 - C. Discussion of an Ordinance amending section 152.095 Applicability in its entirety of the Tontitown Municipal Code. – Planning Department
 - D. Discussion of a Conditional Use Permit South of Hwy 412 to the west of Pozza Lane with conditions – Planning Department
 10. New Business:
 - A. Discussion of an Ordinance amending section 155.01 Fees in its entirety of the Tontitown Municipal Code. – Planning Department

- B. Discussion of an Ordinance amending section 90.1000.1-90.1000.05 Excavations in its entirety of the Tontitown Municipal Code. – Planning Department**
- C. Discussion of an Ordinance expressing support for individual rights and choice as it relates to vaccines – Tim**
- D. Discussion of a Resolution authorizing the mayor to negotiate and enter into an independent contractor agreement with Danielle Delille for City Event Coordination services – Gene**

- 11. Comments from Council Members**
- 12. Comments from Mayor**
- 13. Comments from Attorney**
- 14. Adjournment**

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Ward 2 Position 1–Arthur Penzo
Ward 2 Position 2–Larry Ardemagni
Ward 3 Position 1–Penny Baskin
Ward 3 Position 2–Tim Burress

Committee of The Whole
March 15, 2022
Minutes

The Tontitown Committee of the Whole meeting is scheduled for **Tuesday March 15, 2022**, 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#
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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 Penny Baskin
Motion Passes Unanimously

5. Approval of **February 15, 2022** COW Minutes

Amber Ibarra motioned to approve the minutes
Second by Penny Baskin

Arthur Penzo voted- ABSTAINED
Tim Burress voted- YES
Larry Ardemagni voted -YES
Amber Ibarra voted- YES
Gene McCartney voted- YES
Penny Baskin voted- YES

Motion Passes

6. Recognition of Garrett Henry

Justin Eichmann read a proclamation on behalf of the Tontitown City Council, for Officer Garrett Henry who went above and beyond the call of duty and selflessly rescued a citizen trapped in a burning vehicle and whereas Officer Henry sustained injuries during the event, but worked relentlessly until the citizen was pulled to safety. The Tontitown City Council wishes to honor and recognize Officer Henry for sacrificing his own life for his community by officially declaring April 10th to be known as "Garrett Henry Day".

Mayor Gene McCartney personally thanked Officer Henry for everything he has done. Also, Arkansas State Representative Robin Lundstrum awarded Officer Henry a "Citation Award" on behalf of the House of Representatives for his courage and bravery. On March 1, 2021, Officer Henry was named "Washington County Officer of the Year" by Attorney General Leslie Rutledge.

7. Monthly Financials-

Reference the city website for detailed report.

8. Comments from Citizens-

George Scott said they are having issues with speeding vehicles and truck traffic on S. Barrington. Mr. Scott has requested that the city change the 40 MPH speed sign to 30 MPH or consider moving the 40 MPH speed sign to another location.

Dennis Boyer said zero progress has been made with Waste Management regarding the gas discharge issue with Eco Vista and any future progress is doubtful. Waste Management decided moved the issue to their Public Relations Firm, and no explanation was given, (this information email will be provided to the council). Mr. Boyer is asking the council to consider voting on a resolution opposing the expansion at the next meeting so it can be forwarded to D.E.Q.. Mr. Boyer has provided a sample resolution for the council to review and possibly use as a working draft. Waste Management promised to provide a list of places in which they operate, where the proximity and density of the homes is similar to here. Waste Management responded in writing that they will now- nor ever provide this promised information. In closing Mr. Boyer asked that the council vote on a resolution opposing the expansion at the council's next meeting.

Mark Calcagni said he visited some landfills and how they use 6 inches of clean dirt as covering and Waste Management does not practice this at our facility. Mr. Calcagni asked that public safety and health be the priority over cost.

Angie Russell researched the smell at other landfills, and said they use a combination of ash and leachate, and they have no problems with vapors or smell. Mrs. Russell said she would setup a tour and would like the council to attend. Also, she asked for state support.

Jamie Morgan said Waste Management has broken city codes and promises and has asked that the council pass a resolution for "NO" future landfill.

9. 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

A short report was presented by Leslee Shadrack who is Tontitown's Administrative Assistant. Leslee substituted for James Clark who is out of the office due to illness.

Reference the city website for detailed report.

d) New Build Permit Report – James Clark

No report.

e) Planning Department – Planning

Kevin Boortz with the Planning Commission apologized to the council because, at the last planning meeting on Feb. 22, 2022, some members did not attend the meeting at all, and another left the meeting after the Public Hearing Section was adjourned and that left the commission without a quorum. So, the commission was forced to stop the meeting. This meeting was rescheduled for March 17, 2022, at 6:00 PM. Steps have been taken so this does not happen again.

f) Tontitown Museum Board – Beverly Cortiana or Katherine Karras

Reference the city website for detailed report.

10. Old Business:

11. New Business:

A. Discussion of an ordinance to amend to section 130.03 in the City Code: Road Spills – Gene/Justin

The council agreed to move this item to the next Committee of the Whole meeting, to allow further review of the ordinance.

Amber Ibarra motioned to move to the next Committee of the Whole meeting

Second by Larry Ardemagni

Motion Passes Unanimously

B. Discussion of a resolution to amend section 3.9 in the City of Tontitown Personnel Handbook: Nepotism – Tim/Justin

The city council members along with the city attorney discussed in detail regarding this resolution.

Reference YouTube for lengthy discussion.

Tim Burress motioned to move this item to the next city council meeting

Second by Amber Ibarra

Motion Passes Unanimously

C. Discussion of an ordinance to revise the ward boundaries in the City of Tontitown – Gene/Justin

Jeff Hawkins with Northwest Arkansas Regional Planning Commission sent the council a statistical evaluation of the city wards, utilizing the 2020 census. According to the Arkansas statutes the city council has a duty and responsibility to see that each ward has nearly an equal population as would best serve the interest of the people of the city. The council is to review all information and contact Jeff Hawkins with any questions or clarification.

Larry Ardemagni motioned to move to the next city council meeting

Second by Penny Baskin

Motion Passes Unanimously

D. Discussion of the Southeastern Cooperative Wildlife Disease Study – Gene

Levi Horrell with wildlife diseases study was present to answer questions and clarify the results of the bird carcasses that were collected back in December 2021 by private citizens, located around Waste Management and the surrounding neighbors. The species of bird was the European Starling, the cause of death was a combination of caffeine and theobromine, this combination methylxanthine compounds is commonly found in chocolate. Below is the detailed report that can be found on the city website under the Committee of the Whole -March 15, 2022, agenda/minutes.

[11D.-SCWDS-Report-W22-00006-1645655843193.pdf](#)

12. Comments from Council Members

The council said that they appreciate everyone coming to tonight's meeting and for bringing the information and giving additional insight. The council congratulated Garrett Henry for his services and the new addition to his family. Also, the council wanted to welcome Steven Sporer to the Tontitown Fire Department.

13. Comments from Mayor

Met with Waste Management about the city contract.

Had a good turnout regarding the communities' input for the new Fire Station, we had a few changes in the footprint and covered most of the bases for the station.

Still in discussion with T.A.F.D. regarding the contract.

Matt Berner from Waste Management reached out to the mayor, and they are working with the Rollins Elementary School, and they are starting a program called bottle caps to benches. This will be a recycling program for plastics such as detergent type plastics. There will be a facility here and a drop off at Waste Management.

There are two additional amendments to the professional service agreement for Weir and that would be the estimating, they do have an estimator that would assist us in the building process to keep us on track. The mayor has requested four different time frames for doing estimates potentially five.

Due to supply chain issues on getting culverts a meeting following this meeting which is our Special City Council Meeting we'll be discussing this issue.

The Air Quality Committee has had some meetings and we are currently looking at purchasing at least one of the hand held unit. The mayor did request two monitors in our meeting with A.D.E.Q. several weeks ago.

During the snowy weather we had five accidents on 112, so our police and fire were very busy. The mayor appreciates these departments and everything they do.

More information on the partial closing of N. Barrington and down to 1 Lane on Arlington Way, so we can start installing the culverts, this will be discussed at the Special Meeting following this meeting.

The city has some job openings for the street, water/sewer, and police departments, applications are available on the city website or call City Hall, also the mayor is considering a job fair.

14. Comments from Attorney

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



City of Tontitown
Financial Snapshot
March 31, 2022

Balance Sheet	2022	2021	% Change from Previous Year
833 Fire Restricted Fund Balance	\$82,029.03	\$64,278.21	\$17,750.82
988 Police Restricted Fund Balance	\$82,411.22	\$45,534.10	\$36,877.12
UnderCover Drug Fund	\$11,836.38	\$0.00	
City General Fund Balance	\$4,570,630.15	\$4,514,295.97	\$56,334.18
<i>City General Bond Restricted Accts</i>	<i>\$ 5,601,904.31</i>		

Water Sewer Fund Balance	\$5,702,663.89	\$4,196,330.70	\$1,506,333.19
<i>Water Sewer Bond Restricted Accts</i>	<i>\$ 8,657,378.69</i>	<i>\$ 1,026,252.93</i>	

Street Fund Balance	\$418,137.83	\$634,001.54	(\$215,863.71)
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Income Expense	2022 Current Month	2022 Year to Date	2021 Budget & % To Budget	2021 Year to Date	Change from Previous Year
833 Fire Restricted Income & Expenses			\$ 15,000		
Income	\$3.48	\$10.11	0.07%	\$15.85	
Expenses			0.00%		
Net Transfers					
Net Change in Fund Balance	\$3.48	\$10.11		\$15.85	(\$5.74)
988 Police Restricted Income & Expenses			\$ 45,000		
Income	\$5,748.48	\$13,055.56	29.01%	\$11,573.12	
Expenses	\$2,020.71	\$15,430.08	34.29%	\$11,326.70	
Net Transfers					
Net Change in Fund Balance	\$3,727.77	(\$2,374.52)		\$246.42	(\$2,620.94)
City General Income & Expenses			\$ 3,647,700		
Income	\$316,046.59	\$1,193,000.48	32.71%	\$902,445.15	
Expenses	\$328,826.74	\$927,331.44	25.42%	\$603,238.95	
Net Transfers	(\$78,422.36)	\$145,929.89		\$1,498.27	
Restricted SUT - 2022A&B SUT	\$143,098.52	\$456,106.49			
Net Change in Fund Balance	\$51,896.01	\$867,705.42		\$300,704.47	\$567,000.95
Operating Income/(Expense)	(\$12,780.15)	\$265,669.04		\$299,206.20	(\$33,537.16)
Water Sewer Income & Expenses			\$ 3,925,000		
Operating Income	\$537,035.91	\$1,126,744.73	28.71%	\$983,600.58	
Operating Expenses	\$219,777.64	\$910,966.23	23.21%	\$854,595.66	
Restricted SUT - UMB 3/4% Bond	\$0.00	\$0.00		\$86,172.54	
Restricted SUT - F&M 3/4% Bond	\$107,323.89	\$348,829.87		\$238,752.85	
Net Transfers	\$782.38	\$2,802,283.13		\$2,407.09	
Net Change in Fund Balance	\$425,364.54	\$3,366,891.50		\$456,337.40	\$2,910,554.10
Net Operating Income/(Expense)	\$317,258.27	\$215,778.50		\$129,004.92	\$86,773.58
Street Income & Expenses			\$ 357,600		
Income	\$40,680.77	\$140,665.32	39.34%	\$86,896.56	
Expenses	\$16,668.18	\$111,735.30	31.25%	\$45,241.09	
Net Transfers					
Net Change in Fund Balance	\$24,012.59	\$28,930.02		\$41,655.47	(\$12,725.45)
Operating Income/(Expense)	\$24,012.59	\$28,930.02		\$41,655.47	\$0.00

See Attached Detail

Act 833 Fund-Fire Restricted
Balance Sheet-Act 833 Fire Restricted
For Period Ending 3/31/2022

	Book Value Mar 2022 Actual	Book Value Mar 2021 Actual
Assets		
Current Assets		
Cash		
7025-833 Fire Fund Restric-DDA	82,029.03	64,278.21
Total Current Assets	\$82,029.03	\$64,278.21
Total Assets	\$82,029.03	\$64,278.21
Fund Balance		
Accumulated Surplus (Deficit)		
Fund Balance	82,029.03	64,278.21
Total Fund Balance	\$82,029.03	\$64,278.21
Total Liabilities and Equity	\$82,029.03	\$64,278.21

Act 833 Fund-Fire Restricted
Act 833 Fire

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-
		Mar 2022	Jan 2022		Dec 2022	Date
		Mar 2022	Mar 2022	Jan 2022	Percent of	Jan 2021
		Actual	Actual	Dec 2022	Budget	Mar 2021
						Actual
Revenue & Expenditures						
Revenue						
4552	Act 833 Fund-Fire Restricted		0.00	15,000.00	0.00%	
4650	Interest Income	3.48	10.11	0.00	0.00%	15.85
	Revenue	\$3.48	\$10.11	\$15,000.00		\$15.85
	Gross Profit	\$3.48	\$10.11	\$15,000.00		\$15.85
	Revenue Less Expenditures	\$3.48	\$10.11	\$15,000.00		\$15.85
Other Expenses						
5998	Transfer Out		0.00	15,000.00	0.00%	
	Other Expenses		\$0.00	\$15,000.00		
	Net Change in Fund Balance	\$3.48	\$10.11	\$0.00		\$15.85
Fund Balances						
	Beginning Fund Balance	82,025.55	82,018.92	0.00	0.00%	64,262.36
	Net Change in Fund Balance	3.48	10.11	0.00	0.00%	15.85
	Ending Fund Balance	82,029.03	82,029.03	0.00	0.00%	64,278.21

Report Options

Fund: Act 833 Fund-Fire Restricted
 Period: 3/1/2022 to 3/31/2022
 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 3/31/2022

	Book Value Mar 2022 Actual	Book Value Mar 2021 Actual
Assets		
Current Assets		
Cash		
7033-988 Police Fund-DDA	82,411.22	45,534.10
Total Current Assets	\$82,411.22	\$45,534.10
Total Assets	\$82,411.22	\$45,534.10
Fund Balance		
Accumulated Surplus (Deficit)		
Fund Balance	82,411.22	45,534.10
Total Fund Balance	\$82,411.22	\$45,534.10
Total Liabilities and Equity	\$82,411.22	\$45,534.10

Act 988 Fund-Police Restricted
Statement of Revenue and Expenditures

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-
		Mar 2022	Jan 2022		Dec 2022	Date
		Mar 2022	Mar 2022	Jan 2022	Percent of	Jan 2021
		Actual	Actual	Dec 2022	Budget	Mar 2021
						Actual
Revenue & Expenditures						
Revenue						
4550	Act 988 Fund-Police Restricted	5,745.00	13,045.00	45,000.00	28.99%	11,561.89
4650	Interest Income	3.48	10.56	0.00	0.00%	11.23
	Revenue	\$5,748.48	\$13,055.56	\$45,000.00		\$11,573.12
	Gross Profit	\$5,748.48	\$13,055.56	\$45,000.00		\$11,573.12
Expenses						
5025	Automobile Expense	2,020.71	15,430.08	25,000.00	61.72%	11,326.70
	Expenses	\$2,020.71	\$15,430.08	\$25,000.00		\$11,326.70
	Revenue Less Expenditures	\$3,727.77	(\$2,374.52)	\$20,000.00		\$246.42
Other Expenses						
5998	Transfer Out		0.00	20,000.00	0.00%	
	Other Expenses		\$0.00	\$20,000.00		
	Net Change in Fund Balance	\$3,727.77	(\$2,374.52)	\$0.00		\$246.42
Fund Balances						
	Beginning Fund Balance	78,683.45	84,785.74	0.00	0.00%	45,287.68
	Net Change in Fund Balance	3,727.77	(2,374.52)	0.00	0.00%	246.42
	Ending Fund Balance	82,411.22	82,411.22	0.00	0.00%	45,534.10

Undercover Drug Fund
Balance Sheet-Undercover Drug Fund
For Period Ending 3/31/2022

	Book Value Mar 2022 Actual	Book Value Mar 2021 Actual
Assets		
Current Assets		
Cash		
6476-Undercover Drug Fund-DDA	11,836.38	0.00
Total Current Assets	\$11,836.38	\$0.00
Total Assets	\$11,836.38	\$0.00
Fund Balance		
Accumulated Surplus (Deficit)		
Fund Balance	11,836.38	0.00
Total Fund Balance	\$11,836.38	\$0.00
Total Liabilities and Equity	\$11,836.38	\$0.00

Undercover Drug Fund Statement of Revenue and Expenditures

Account Number	Current Period Mar 2022 Mar 2022 Actual	Year-To-Date Jan 2022 Mar 2022 Actual	Annual Budget Jan 2022 Dec 2022	Jan 2022 Dec 2022 Percent of Budget	Prior Year-To- Date Jan 2021 Mar 2021 Actual
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Fund Balances

Beginning Fund Bal	11,836.38	11,836.38		0.00%
Net Change in Fun	0.00	0.00		0.00%
Ending Fund Balanc	11,836.38	11,836.38		0.00%

Report Options

Fund: Undercover Drug Fund

Period: 3/1/2022 to 3/31/2022

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 3/31/2022

Account Number		Book Value Mar 2022 Actual	Book Value Mar 2021 Actual
Assets			
Current Assets			
Cash			
1010	0170-City Gen Operating-DDA	273,613.85	211,338.77
1014	2136-City ARPA Fund-GSB-MMS	379,210.99	0.00
1015	6476-Undercover Drug Fund-DDA	0.00	4,459.00
1012	7469-City Museum Sav	248,540.20	239,318.25
1004	7598-Parks and Trails Dev MMS	120,400.24	30,497.46
1003	7882-General - MMS	3,548,864.87	4,028,682.49
1035	RC--5961-2022A&B Revenue fund	0.23	0.00
1037	RC-5962-2022A&B Bond Fund	194,514.43	0.00
1045	RC-5964-2022A&B Debt Service	416,537.20	0.00
1046	RC-5965-2022A Fire Constr Fund	4,990,852.45	0.00
	Total Current Assets	\$10,172,534.46	\$4,514,295.97
	Total Assets	\$10,172,534.46	\$4,514,295.97
Liabilities			
Long Term Liabilities			
Long Term Debt			
2610	2022A-SUT-Fire Constr Fund	4,990,702.43	0.00
	Total Long Term Liabilities	\$4,990,702.43	\$0.00
	Total Liabilities	\$4,990,702.43	\$0.00
Fund Balance			
Accumulated Surplus (Deficit)			
3000	Fund Balance	5,181,832.03	4,514,295.97
	Total Fund Balance	\$5,181,832.03	\$4,514,295.97
	Total Liabilities and Equity	\$10,172,534.46	\$4,514,295.97

City of Tontitown
General Fund
Statement of Revenue and Expenditures

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-Date	
	Mar 2022	Jan 2022	Jan 2022	Dec 2022	Jan 2021	
	Mar 2022 Actual	Mar 2022 Actual	Jan 2022 Dec 2022	Percent of Budget	Mar 2021 Actual	
Revenue & Expenditures						
Revenue						
General Dept						
4995	2022A&B Bond Cost of Issue	79,002.08	0.00	0.0%		
4363	Bocce Sponsor & Entry Fee	0.00	500.00	0.0%		
4040	Business License	620.00	645.00	25,000.00	2.6%	295.00
4057	Convenience Fee Income	249.47	524.36	1,500.00	35.0%	346.21
4086	Farmers Market-Grant & Donati	0.00	0.00	0.0%	800.00	
4586	Fire Donations	0.00	1,000.00	1,000.00	100.0%	1,000.00
4085	Fire-Grant	554.30	4,145.82	0.00	0.0%	
4000	Franchise Tax Income	12,858.44	175,861.91	200,000.00	87.9%	131,591.86
4081	Grant Income	0.00	0.00	72,400.00	0.0%	
4010	Hosting Fees	0.00	90,164.68	300,000.00	30.1%	87,452.19
4595	Insurance Claims	0.00	0.00	0.00	0.0%	26,008.00
4650	Interest Income	432.71	1,242.49	3,000.00	41.4%	2,654.74
4651	Interest Income 2022A&B	109.79	165.50	0.00	0.0%	
4020	Miscellaneous Income	0.00	0.00	500.00	0.0%	11.55
4100	Museum Income	2,607.00	6,517.00	5,000.00	130.3%	813.75
4185	Park and Trail Development	0.00	0.00	30,000.00	0.0%	14,000.00
4180	Park Income	305.00	320.00	2,500.00	12.8%	755.00
4200	Permits-Income	93,995.60	161,456.14	505,000.00	32.0%	127,376.85
4542	Police Donations	5,000.00	6,000.00	6,000.00	100.0%	4,000.00
4080	Police Grant	4,398.73	6,862.25	15,000.00	45.7%	3,965.83
4540	Police Income	22,885.50	70,307.93	300,000.00	23.4%	94,912.71
4560	Property Tax	3,825.13	38,937.05	600,000.00	6.5%	55,250.74
4570	Sales Tax- County SUT	78,197.54	254,047.68	555,000.00	45.8%	151,019.46
4580	Sales Tax-City SUT 2005 Series	85,859.11	279,063.89	992,300.00	28.1%	191,002.26
4645	State Turnback-Cty & Muni A	4,148.27	16,736.70	33,000.00	50.7%	9,189.00
	General Dept Totals	\$316,046.59	\$1,193,000.48	\$3,647,700.00		\$902,445.15
	Revenue	\$316,046.59	\$1,193,000.48	\$3,647,700.00		\$902,445.15
	Gross Profit	\$316,046.59	\$1,193,000.48	\$3,647,700.00		\$902,445.15

Expenses

Administration

5030	Bank Service Charges	127.19	435.14	2,000.00	21.8%	373.32
5351	Bond Trustee Fees	0.00	5,250.00	0.00	0.0%	

City of Tontitown
General Fund
Statement of Revenue and Expenditures

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-Date	
	Mar 2022	Jan 2022	Jan 2022	Dec 2022	Jan 2021	
	Mar 2022 Actual	Mar 2022 Actual	Jan 2022 Dec 2022	Percent of Budget	Mar 2021 Actual	
Revenue & Expenditures						
Expenses						
Administration						
5281	Building Repairs		105.80	10,000.00	1.1%	
5035	Computer Software & Support	5.60	3,079.48	7,500.00	41.1%	2,921.13
5591	Contract-Central EMS		5,370.75	55,000.00	9.8%	5,186.00
5590	Contracts	24,452.81	36,069.95	25,000.00	144.3%	6,362.84
5040	Dues and Subscriptions	2,978.57	10,621.81	17,500.00	60.7%	7,488.39
5370	Engineering	7,411.25	15,954.50	50,000.00	31.9%	
5470	Equipment Repairs		4,818.17	0.00	0.0%	
5050	Fixed Assets Purchases		5,783.88	50,000.00	11.6%	
5047	Fuel		263.61	500.00	52.7%	
5150	Insurance, Vehicles & Property		0.00	8,000.00	0.0%	
5380	Legal Fees	5,295.68	14,944.86	100,000.00	14.9%	16,860.74
5060	Materials and Supplies	33.70	618.61	200.00	309.3%	
5341	Meetings Training and Travel		0.00	1,500.00	0.0%	
5340	Miscellaneous Expense		0.00	500.00	0.0%	1,230.17
5090	Office Expenses	955.26	4,158.61	7,500.00	55.4%	648.66
5630	Payroll w/Benefits	10,073.34	30,621.48	287,000.00	10.7%	28,687.19
5629	Payroll-Elected Officials	10,723.24	27,307.31	156,250.00	17.5%	26,294.15
5633	Payroll-Municipal Workers		121.73	1,000.00	12.2%	279.04
5350	Professional Fees		78,203.08	5,000.00	1,564.1%	3,960.00
5420	Repairs & Maintenance	2,460.18	6,582.82	20,000.00	32.9%	
5597	Uniform Expense	133.73	379.79	0.00	0.0%	
5500	Utilities	1,970.55	6,640.51	15,000.00	44.3%	4,055.00
	Administration Totals	\$66,621.10	\$257,331.89	\$819,450.00		\$104,346.63
Building Dept						
5590	Contracts		0.00	0.00	0.0%	1,587.86
5047	Fuel		0.00	0.00	0.0%	504.25
5060	Materials and Supplies		0.00	0.00	0.0%	903.20
5090	Office Expenses		0.00	0.00	0.0%	31.44
5630	Payroll w/Benefits		0.00	0.00	0.0%	16,734.60
5170	Taxes-Construction Surcharge		0.00	0.00	0.0%	545.00
5500	Utilities		0.00	0.00	0.0%	83.97
	Building Dept Totals		\$0.00	\$0.00		\$2,391.32

City of Tontitown
General Fund
Statement of Revenue and Expenditures

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-Date	
	Mar 2022	Jan 2022	Jan 2022	Dec 2022	Jan 2021	
	Mar 2022 Actual	Mar 2022 Actual	Dec 2022	Percent of Budget	Mar 2021 Actual	
Revenue & Expenditures						
Expenses						
Community Dev						
5025	Automobile Expense		854.00	1,500.00	56.9%	
5035	Computer Software & Support	45.00	2,586.36	9,000.00	28.7%	1,172.58
5590	Contracts		1,503.72	7,500.00	20.0%	793.91
5040	Dues and Subscriptions		447.09	12,000.00	3.7%	
5370	Engineering	7,414.75	26,338.56	50,000.00	52.7%	2,072.00
5047	Fuel	232.91	693.45	5,000.00	13.9%	
5150	Insurance, Vehicles & Property		0.00	1,000.00	0.0%	
5380	Legal Fees		0.00	1,000.00	0.0%	
5060	Materials and Supplies		0.00	5,000.00	0.0%	
5341	Meetings Training and Travel	65.00	65.00	5,000.00	1.3%	
5090	Office Expenses	219.77	331.91	3,000.00	11.1%	364.98
5630	Payroll w/Benefits	16,998.82	48,843.74	216,000.00	22.6%	17,528.39
5633	Payroll-Municipal Workers		243.30	1,000.00	24.3%	
5634	Payroll-Planning	973.35	3,568.95	26,500.00	13.5%	4,101.20
5110	Printing and Reproduction		1,278.18	0.00	0.0%	
5170	Taxes-Construction Surcharge	2,520.23	3,343.38	7,500.00	44.6%	
5597	Uniform Expense		332.64	1,000.00	33.3%	
5500	Utilities	156.94	606.26	2,500.00	24.3%	42.48
	Community Dev Totals	\$28,626.77	\$91,036.54	\$354,500.00		\$26,075.54
Fire Dept						
5025	Automobile Expense	155.94	614.33	7,000.00	8.8%	5,330.29
5035	Computer Software & Support		2,353.00	3,500.00	67.2%	
5590	Contracts		1,503.72	5,000.00	30.1%	1,057.84
5592	Contract-TAFD	16,746.66	50,239.98	215,000.00	23.4%	50,239.98
5040	Dues and Subscriptions	130.39	255.39	5,500.00	4.6%	878.69
5050	Fixed Assets Purchases		0.00	50,000.00	0.0%	8,421.00
5047	Fuel	335.00	1,213.03	6,500.00	18.7%	635.61
5150	Insurance, Vehicles & Property		0.00	7,500.00	0.0%	
5060	Materials and Supplies	1,096.75	1,298.67	10,000.00	13.0%	513.79
5341	Meetings Training and Travel		0.00	3,000.00	0.0%	150.00
5090	Office Expenses	64.22	649.87	1,600.00	40.6%	158.77
5630	Payroll w/Benefits	18,997.66	45,882.59	317,500.00	14.5%	32,714.33

31%

City of Tontitown
General Fund
Statement of Revenue and Expenditures

Acct	Current Period		Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-Date
	Mar 2022	Mar 2022	Jan 2022	Jan 2022	Dec 2022	Jan 2021
	Actual	Actual	Actual	Dec 2022	Percent of Budget	Mar 2021 Actual
Revenue & Expenditures						
Expenses						
Fire Dept						
5633	Payroll-Municipal Workers		6,138.00	7,500.00	81.8%	1,953.28
5350	Professional Fees	794.00	794.00	0.00	0.0%	
5420	Repairs & Maintenance	50.00	468.15	3,500.00	13.4%	1,092.84
5530	Tools and Equipment		0.00	15,000.00	0.0%	
5597	Uniform Expense	893.86	962.16	4,500.00	21.4%	122.54
5500	Utilities	506.21	2,434.50	7,500.00	32.5%	2,076.36
	Fire Dept Totals	\$39,770.69	\$114,807.39	\$670,100.00		\$105,345.32
Museum Dept						
5035	Computer Software & Support		0.00	900.00	0.0%	508.93
5590	Contracts		501.24	2,500.00	20.0%	793.91
5040	Dues and Subscriptions		163.00	1,500.00	10.9%	403.16
5150	Insurance, Vehicles & Property		0.00	250.00	0.0%	
5060	Materials and Supplies		0.00	1,000.00	0.0%	
5341	Meetings Training and Travel		0.00	1,000.00	0.0%	85.00
5090	Office Expenses	157.20	324.11	1,000.00	32.4%	(2.38)
5630	Payroll w/Benefits	861.43	2,204.66	10,000.00	22.0%	1,908.55
5633	Payroll-Municipal Workers		24.33	0.00	0.0%	
5110	Printing and Reproduction	376.31	397.19	1,500.00	26.5%	438.48
5420	Repairs & Maintenance		0.00	1,000.00	0.0%	
5500	Utilities	171.29	583.29	1,500.00	38.9%	475.48
	Museum Dept Totals	\$1,566.23	\$4,197.82	\$22,150.00		\$4,611.13
Park Dept						
5095	Bocce Tournament Expense		0.00	1,000.00	0.0%	
5370	Engineering		0.00	15,000.00	0.0%	
5470	Equipment Repairs		0.00	2,000.00	0.0%	1,560.82
5043	Farmer Market Expense	200.00	200.00	2,500.00	8.0%	
5050	Fixed Assets Purchases		0.00	50,000.00	0.0%	10,403.82
5047	Fuel	49.65	136.07	1,000.00	13.6%	38.11
5150	Insurance, Vehicles & Property		0.00	2,500.00	0.0%	
5060	Materials and Supplies		253.65	5,000.00	5.1%	480.85
5340	Miscellaneous Expense		0.00	1,000.00	0.0%	440.98
5090	Office Expenses		0.00	500.00	0.0%	

City of Tontitown
General Fund
Statement of Revenue and Expenditures

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-Date
		Mar 2022	Jan 2022	Jan 2022	Dec 2022	Jan 2021
		Mar 2022 Actual	Mar 2022 Actual	Jan 2022 Dec 2022	Percent of Budget	Mar 2021 Actual
Revenue & Expenditures						
Expenses						
Park Dept						
5073	Park Grant Expense		0.00	0.00	0.0%	6,800.00
5630	Payroll w/Benefits	2,554.26	7,741.98	38,500.00	20.1%	5,682.05
5633	Payroll-Municipal Workers		480.00	0.00	0.0%	
5420	Repairs & Maintenance		0.00	10,000.00	0.0%	334.15
5500	Utilities	268.10	1,159.62	4,000.00	29.0%	1,318.43
	Park Dept Totals	\$3,072.01	\$9,971.32	\$133,000.00		\$27,059.21
Police Dept						
5020	Animal Sheltering	(180.00)	(180.00)	0.00	0.0%	
5025	Automobile Expense	12,848.04	29,025.45	55,000.00	52.8%	13,372.20
5035	Computer Software & Support		0.00	5,000.00	0.0%	3,337.41
5590	Contracts		3,130.92	25,000.00	12.5%	4,662.06
5027	Court Clerk Expense		65,770.69	45,000.00	146.2%	22,935.70
5040	Dues and Subscriptions	1,753.27	3,901.76	25,000.00	15.6%	5,436.83
5050	Fixed Assets Purchases	74,210.00	74,210.00	200,000.00	37.1%	78,144.00
5047	Fuel	4,728.97	13,892.86	55,000.00	25.3%	10,255.43
5150	Insurance, Vehicles & Property		1,098.71	10,000.00	11.0%	1,472.04
5380	Legal Fees	1,400.00	4,000.00	15,000.00	26.7%	3,600.00
5060	Materials and Supplies	1,236.48	1,834.70	10,000.00	18.3%	685.57
5341	Meetings Training and Travel	885.24	1,955.24	8,000.00	24.4%	590.00
5090	Office Expenses	239.48	1,393.63	3,500.00	39.8%	255.52
5630	Payroll w/Benefits	82,102.25	224,134.70	1,120,000.00	20.0%	156,339.18
5633	Payroll-Municipal Workers		8,340.64	15,000.00	55.6%	6,557.44
5350	Professional Fees	425.00	605.00	0.00	0.0%	
5420	Repairs & Maintenance		2,978.36	0.00	0.0%	
5597	Uniform Expense	7,440.00	7,752.46	20,000.00	38.8%	2,091.17
5500	Utilities	2,081.21	6,141.36	25,000.00	24.6%	1,121.05
5562	Washington County Inmates		0.00	12,000.00	0.0%	4,555.20
	Police Dept Totals	\$189,169.94	\$449,986.48	\$1,648,500.00		\$315,410.80
	Expenses	\$328,826.74	\$927,331.44	\$3,647,700.00		\$603,238.95
	Revenue Less Expenditures	(\$12,780.15)	\$265,669.04	\$0.00		\$299,206.20

City of Tontitown
General Fund
Statement of Revenue and Expenditures

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-Date
	Mar 2022	Jan 2022		Dec 2022	Jan 2021
	Mar 2022 Actual	Mar 2022 Actual	Jan 2022 Dec 2022	Percent of Budget	Mar 2021 Actual
Revenue & Expenditures					
Other Revenue					
General Dept					
4599	2022A&B Sales Tax	143,098.52	465,106.49	0.00	0.0%
4990	Transfer In	464,676.16	4,012,384.52	0.00	0.0%
	General Dept Totals	\$607,774.68	\$4,477,491.01	\$0.00	\$360,123.27
	Other Revenue	\$607,774.68	\$4,477,491.01	\$0.00	\$360,123.27
Other Expenses					
Administration					
5998	Transfer Out	543,098.52	3,866,454.63	0.00	0.0%
	Administration Totals	\$543,098.52	\$3,866,454.63	\$0.00	\$358,625.00
	Other Expenses	\$543,098.52	\$3,866,454.63	\$0.00	\$358,625.00
	Net Change in Fund Balance	\$51,896.01	\$876,705.42	\$0.00	\$300,704.47
Fund Balances					
	Beginning Fund Balance	5,129,936.02	4,305,126.61	0.00	0.0%
	Net Change in Fund Balance	51,896.01	876,705.42	0.00	0.0%
	Ending Fund Balance	5,181,832.03	5,181,832.03	0.00	0.0%

City of Tontitown
Balance Sheet - Water/Sewer Fund
For Period Ending 3/31/2022

Acct #	Acct	Book Value Mar 2022 Actual	Book Value Mar 2021 Actual
Assets			
Current Assets			
1050	0605-Water Meter Deposit-DDA	121,604.31	111,174.11
1040	0613-Water Depreciation-MMS	375,655.61	334,224.32
1030	0621-W&S Tap-Cap Impr-MMS	1,109,621.29	580,866.94
1081	1081 Cash in Transit-SoftWater	1,052.16	1,157.66
1080	5484-Water Oper Fund-DDA	305,893.32	434,128.14
1070	5492-W/S Excess Funds DDA+	3,428,038.47	2,374,480.90
1095	7122-Water NACA Restricted-DDA	360,798.73	360,298.63
1021	RC-141831.1-UMB-Principal Acct	0.00	115,115.94
1022	RC-141831.2-UMB-Reserve Acct	0.00	171,483.78
1023	RC-141831.4-UMB-Bond Acct	0.00	18,000.00
1024	RC-141831.6-UMB Interest Acct	0.00	56,914.34
1027	RC-5698-Regions Bond Fund	6,663.50	7,162.83
1048	RC-5966-2022B Water Constr Fun	3,912,223.04	0.00
1049	RC-5967-2022B Sewer Constructi	3,971,228.02	0.00
1044	RC-6521-Grand Savings MMS	202,449.84	202,027.40
1028	RC-8513-3-01-F&M AR SUT Bd Fd	350,887.37	241,636.03
1029	RC-8514-3-01-F&M-AR Debt Serv	213,926.92	213,912.61
	Total Current Assets	\$14,360,042.58	\$5,222,583.63
Fixed Assets			
1510	GIS System	284,099.11	284,099.11
1520	Vehicles	135,479.75	135,479.75
1800	Accumulated Depreciation	(6,149,112.66)	(6,149,112.66)
	Total Fixed Assets	(\$5,729,533.80)	(\$5,729,533.80)
Other Assets			
1200	Accounts Receivable	207,294.14	207,294.14
1581	Buildings & Improvements	572,604.18	572,604.18
1762	CIP-412 Bypass Sewerline	(393,938.00)	(393,938.00)
1767	CIP-Water Tank	84,054.82	84,054.82
1400	Inventory	66,789.29	66,789.29
1505	Land	361,913.73	361,913.73
1530	Machinery & Equipment	(27,348.72)	(27,348.72)
1534	Machinery & Equipment	336,925.19	336,925.19
1515	Office Furniture & Equipment	64,648.57	64,648.57
1301	Prepaid Expenses	11,861.10	11,861.10
1150	Sales Tax Receivable	240,220.85	240,220.85
1601	Water & Sewer Systems	26,358,236.62	26,358,236.62
	Total Other Assets	\$27,883,261.77	\$27,883,261.77
	Total Assets	\$36,513,770.55	\$27,376,311.60
Liabilities			
Current Liabilities			
2000	Accounts Payable	88,972.77	88,972.77
2410	Accrued Bond Interest Payable	73,993.66	73,993.66
2089	Arkansas Health Fee Payable	4,326.31	4,077.76
2045	Franchise Tax Payable	933.68	831.60
2490	Meter Deposits	127,119.44	107,411.89
2040	Sales Tax Payable	3,469.48	(2,048.21)
2540	Water Revenue Bond Region #31-	102,012.00	102,012.00
	Total Current Liabilities	\$400,827.34	\$375,251.47

City of Tontitown
Balance Sheet - Water/Sewer Fund
For Period Ending 3/31/2022

Acct #	Acct	Book Value Mar 2022 Actual	Book Value Mar 2021 Actual
Long Term Liabilities			
2614	2022B-SUT-Sewer Construction	3,971,102.95	0.00
2612	2022B-SUT-Water Construction	3,912,100.79	0.00
2602	Grand Sav Bk-Trans Line Loan	550,000.00	750,000.00
2550	Sales Use Tax Bond 2017 (F&M)	5,215,000.00	6,230,000.00
2605	USDA RD Loan 91-01 Water Tower	1,272,797.21	1,272,797.21
2606	USDA RD Loan 91-02 Water Tower	694,478.81	694,478.81
2525	Bond Refunding Series 2013	0.00	3,270,000.00
2141	Current Portion of LTD	(494,200.00)	(494,200.00)
2142	Current Portion of LTD	494,200.00	494,200.00
	Total Long Term Liabilities	\$15,615,479.76	\$12,217,276.02
	Total Liabilities	\$16,016,307.10	\$12,592,527.49
Fund Balance			
3085	Invested in Capital Assets	11,595,437.00	11,595,437.00
3065	Reserved for bond retirement	563,995.60	563,995.60
3000	Fund Balance	8,338,030.85	2,624,351.51
	Total Fund Balance	\$20,497,463.45	\$14,783,784.11
	Total Liabilities and Equity	\$36,513,770.55	\$27,376,311.60

City of Tontitown

Water / Sewer Fund

Statement of Revenue and Expenditures

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-
		Mar 2022	Jan 2022		Dec 2022	Date
		Mar 2022	Mar 2022	Jan 2022	Percent of	Jan 2021
		Actual	Actual	Dec 2022	Budget	Mar 2021
						Actual
Revenue & Expenditures						
Revenue						
Sewer Dept						
4650	Interest Income		8.86	0.00	0.0%	19.30
4651	Interest Income 2022A&B	83.38	125.07	0.00	0.0%	
4591	Sales Tax-1999 Umb Excess		0.00	433,000.00	0.0%	232,164.58
4051	Sewer Sales	71,987.13	187,048.39	760,000.00	24.6%	160,709.05
4069	Sewer Tapping Fees	25,500.00	45,000.00	200,000.00	22.5%	31,000.00
4032	Waste Management Sewer	25,986.79	45,798.40	275,000.00	16.7%	63,316.72
	Sewer Dept Totals	\$123,557.30	\$277,980.72	\$1,668,000.00		\$487,209.65
Solid Waste Dept						
4053	Billing & Meter Fee Income	998.45	2,711.99	7,500.00	36.2%	2,494.69
4055	Recycling Fee Income	1,334.47	3,697.58	12,500.00	29.6%	3,267.70
4031	Sanitation SW Billing	21,996.34	59,348.11	275,000.00	21.6%	53,054.60
4056	Yellow Bag Sales	419.85	958.85	0.00	0.0%	937.77
	Solid Waste Dept Totals	\$24,749.11	\$66,716.53	\$295,000.00		\$59,754.76
Water Dept						
4053	Billing & Meter Fee Income	3,305.62	9,154.90	30,000.00	30.5%	8,440.82
4057	Convenience Fee Income	183.94	446.79	3,000.00	14.9%	715.73
4650	Interest Income	507.38	1,467.61	7,500.00	19.6%	3,563.45
4651	Interest Income 2022A&B	81.50	122.25	0.00	0.0%	
4052	Late Fee Income	157.36	2,955.17	25,000.00	11.8%	8,247.25
4020	Miscellaneous Income		0.00	500.00	0.0%	
4060	Overpayment of Water Sales	3,623.16	10,444.39	35,000.00	29.8%	10,147.76
4058	Reconnection Fee	50.00	156.77	2,000.00	7.8%	661.57
4299	Returned Checks Fees	31.00	397.61	1,000.00	39.8%	214.05
4594	Sales Tax-2022A&B Excess	176,818.71	271,078.01	0.00	0.0%	
4580	Sales Tax-City SUT 2005 Series	42,929.56	139,531.95	458,000.00	30.5%	95,501.14
4050	Water Sales	100,391.27	247,442.03	1,200,000.00	20.6%	238,844.40
4064	Water Tapping Fees	60,650.00	98,850.00	200,000.00	49.4%	70,300.00
	Water Dept Totals	\$388,729.50	\$782,047.48	\$1,962,000.00		\$436,636.17
	Revenue	\$537,035.91	\$1,126,744.73	\$3,925,000.00		\$983,600.58
	Gross Profit	\$537,035.91	\$1,126,744.73	\$3,925,000.00		\$983,600.58

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

Acct	Current Period		Year-To-Date		Jan 2022	Prior Year-To-
	Mar 2022	Mar 2022	Jan 2022	Annual Budget	Dec 2022	Date
	Mar 2022	Mar 2022	Mar 2022	Jan 2022	Percent of	Jan 2021
	Actual	Actual	Actual	Dec 2022	Budget	Mar 2021
Revenue & Expenditures						
Expenses						
Sewer Dept						
5022	Audit Expense		2,500.00	4,500.00	55.6%	
5025	Automobile Expense	25.00	923.38	2,500.00	36.9%	109.94
5351	Bond Trustee Fees		2,500.00	0.00	0.0%	
5281	Building Repairs		0.00	1,500.00	0.0%	
5035	Computer Software & Support		0.00	1,500.00	0.0%	45.68
5590	Contracts		1,938.49	7,500.00	25.8%	1,785.77
5040	Dues and Subscriptions	1,195.12	1,290.08	3,500.00	36.9%	717.75
5370	Engineering		106,226.25	150,000.00	70.8%	29,766.56
5470	Equipment Repairs	417.68	1,639.32	7,500.00	21.9%	1,617.96
5050	Fixed Assets Purchases		0.00	225,000.00	0.0%	9,479.59
5047	Fuel	512.90	1,769.02	7,500.00	23.6%	1,333.63
5150	Insurance, Vehicles & Property		0.00	5,000.00	0.0%	106.55
5650	Interest Expense Bonds		31,940.99	0.00	0.0%	
5441	Laboratory Testing		720.00	4,500.00	16.0%	1,240.00
5380	Legal Fees		0.00	2,500.00	0.0%	
5285	Locate Service	96.90	387.59	2,000.00	19.4%	313.50
5060	Materials and Supplies	4,972.50	5,705.64	15,000.00	38.0%	1,124.24
5341	Meetings Training and Travel		0.00	1,000.00	0.0%	
5090	Office Expenses		373.91	1,000.00	37.4%	
5630	Payroll w/Benefits	8,318.20	29,318.41	250,000.00	11.7%	39,830.01
5633	Payroll-Municipal Workers		2,091.55	5,000.00	41.8%	2,023.04
5110	Printing and Reproduction		0.00	1,000.00	0.0%	
5350	Professional Fees		0.00	10,000.00	0.0%	
5202	Scada		1,061.94	10,000.00	10.6%	
5011	Sewer Service Purchase	102,734.88	287,697.13	1,000,000.00	28.8%	247,415.95
5283	Sewer System Repairs		0.00	50,000.00	0.0%	19,188.34
5530	Tools and Equipment		412.67	2,500.00	16.5%	
5597	Uniform Expense	149.67	360.86	1,500.00	24.1%	
5500	Utilities	2,719.52	7,205.48	30,000.00	24.0%	6,284.65
5536	Water and Sewer Billing	2,000.00	4,000.00	9,000.00	44.4%	2,000.00
	Sewer Dept Totals	\$123,142.37	\$496,362.71	\$1,811,800.00		\$564,383.16

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

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-
		Mar 2022	Jan 2022		Dec 2022	Date
		Mar 2022	Mar 2022	Jan 2022	Percent of	Jan 2021
		Actual	Actual	Dec 2022	Budget	Mar 2021
						Actual
Revenue & Expenditures						
Expenses						
Water Dept						
5110	Printing and Reproduction		0.00	1,000.00	0.0%	
5350	Professional Fees		6,500.00	12,000.00	54.2%	
5202	Scada		1,061.96	15,000.00	7.1%	7,031.49
5530	Tools and Equipment		412.69	2,500.00	16.5%	
5597	Uniform Expense	149.68	928.90	1,500.00	61.9%	
5525	USDA Loan Service	5,881.00	11,762.00	75,000.00	15.7%	17,643.00
5500	Utilities	4,564.48	10,426.85	45,000.00	23.2%	10,577.88
5536	Water and Sewer Billing	2,000.00	4,000.00	9,000.00	44.4%	2,000.00
5010	Water Purchases	38,817.31	114,817.28	550,000.00	20.9%	82,937.80
5284	Water System Repairs		0.00	25,000.00	0.0%	398.70
	Water Dept Totals	\$71,621.55	\$348,727.73	\$1,835,000.00		\$430,663.26
	Expenses	\$219,777.64	\$910,966.23	\$3,925,000.00		\$854,595.66
	Revenue Less Expenditures	\$317,258.27	\$215,778.50	\$0.00		\$129,004.92
Other Revenue						
Sewer Dept						
4593	Sales Tax-1999 UMB 3/4% Rest		0.00	0.00	0.0%	86,172.54
4990	Transfer In		2,800,516.19	0.00	0.0%	
	Sewer Dept Totals		\$2,800,516.19	\$0.00		\$86,172.54
Water Dept						
4588	Sales Tax-2017-F & M Restrict	107,323.89	348,829.87	0.00	0.0%	238,752.85
4990	Transfer In	309,125.12	314,757.34	0.00	0.0%	211,455.54
	Water Dept Totals	\$416,449.01	\$663,587.21	\$0.00		\$450,208.39
	Other Revenue	\$416,449.01	\$3,464,103.40	\$0.00		\$536,380.93
Other Expenses						
Water Dept						
5998	Transfer Out	308,342.74	312,990.40	0.00	0.0%	209,048.45
	Water Dept Totals	\$308,342.74	\$312,990.40	\$0.00		\$209,048.45
	Other Expenses	\$308,342.74	\$312,990.40	\$0.00		\$209,048.45
	Net Change in Fund Balance	\$425,364.54	\$3,366,891.50	\$0.00		\$456,337.40

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

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-
		Mar 2022	Jan 2022		Dec 2022	Date
		Mar 2022	Mar 2022		Jan 2022	Jan 2021
		Actual	Actual	Dec 2022	Percent of Budget	Mar 2021
Revenue & Expenditures						
Expenses						
Solid Waste Dept						
5040	Dues and Subscriptions	537.63	1,075.26	1,500.00	71.7%	615.00
5012	Sanitation Expense-WMgmt	24,476.09	71,100.53	275,000.00	25.9%	58,934.24
5675	Yellow Bag Purchases		0.00	2,500.00	0.0%	
	Solid Waste Dept Totals	\$25,013.72	\$72,175.79	\$279,000.00		\$59,549.24
Water Dept						
5022	Audit Expense		2,500.00	4,500.00	55.6%	
5025	Automobile Expense	24.99	778.51	2,500.00	31.1%	195.99
5030	Bank Service Charges	122.95	557.31	3,000.00	18.6%	607.18
5201	Bond Expense-Grand Savings B		12,060.82	55,000.00	21.9%	16,059.25
5199	Bond Expense-Regions		500.00	20,000.00	2.5%	500.00
5200	Bond Interest Expense-F&M		97,484.40	200,000.00	48.7%	109,648.88
5351	Bond Trustee Fees		2,280.50	6,000.00	38.0%	
5281	Building Repairs		0.00	2,500.00	0.0%	
5035	Computer Software & Support		0.00	2,500.00	0.0%	150.68
5590	Contracts		1,938.49	7,500.00	25.8%	1,785.81
5040	Dues and Subscriptions	1,195.13	3,466.76	7,500.00	46.2%	2,775.12
5370	Engineering		15,669.57	150,000.00	10.4%	106,362.09
5470	Equipment Repairs	417.68	728.82	7,500.00	9.7%	1,833.65
5050	Fixed Assets Purchases		(9,000.00)	225,000.00	(4.0%)	9,479.60
5047	Fuel	512.89	1,769.02	7,500.00	23.6%	1,333.62
5150	Insurance, Vehiciles & Property		0.00	12,000.00	0.0%	106.55
5596	K-9 Animal Expense		198.89	0.00	0.0%	
5380	Legal Fees		0.00	5,000.00	0.0%	
5285	Locate Service	96.90	387.61	2,000.00	19.4%	313.50
5060	Materials and Supplies	5,607.61	9,106.35	60,000.00	15.2%	10,037.50
5341	Meetings Training and Travel		0.00	1,500.00	0.0%	
5203	Meters		15,096.65	60,000.00	25.2%	7,032.63
5340	Miscellaneous Expense		0.00	1,000.00	0.0%	
5090	Office Expenses	66.53	440.46	1,500.00	29.4%	
5630	Payroll w/Benefits	12,164.40	40,762.33	250,000.00	16.3%	39,829.30
5633	Payroll-Municipal Workers		2,091.56	5,000.00	41.8%	2,023.04

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

Acct	Current Period	Year-To-Date	Annual Budget Jan 2022 Dec 2022	Jan 2022	Prior Year-To-
	Mar 2022	Jan 2022		Dec 2022	Date
	Mar 2022	Mar 2022		Jan 2022	Jan 2021
	Actual	Actual		Percent of Budget	Mar 2021 Actual
Fund Balances					
Beginning Fund Balance	20,072,098.91	17,130,571.95	0.00	0.0%	14,746,933.35
Net Change in Fund Balance	425,364.54	3,366,891.50	0.00	0.0%	456,337.40
Ending Fund Balance	20,497,463.45	20,497,463.45	0.00	0.0%	14,783,784.11

City of Tontitown
Balance Sheet - Street Fund
For Period Ending 3/31/2022

Account Number			Book Value Mar 2022 Actual	Book Value Mar 2021 Actual
Assets				
Current Assets				
Cash				
	1020	0188-Street Fund Operating-DDA	350,011.14	266,138.62
	1131	6041-Street Excess Funds-DDA	68,126.69	367,862.92
		Total Current Assets	\$418,137.83	\$634,001.54
		Total Assets	\$418,137.83	\$634,001.54
Fund Balance				
		Accumulated Surplus (Deficit)		
	3000	Fund Balance	418,137.83	634,001.54
		Total Fund Balance	\$418,137.83	\$634,001.54
		Total Liabilities and Equity	\$418,137.83	\$634,001.54

City of Tontitown
Street Fund
Statement of Revenue and Expenditures

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-
		Mar 2022	Jan 2022		Dec 2022	Date
		Mar 2022	Mar 2022	Jan 2022	Percent of	Jan 2021
		Actual	Actual	Dec 2022	Budget	Mar 2021
						Actual
Revenue & Expenditures						
Revenue						
4650	Interest Income	20.77	59.79	500.00	12.0%	292.80
4560	Property Tax	605.08	6,253.48	75,000.00	8.3%	7,140.82
4580	Sales Tax-City SUT 2005 Series	14,309.85	46,510.65	140,000.00	33.2%	31,833.72
4645	State Turnback-Cty & Muni A	25,745.07	87,841.40	142,100.00	61.8%	47,629.22
	Revenue	\$40,680.77	\$140,665.32	\$357,600.00		\$86,896.56
	Gross Profit	\$40,680.77	\$140,665.32	\$357,600.00		\$86,896.56
Expenses						
5025	Automobile Expense	49.84	2,450.43	2,500.00	98.0%	774.26
5590	Contracts		101.70	1,500.00	6.8%	131.96
5040	Dues and Subscriptions		132.90	2,500.00	5.3%	1,074.28
5370	Engineering		41,809.25	25,000.00	167.2%	
5470	Equipment Repairs		1,151.98	15,000.00	7.7%	363.26
5050	Fixed Assets Purchases		11,469.77	100,000.00	11.5%	4,247.26
5052	Fletcher Road Project		11,910.66	0.00	0.0%	2,034.00
5047	Fuel	1,970.54	2,936.54	5,000.00	58.7%	841.94
5150	Insurance, Vehicles & Property			5,000.00	0.0%	
5380	Legal Fees			1,000.00	0.0%	
5060	Materials and Supplies	1,451.84	4,396.46	20,000.00	22.0%	2,922.53
5090	Office Expenses			100.00	0.0%	
5630	Payroll w/Benefits	4,341.09	12,990.74	58,000.00	22.4%	11,431.30
5633	Payroll-Municipal Workers		522.89	2,000.00	26.1%	1,116.16
5420	Repairs & Maintenance		619.73	10,000.00	6.2%	
5461	Street Improvements	27.93	5,364.86	60,000.00	8.9%	12,000.00
5462	Street Signage	6,401.43	8,531.89	20,000.00	42.7%	886.96
5500	Utilities	2,425.51	7,345.50	30,000.00	24.5%	7,417.18
	Expenses	\$16,668.18	\$111,735.30	\$357,600.00		\$45,241.09
	Revenue Less Expenditures	\$24,012.59	\$28,930.02	\$0.00		\$41,655.47
	Net Change in Fund Balance	\$24,012.59	\$28,930.02	\$0.00		\$41,655.47
Fund Balances						
	Beginning Fund Balance	394,125.24	389,207.81	0.00	0.0%	592,346.07
	Net Change in Fund Balance	24,012.59	28,930.02	0.00	0.0%	41,655.47
	Ending Fund Balance	418,137.83	418,137.83	0.00	0.0%	634,001.54

RESOLUTION NO. 2021-10-967R

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION TO ADOPT A CODE OF CONDUCT FOR THE CITY
OF TONTITOWN, ARKANSAS.

WHEREAS, the City Council desires to set forth the manner in which the Mayor and City Council members should treat one another and others with whom they come in contact with in representing the City of Tontitown; and

WHEREAS, the City Council finds that the principles and guidelines for Mayors and City Council members set forth in a code of conduct will promote civility and set a standard of excellence that engenders trust and promotes the public good; and

WHEREAS, the Arkansas Municipal League has developed a sample code of conduct for municipal affairs and the City Council desires to adopt this Code of Conduct as a reference and guide for its members.

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

The Code of Conduct for the City of Tontitown, Arkansas, attached hereto as Exhibit "A", is hereby adopted.

PASSED AND APPROVED this 5 day of October, 2021.

APPROVED:



Paul Colvin, Jr., Mayor

ATTEST:



Rhonda Ardernagni, Clerk-Treasurer
(SEAL)

EXHIBIT "A"

1. Conduct in Public Meetings

Practice civility and decorum in all discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, council members to make belligerent personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Therefore, the council will:

- Avoid personal comments that could offend other council members.
- Honor the role of the mayor in maintaining order.
- Be respectful of other members of the city council, boards, commissions, committees, city staff, and the public by refraining from abusive conduct, personal charges, or verbal attacks.
- Treat fellow council members with the respect you expect to receive in return.
- Always address citizens, employees, committee members, and fellow council members with respect.
- Request the opportunity to speak and address the council through the mayor or other person conducting the meeting.
- Recognize fellow council members and guest speakers by their formal names and appropriate titles; after initial acknowledgement, the terms "Mr." or "Ms." may be used.
- Be respectful of others' time and be brief and prepared in making remarks.
- Be prompt in attending public meetings so that they may begin at the publicly posted time.

2. Conduct with the Public

Be polite and professional to speakers and treat them with care and gentleness. Because personal concerns are often the reason citizens come before the council to speak, council members should remember that their behavior will either relax the speaker or push their emotions to a higher level of intensity. Therefore, the council will:

- Limit comments to issues and avoid personal attacks.
- Remain seated when someone is speaking at the podium.
- Give the appearance of active listening.
- Ask for clarification, but avoid debate and argument with the public.
- Not engage in personal attacks of any kind under any circumstance.
- Make no promises on behalf of the council or staff.
- Make no personal comments about other council members.



Tontitown Police Monthly Report

Month: March 2022

Calls for Service – 725

Accident Reports – 17

Warrants Served – 73

Warrants Outstanding - 1021

Warrants Amount - \$ 1,421,151.91

Training Hours (YTD) - 399

Citation Total - 245

Speeding Citations - 20

(Other) Traffic Citations - 81

Criminal Citations – 103

Improper Driving (City Ordinance) - 41

Warning Total - 318

Speeding Warnings – 119

(Other) Traffic Warnings – 196

Improper Driving (City Ordinance) - 3

	Citation	Warning	Warrant
ABANDONED VEHICLE	0	0	0
ASSAULT - 3RD DEGREE - FAMILY OR HOUSEHOLD MEMBER	0	0	1
CARELESS AND PROHIBITED DRIVING	3	3	0
CITY OF TONTITOWN - IMPROPER DRIVING	41	0	0
CITY OF TONTITOWN - UNLAWFUL SPILLING ON ROADS	0	3	0
CITY OF TONTITOWN - VIOLATION OF REGULATION: MAX WEIGHT LIMIT ON CITY ROADWAY/ LAND FILL TRAFFIC	0	1	0
CONTEMPT OF COURT	0	0	2
CONTEMPT OF COURT FOR FAILURE TO PAY FINES (FTP)	0	0	7
CRIMINAL IMPERSONATION - 2ND DEGREE	1	0	0
CRIMINAL MISCHIEF - 1ST DEGREE (DAMAGE <= \$1,000)	1	0	0
CRIMINAL MISCHIEF - 2ND DEGREE (DAMAGE >= \$1,000 < \$5,000)	1	0	0
CRIMINAL USE OF PROHIBITED WEAPONS	1	0	0
DRIVER OF MOTOR VEHICLE FAILURE TO REGISTER 1ST OFFENSE	29	14	0
DRIVER OF MOTOR VEHICLE FAILURE TO REGISTER 2ND OR SUBS OFFENSE	2	0	0
DRIVING LEFT OF CENTER	2	18	0
DRIVING ON SUSPENDED LICENSE	25	0	0
DRIVING TOO FAST FOR CONDITIONS	0	1	0
DRIVING VEHICLE / TRAILER NO REGISTRATION OR TAGS EXPIRED	0	1	0
DRIVING WHILE INTOXICATED - DWI 1ST	5	0	0
DRIVING WHILE INTOXICATED - DWI 1ST DRUGS	2	0	0
DRIVING WRONG WAY ON ONE-WAY ROADWAY	1	0	0
FAIL PRESENT DRIVER LICENSE	0	2	0
FAIL TO APPEAR ON CLASS A MISDEMEANOR (FTA)	0	0	5
FAIL TO APPEAR ON CLASS B MISDEMEANOR (FTA)	1	0	39
FAIL TO APPEAR ON CLASS C MISDEMEANOR (FTA)	0	0	13
FAIL TO APPEAR ON UNCLASSIFIED MISDEMEANOR (FTA)	0	0	2
FAIL TO APPEAR ON VIOLATION (FTA)	0	0	4
FAIL TO CHANGE ADDRESS ON DRIVER LICENSE	0	2	0
FAIL TO OBEY STOP SIGN	0	5	0
FAIL TO OBEY TRAFFIC CONTROL DEVICE	0	2	0
FAIL TO PRESENT PROOF OF INSURANCE (NO PROOF)	1	5	0
FAIL TO STOP AT RED LIGHT	0	1	0
FAIL TO TRANSFER TO AR DRIVERS LICENSE	1	1	0
FAIL TO YIELD AT INTERSECTION	1	1	0

FAIL TO YIELD ON ENTERING HIGHWAY FROM PRIVATE ROAD	0	1	0
FAIL TO YIELD RIGHT OF WAY	0	1	0
FAIL TO YIELD WHEN TURNING LEFT	1	0	0
FICTITIOUS LICENSE STICKER	1	0	0
FICTITIOUS TAGS	2	6	0
FLEEING - VEHICLE OR CONVEYANCE	1	0	0
FOLLOWING TOO CLOSELY	3	1	0
IMPEDING TRAFFIC - DRIVING CONTINUOUSLY IN LEFT LANE	0	8	0
IMPROPER DISPLAY OF LICENSE TAGS	1	3	0
IMPROPER LANE CHANGE/USAGE	2	19	0
IMPROPER TURN AT INTERSECTION	2	1	0
IMPROPER USE OF CENTER LEFT-TURN LANES	1	3	0
LEAVING SCENE OF ACCIDENT INVOLVING PROPERTY DAMAGE ONLY	1	0	0
LITTERING - 1ST OFFENSE	1	0	0
MISDEMEANOR CRIMINAL TRESPASS	0	3	0
NO CHILD PASSENGER RESTRAINT	4	0	0
NO DRIVER LICENSE OR LICENSE EXPIRED	13	6	0
NO LIABILITY INSURANCE	20	1	0
NO LIABILITY INSURANCE 2ND	2	0	0
NO SEATBELT	7	6	0
OBSTRUCTING GOVERNMENTAL OPERATIONS	2	0	0
OPEN CONTAINER CONTAINING ALCOHOL IN MOTOR VEHICLE	1	0	0
OWNER FAIL TO REGISTER VEHICLE - EXPIRED TAGS	15	27	0
OWNER FAIL TO REGISTER VEHICLE 2ND - EXPIRED TAGS	1	0	0
POSSESS CONTROLLED SUBSTANCE SCHED VI < 4 OZ	5	2	0
POSSESS DRUG PARAPHERNALIA	6	1	0
POSSESSION OF A CONTROLLED SUBSTANCE SCHEDULE IV OR SCHEDULE V, <28 GRAMS (CLASS A MISD)	1	0	0
PUBLIC INTOXICATION -- DRINKING IN PUBLIC	3	0	0
PURCHASE OR POSSESSION OF ALCOHOL BY MINOR	1	0	0
RECKLESS DRIVING	3	0	0
RECKLESS DRIVING - 1ST	1	0	0
REFUSAL TO SUBMIT TO ARREST	1	0	0
SIGNALS FOR TURNING, STOPPING, OR DECREASING SPEED REQUIRED	0	2	0
SPEEDING - 1 TO 15 MPH OVER LIMIT	8	93	0
SPEEDING - MORE THAN 15 MPH OVER LIMIT	12	26	0

THEFT BY RECEIVING <= \$1,000	1	0	0
UNAUTHORIZED USE OF A VEHICLE	1	0	0
UNLAWFUL DOG ATTACK	1	0	0
USE WIRELESS PHONE FOR INTERACTIVE COMMUNICATION WHILE DRIVING 1ST OFFENSE	1	0	0
USE WIRELESS PHONE FOR INTERACTIVE COMMUNICATION WHILE DRIVING INVOLVING COLLISION/ACCIDENT	0	1	0
VEH LIGHTS - DEFECTIVE/IMPROPER AUXILLIARY DRIVING LIGHTS	0	2	0
VEH LIGHTS - DEFECTIVE/IMPROPER HEAD LAMPS	0	26	0
VEH LIGHTS - DEFECTIVE/IMPROPER SIGNAL LAMPS AND SIGNAL DEVICES	0	1	0
VEH LIGHTS - DEFECTIVE/IMPROPER TAIL LAMPS AND REFLECTORS	0	10	0
VEH LIGHTS - LAMPS REFLECTORS ON BUSES TRUCKS TRACTORS TRAILERS	0	1	0
VEH LIGHTS - NO LIGHTS AT NIGHT	0	1	0
VEH LIGHTS - USE OF MULTIPLE-BEAM ROAD LIGHTING EQUIPMENT - HIGH BEAM	1	6	0
<u>Totals</u>	<u>245</u>	<u>318</u>	<u>73</u>

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



Fire Department Report

March 2022

City Calls 37
Rural Calls 09

Call Type	City	Rural
EMS	24	4
Fire	1	5
MVA	6	0
False Alarm	5	0
Service Call	1	0
Total	37	09

Calls within the city have seen a 27% increase for the first quarter of 2022 compared to the first quarter of 2021.

The calls for both the city and rural area have increased by 22% for the first quarter of 2022 compared to the first quarter of 2021.

Firefighters completed 158.5 hours of training in March.

STREETS/PARKS:

The baseball field project that I have mentioned was postponed in my absence. The new dates for the moving of the fence and backstop will begin Friday, April 22nd and will continue off and on until the first of May. The teams that are using the field to practice will be able to continue, just not in the infield area.

I've been asked a couple of times lately what is the status of the stop lights on 412. I presented the following information in my February report, but I will repeat for the ones that missed it. The state has reviewed the plans for Pianalto Road and made comments for the engineer to address. Once these comments are addressed the state will allow us to proceed with the construction of the signal. The construction cost to signalize each intersection will be in the \$250,000 range. Meanwhile, ArDot is still working on the plans for the signal at the intersection of 412 and Klenc Road. If you remember, we were awarded a grant for this intersection, and the highway department agreed to provide the engineering. However, we still do not have a timeline for ArDot to complete the plans and specs.

The construction on Barrington Road for the Hazard Mitigation Grant began last week. Contractors are making good progress so far, even with the rain events that we have experienced.

WATER/SEWER:

We are still taking delivery of materials for the water and sewer bond projects and will continue to receive materials until around the end of June, according to the supplier.

Tontitown Building Activity Report

Commercial Valuation

	2022 Project Valuation	2021 Project Valuation	2020 Project Valuation	2019 Project Valuation
January	\$1,576,430	\$821,133	\$7,584,609	\$709,061
February	\$5,305,753	\$0	\$2,266,105	\$1,394,019
March	\$364,084	\$1,497,008	\$335,300	\$84,087
April		\$308,019	\$568,376	\$309,900
May		\$1,433,803	\$6,624,879	\$341,970
June		\$501,074	\$14,201,590	\$4,183,488
July		\$30,725	\$95,340	\$13,770,131
August		\$888,031	\$313,000	\$15,157,189
September		\$2,574,086	\$149,658	\$662,540
October		\$385,818	\$2,666,997	\$194,393
November		\$803,371	\$16,836,388	\$18,648,023
December		\$156,525	\$1,273,741	\$2,993,436
	\$7,246,267	\$9,399,593	\$52,915,983	\$58,448,237

Commercial Building Fees

2022 Project Fee's Assessed	2021 Project Fee's Assessed	2020 Project Fee's Assessed	2019 Project Fee's Assessed
\$10,145	\$7,464	\$38,946	\$2,010
\$26,381	\$0	\$5,789	\$7,347
\$3,167	\$6,484	\$159	\$582
	\$146	\$270	\$1,367
	\$7,846	\$28,832	\$1,492
	\$2,776	\$72,815	\$20,567
	\$258	\$45	\$62,286
	\$5,769	\$149	\$67,534
	\$16,440	\$520	\$913
	\$3,086	\$11,653	\$188
	\$5,200	\$57,956	\$97,171
	\$1,053	\$605	\$17,765
\$39,693	\$56,522	\$217,738	\$279,220

Comm Permits

2022 #	2021 #	2020 #	2019 #
14	19	17	9
11	2	27	8
15	6	37	5
	4	1	8
	4	8	12
	8	17	13
	5	5	27
	14	31	24
	21	6	15
	12	28	8
	9	20	47
	7	8	13
40	111	205	189

Residential Valuation

	2022 Project Valuation	2021 Project Valuation	2020 Project Valuation	2019 Project Valuation
January	\$ 9,939,770	\$5,268,259	\$4,330,252	\$7,740,335
February	\$ 3,514,598	\$3,645,436	\$7,957,844	\$4,157,628
March	\$ 18,796,721	\$3,398,038	\$5,759,277	\$2,104,429
April		\$1,604,230	\$5,526,538	\$5,464,374
May		\$1,736,855	\$3,580,573	\$5,468,299
June		\$6,506,465	\$6,455,457	\$2,135,045
July		\$13,210,249	\$1,957,513	\$5,791,925
August		\$18,012,805	\$4,726,713	\$3,471,862
September		\$454,469	\$3,225,987	\$5,310,847
October		\$1,516,140	\$5,309,643	\$6,462,115
November		\$9,651,548	\$1,323,769	\$3,171,760
December		\$1,625,040	\$1,791,330	\$2,488,917
	\$32,251,089	\$66,629,536	\$51,944,896	\$53,767,537

Residential Building Fees

2022 Project Fee's Assessed	2021 Project Fee's Assessed	2020 Project Fee's Assessed	2019 Project Fee's Assessed
\$43,415	\$22,577	\$18,699	\$32,137
\$14,436	\$14,785	\$32,996	\$17,056
\$79,283	\$14,552	\$23,461	\$8,778
	\$6,872	\$23,579	\$22,597
	\$7,104	\$15,896	\$21,981
	\$27,157	\$27,674	\$8,911
	\$56,643	\$8,864	\$23,696
	\$78,249	\$19,629	\$14,115
	\$2,404	\$14,275	\$21,114
	\$7,342	\$22,913	\$26,259
	\$41,376	\$5,623	\$12,967
	\$67,647	\$9,270	\$10,223
\$137,134	\$346,709	\$222,878	\$219,834

Resi Permits

2022 #	2021 #	2020 #	2019 #
37	20	19	32
15	51	30	16
84	12	18	10
	12	23	24
	9	17	20
	28	34	13
	56	14	12
	83	20	13
	9	14	19
	10	30	23
	41	6	11
	58	11	10
136	389	236	203

BUILDING/PLANNING:

The City of Tontitown Planning Commission and Board of Zoning Adjustments will be holding a **Public Hearing on Tuesday, April 26th, 2022, 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:

PUBLIC HEARING

1. **No agenda items.**

Additional items to be heard by the Board of Zoning Adjustments and the Planning Commission include the following:

BOARD OF ZONING ADJUSTMENTS

1. **No agenda items.**

PLANNING COMMISSION

1. **L-Saw Plaza Large Scale Development Request:** The applicant is requesting Preliminary Large Scale Development approval to construct a 13,800 SF commercial building with associated parking and drives. Currently proposed to be 60% retail, and 40% restaurant.
2. **TriStar 18- Willow Trace Subdivision Preliminary Plat Request:** The applicant has submitted a preliminary plat request for a 66-lot subdivision on 20.03 acres located at 664 Kelly Ave.

PLANNING COMMISSION ITEMS, IF APPROVED, TO CITY COUNCIL

1. **No agenda items to be heard by City Council.**

The staff reports for these projects can be found on our website Tontitown.com

Tontitown Historical Museum (THM) Report for the COW Meeting

Tuesday, April 19, 2022

The THM Board of Directors met in-person on Monday, April 2nd.

1. **Book Presentation** - The THM Board had a successful book event at the Tontitown Winery on March 14th. We had around 65 people in attendance for food and an amazing book presentation of the *Italians of Sunnyside, The History – from 1895, Second Edition* by Elizabeth "Libby" Olivi Borgognoni, with speakers Dr. Anthony Borgognoni and Dr. Rebecca "Becky" Howard. We will have the video posted soon to our Facebook page and YouTube Channel if you were unable to attend.
2. **Tontitown Heritage Day** - The THM Board has set the date for Saturday, May 21 11-1 pm for the Tontitown Heritage Day event. We are partnering with the Tontitown Farmer's Market, with these plans:
 - a. Centennial Bank will be cooking and providing hot dogs, chips, and drinks
 - b. Tentatively there will be live music
 - c. 2nd Annual Dessert Auction
 - d. Museum will be open during the event
 - e. Cake walk and other fun activities for the kids
3. **Visitors** - We had 6 visitors in March with our appointment-based hours.
4. **Grand Re-Opening** - The board voted to open back up to the public with no appointment necessary starting the weekend of May 20th. Our normal hours will continue to be Friday, Saturday, and Sunday 1pm – 4pm. We will continue to monitor the Covid levels, using the Washington County ratings as our touch base. We chose this date to tie into our Tontitown Heritage Day event.
 - a. City Council members and City employees are invited to attend a private opening to the museum prior to Grand Re-Opening as we have several new members and employees.

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 without a scheduled appointment until our Grand Re-Opening on the weekend of May 20th. Pam can be reached at 479-502-2221. Thank you!

The next THM Board of Directors meeting is scheduled for Monday, May 2, 2022 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

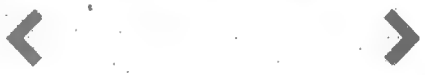


SPRINGDALE, Ark. (KNWA/KFTA) — A Verizon cell tower in Springdale was significantly damaged on March 30 by a tornado that hit parts of Fayetteville and Springdale.

Photos of tornado/storm damage in NWA

Verizon says engineers are in the process of deploying a temporary tower that will provide service to the area until a permanent structure can be rebuilt.





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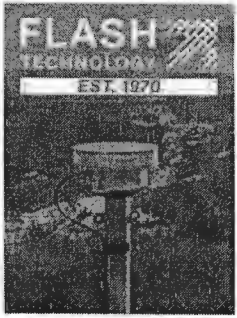
https://comms.viavisolutions.com/Cell-Site-Installation-Tips-vi45608?utm_source=wireless-estimator&utm_medium=third-party&utm_content=poster&utm_term=cell-site-tips-poster-banner-wireless-estimator

Tornado takes out an ATC 150-foot monopole as Ida winds its path of destruction through the northeast

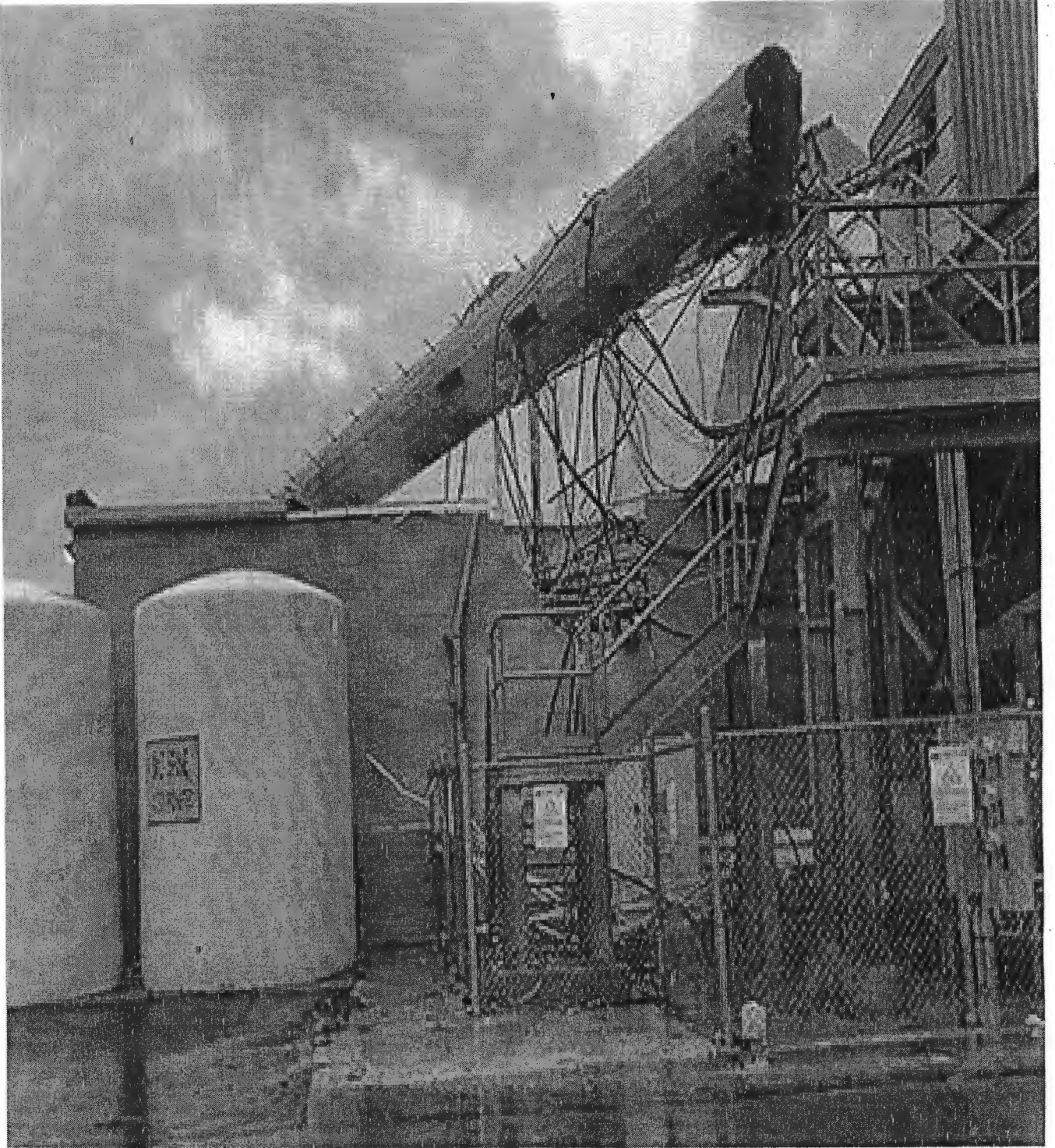
In [Featured News](https://wirelessestimator.com/articles/category/industry-news/featured-news/) by Wireless Estimator / September 3, 2021

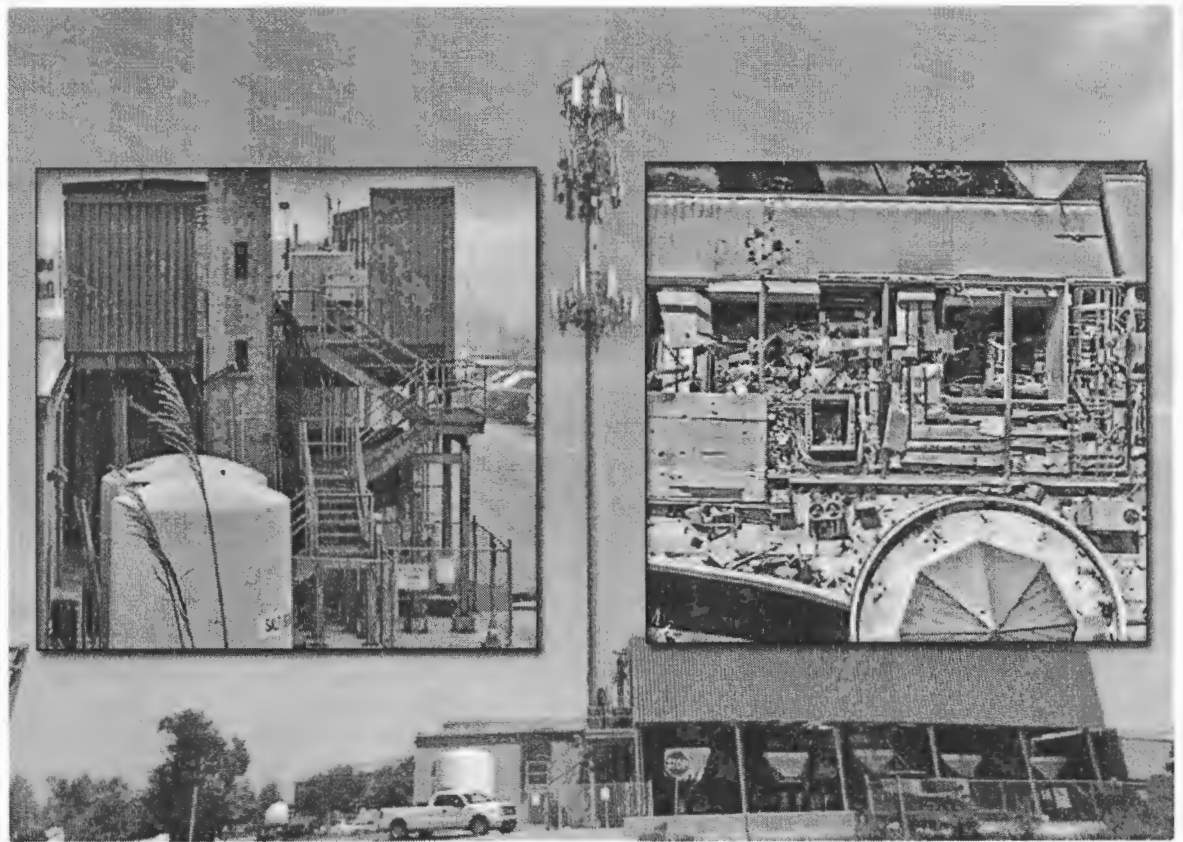


<http://www.unimar.com/>



<http://www.flashtechology.com>





A tornado took out an American Tower Corp 150-foot monopole in Upper Dublin Township in Pennsylvania on Wednesday adjacent to the township's municipal complex which was also severely damaged. The tower, with an elevated equipment platform, appeared to be a poster child for structural stability, but engineers cannot design a structure for the unknown forces in tornadic activity.

An American Tower Corp. (ATC) 150-foot monopole collapsed Wednesday when a Hurricane Ida-spawned tornado tore through Upper Dublin



Township in Pennsylvania.

Although the structure was designed and constructed in 2008 with a basic wind speed of 90 mph as required EIA/TIA-222 Rev. G (/content/standards), the structure was no match for the EF-2 tornado that touched down in the township with winds up to 130 mph.

From an earlier photo, the monopole appeared to have five tenants. ATC reported to the FCC today that the structure has been dismantled.

Also, on Wednesday, likely due to Hurricane Ida's move through Mississippi, a tree toppled onto a guy wire of a Kosciusko tower owned by Boswell Media broadcasting Breezy 101, Kicks 96, and Cruisin 98, taking those stations off the air.



This radio tower collapsed on Wednesday in Kosciusko, Mississippi after a tree fell onto a guy wire.

Although an employee was in the building when the tower collapsed, they were not injured. The largest communications tower to have collapsed as a result of Hurricane Ida was a 1,999-foot broadcast tower (/articles/2021/louisianas-tallest-tower-collapse-adds-to-ida-broadcasting-outages/) in Louisiana owned by iHeart Media.

According to yesterday's FCC Hurricane Ida report, as of September 2, 2021, there were 704 Towers out of service in Louisiana, a decrease from the previous day's total of 787.

Towers out of service due to damage dropped to 105 from 123 in the previous report.

St. James Parish, which had 53.8% of its towers out of service on Wednesday, saw an increase to 75.8% yesterday due to additional outages of cell sites due to transport.

The number of dead in the northeast stood at 49 as of this morning, according to The Associated Press.

Most of the victims were in New York and New Jersey, where people drowned in submerged cars and basement apartments or were swept away by rushing water.

3:59



AA

youtube.com



ORDINANCE _____

AN ORDINANCE REDISTRICTING CITY WARDS

WHEREAS, cities have a duty and a responsibility to insure that wards are of substantially equal population; and

WHEREAS, a demographic analysis of the City's wards has been conducted, and a recommendation made that redistricting be undertaken; and

WHEREAS, Arkansas law vests city councils with apportionment and redistricting authority; and

WHEREAS, it is the desire of the City Council that new ward boundaries be established.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS:

SECTION 1. The ward redistricting plan, consisting of the map attached hereto, is hereby approved for 2022 filing and election purposes, and effective January 1, 2023 and henceforth shall be the official ward map for the City of Tontitown for all purposes.

SECTION 2. All ward maps and descriptions in effect prior to the adoption of this ordinance are repealed effective December 31, 2022.

SECTION 3. Council members shall be entitled to serve the balance of the term to which they were elected.

SECTION 4. A certified copy of said map shall be submitted to the Washington County Election Commission and filed in the Office of the Washington County Clerk.

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer



NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

1311 Clayton St., Springdale, Arkansas, 72762

• (479) 751 7125

• Fax: (479) 751 7150

• <http://nwarpc.org>

April 5, 2022

Mayor Gene McCartney
City of Tontitown
P. O. Box 305
Tontitown, AR 72770

Dear Mayor McCartney:

A statistical evaluation of city wards, utilizing 2020 census (Public Law 94-171) Apportionment and Redistricting Data, has been completed to determine if redistricting is necessary. The figures are as follows:

Ward 1	1,536
Ward 2	1,729
Ward 3	<u>1,036</u>
	4,301

According to Arkansas statutes, the city council has a duty and responsibility to see that each ward has as nearly an equal population as would best serve the interest of the people of the city (A.C.A. 14-43-311). Advisable guidelines for what constitutes substantially “equal,” generally lie in court decisions involving the Equal Protection Clause of the 14th Amendment. Courts have generally held that deviations in population among election districts less than ten percent (10%) will be valid under this clause, and invalid if they are over 10%. Based upon existing ward boundaries, the deviation in 2020 population among wards is 48.3%—far above the 10% threshold. As such, the redistricting of ward boundaries as a result of the 2020 Census is necessary.

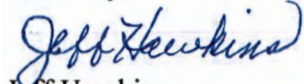
Accordingly, we have prepared two alternative ward redistricting plans (attached). Each would equalize population among wards to an acceptable level—under the 10% threshold. Plan 1 has a population deviation of 5.8%, and Plan 2 has a deviation of 7.6%. The figures are as follows:

	Plan 1		Plan 2
Ward 1	1,465	Ward 1	1,491
Ward 2	1,382	Ward 2	1,382
Ward 3	1,454	Ward 3	1,428

Plan 1 makes as few changes as possible to the existing ward boundaries, while following 2020 Census block lines. Plan 2 follows Census block lines as well, but would straighten out two offsets in the existing boundary between Wards 1 and 3 by—for the most part—following Barrington south to the city limits; the exception being that the area bounded by S. Barrington, S.E. 3rd St., Highway 412, and Renalli Avenue would be in Ward 3. Another difference in the plans is that Plan 1 would keep all current council members in their respective wards; while Plan 2 would place the member living on the east side of S. Barrington in new Ward 3. A suggested adoption ordinance for City Council consideration is also attached.

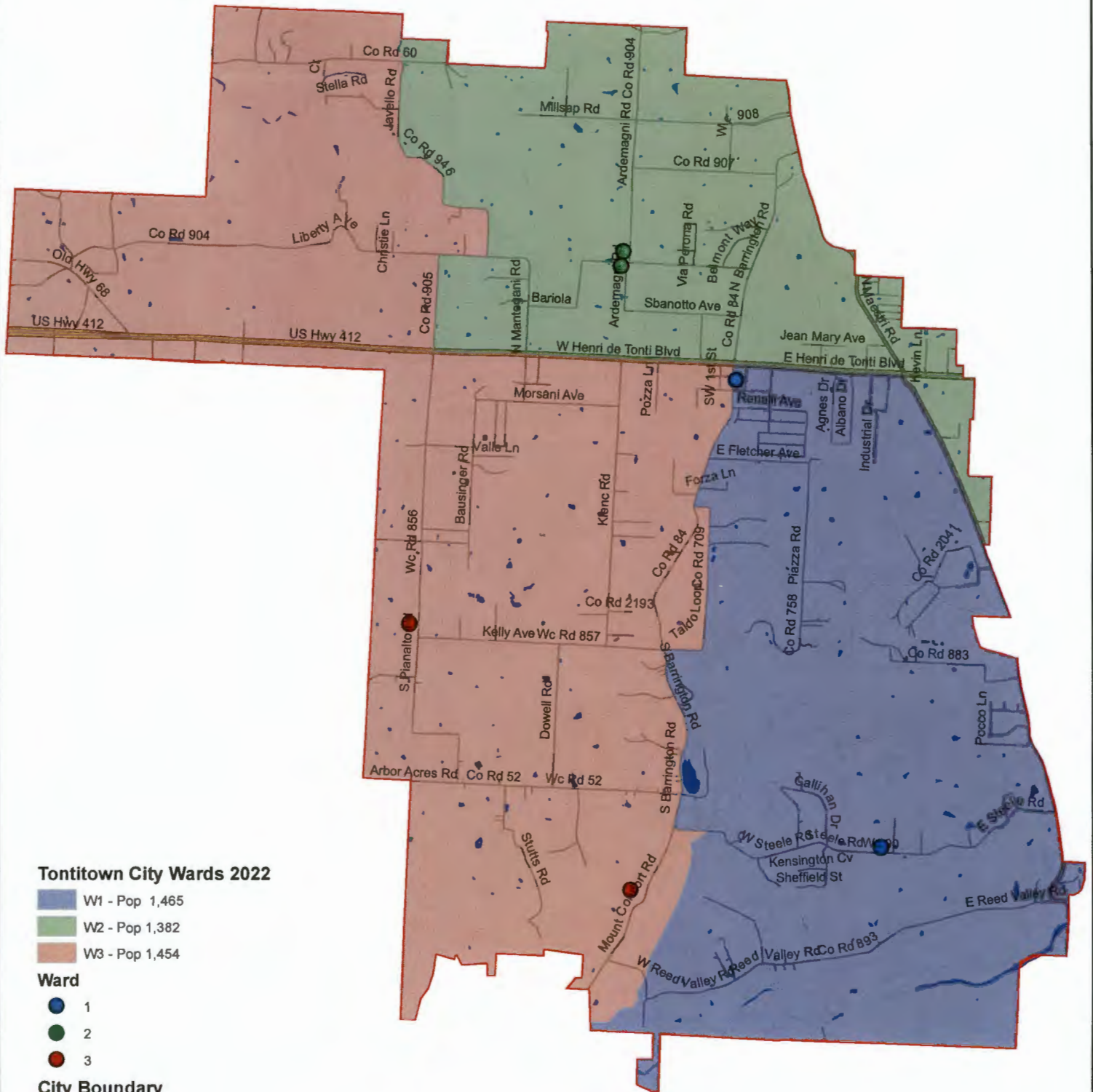
Should there be any questions, or should further clarification be required, please advise.

Sincerely,

A handwritten signature in blue ink that reads "Jeff Hawkins". The signature is written in a cursive style with a large initial "J".

Jeff Hawkins
Director

TONTITOWN CITY WARDS - 2022



Tontitown City Wards 2022

- W1 - Pop 1,465
- W2 - Pop 1,382
- W3 - Pop 1,454

- Ward**
- 1
 - 2
 - 3

- City Boundary**
- Tontitown



ORDINANCE NO. 2022-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 152.095 APPLICABILITY IN ITS ENTIRETY OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Tontitown has determined that in order to protect the health, safety and welfare of the citizens of Tontitown and others, it is necessary to amend the regulations pertaining to large scale developments that are set forth in Section 152.095 APPLICABILITY of the Tontitown Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 152.095 APPLICABILITY of the Tontitown Municipal Code should be adopted.

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

Section 1. That Section 152.095 APPLICABILITY of the Tontitown Municipal Code is hereby amended in its entirety as set forth in the Attached Exhibit "A"

Section 2. The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

Section 3. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4. Declaration of Emergency. It is hereby found and determined that Section 152.095 APPLICABILITY of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to large scale developments. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor.

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

CURRENT TONTITOWN CODE:

LARGE SCALE DEVELOPMENTS

§ 152.095 APPLICABILITY.

(A) This section is applicable to all Commercial, Industrial and Multi-Family Residential construction within the city.

(B) A development plan is required to be submitted to the Planning Commission for all such development or building construction regardless of zone and for all additions to existing developments or buildings regardless of zone.

(C) Single family and duplex residential construction is specifically exempted from this requirement.

(D) (1) Examples of facilities or construction covered, but not limited to:

(2) New commercial, industrial, or civic development and building construction.

(E) (1) Additions or improvements to existing buildings or developments that increase the overall square footage of the current structure(s) or development by more than 50%, not to exceed 3,999 square feet.

(2) The revision of land use that results in the need to access to public streets or utilities.

(F) No building permit shall be issued and no temporary or permanent connection to utilities shall be allowed until the development plan has been approved as set forth in this subchapter. No permanent connection to utilities shall be allowed until the Building Official has certified compliance with the approved development plan.

PROPOSED CODE AMENDMENT SECTION:
Approved by Planning Commission on March 17, 2022.
Track-changes version

LARGE SCALE DEVELOPMENTS

§ 152.095 APPLICABILITY.

(A) This section is applicable to all Commercial, Industrial and Multi-Family Residential construction within the city.

(B) A development plan is required to be submitted to the Planning Commission for all such development or building construction regardless of zone and for all additions to existing developments or buildings regardless of zone.

(C) Exemptions.

(1) Single family and duplex residential construction is specifically exempted from this requirement.

(2) Expansion of parking lots that will include less than sixty (60) total standard parking spaces, including the expansion addition, are specifically exempted from this requirement.

(a) A grading permit that conforms to the Drainage Criteria Manual shall be required for parking lot expansions.

(b) Parking spaces for larger vehicle, may be exempted if the total size of the parking lot, including the expansion addition, does not exceed 18,000 square feet.

(3) Expansion of a parking lot that was previously approved as part of a large-scale development, as long as the expansion addition is less than sixty (60) total standard parking spaces.

(a) A grading permit that conforms to the Drainage Criteria Manual shall be required for parking lot expansions.

(b) Parking spaces for larger vehicles may be exempted if the total expansion addition does not exceed 18,000 square feet.

(c) Additional Landscaping and Screening requirements shall apply. Refer to Chapter 153.212.

(D) ~~(1)~~—Examples of facilities or construction covered, but not limited to:

~~(21)~~ New commercial, industrial, or civic development and building construction.

~~(E)~~ ~~(12)~~ Additions or improvements to existing buildings or developments that increase the overall square footage of the current structure(s) or development by more than 50%, not to exceed 3,999 square feet.

| (23) The revision of land use that results in the need to access to public streets or utilities.

(E) No building permit shall be issued and no temporary or permanent connection to utilities shall be allowed until the development plan has been approved as set forth in this subchapter. No permanent connection to utilities shall be allowed until the Building Official has certified compliance with the approved development plan.

PROPOSED CODE AMENDMENT SECTION:
Approved by Planning Commission on March 17, 2022.

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(a) A grading permit that conforms to the Drainage Criteria Manual shall be required for parking lot expansions.

(b) Parking spaces for larger vehicles (b) may be exempted if the total expansion addition does not exceed 18,000 square feet.

(c) Additional Landscaping and Screening requirements shall apply. Refer to Chapter 153.212.

(D) Examples of facilities or construction covered, but not limited to:

(1) New commercial, industrial, or civic development and building construction.

(2) Additions or improvements to existing buildings or developments that increase the overall square footage of the current structure(s) or development by more than 50%, not to exceed 3,999 square feet.

(3) The revision of land use that results in the need to access to public streets or utilities.

(E) No building permit shall be issued and no temporary or permanent connection to utilities shall be allowed until the development plan has been approved as set forth in this subchapter. No permanent connection to utilities shall be allowed until the Building Official has certified compliance with the approved development plan.

Staff Summary for proposed changes for Chapter 152.095- Applicability for Large Scale Developments

The draft of this code amendment presented at the March 17, 2022, Planning Commission meeting proposed to exempt parking lots with fewer than 60 standard parking spaces from the Large Scale Development (LSD) requirements. Additionally, it was proposed that parking lots for larger truck spaces be exempted if they were less than 12,000 SF in size.

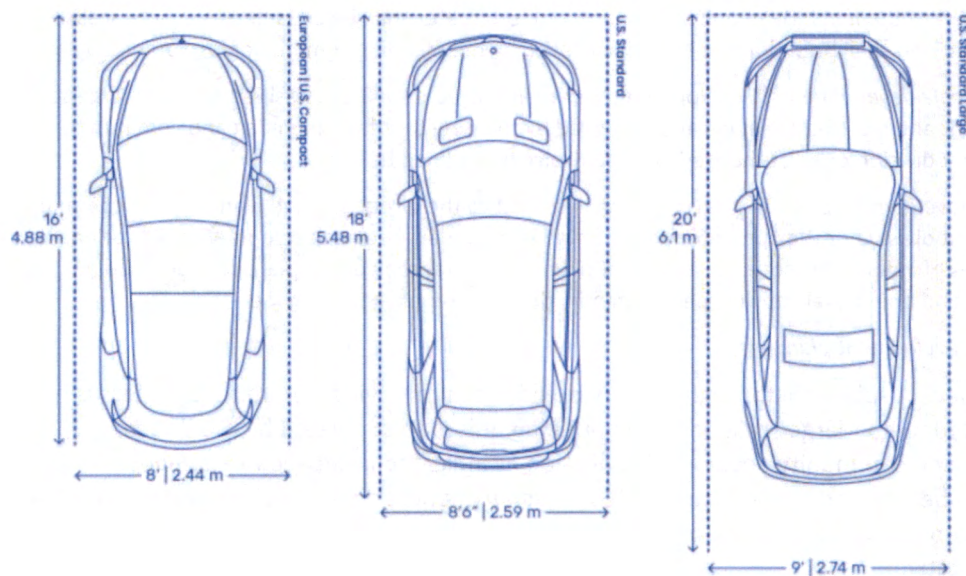
Discussion was had at that meeting, and the exemption for larger truck parking was amended to exempt lots up to 18,000 SF.

One important stipulation to note is that any parking lot that is exempted from the LSD regulations, would still be required to apply for a Grading Permit. That permit would be required to meet the Tontitown Drainage Manual and be subject to City Engineer review before being issued.

The current code only provides exemptions if there is an addition to the site or building is less than 3,999 SF in size. All new commercial developments are currently subject to Large Scale Development requirements.

The rationale used for setting the standard parking lot size to 60 spaces is because that is when the landscaping requirements are then applied according to the City of Tontitown Code. This is for a standard sized parking lot, so in knowing that Tontitown has larger vehicles parking lots as well, staff calculated that 60 standard spaces at 10'x20' is 12,000 SF (without drive aisles).

A concerned citizen argued that 10 x 20 is not a big enough spot, but that is the largest standard size parking stall that staff found. Tontitown does not specify how large their parking spaces are required to be, so individual businesses can decide what size they would like to install.



As staff calculated that the proposed exemption of 60 standard parking spaces is 12,000 SF (without drive aisles), that was the reasoning for the proposal to limit the larger vehicle parking to 12,000 SF.

To allow 60 large parking sizes (15'x40'-large box-type trucks) would be at a minimum (drive aisles not included) 36,000 SF (0.82 acres). To allow a 60-space semi-trailer parking lot would be at a minimum (drive aisles not included) 57,600-72,000 SF (1.32-1.65 acres).

After discussion with the Planning Commission, the board decided to offer a little more flexibility for larger truck parking and approved exempting 18,000 SF from LSD requirements.

This code revision was recommended due to several recent applications for parking lot expansions. One expansion, Central States Manufacturing (30 standard spaces), chose to proceed through the LSD process. One other pulled their application. There is currently one outstanding, Tony Salerno, that would be exempted if this code revision is approved. And one other was found to be under the current 3,999 SF that is exempt at this time. Planning staff may be aware of additional businesses that would like to expand parking as well.

Code comparison: Springdale/Rogers:

Staff contacted Springdale and Rogers to get their information regarding large-scale developments / parking expansions. Staff has highlighted the pertinent code sections below.

The **City of Springdale** has a Large-Scale process that is for anything over one (1) acre, and a non-large scale process for everything less than an acre. This would include developments like the recent Dairy Queen (which I would be fine with, but this is a larger code re-write). This does not mean that there are no requirements, it is just an administrative process. Additionally, the applicant is still required to provide site plans, building elevation, drainage reports, etc... All codes still apply, it is just administrative approval. There is no formal tech review, but all city departments and utilities still provide review and comment. Is the Planning Commission interested in giving staff this authority?

- (1) *Large scale developments:* Developments of one acre or greater shall be classified as a large scale development and shall be submitted to and approved by the planning commission as outlined below.
- (2) *Non-large scale developments:* Developments less than one acre shall be classified as a non-large scale development and must be reviewed and approved by the director of the planning and community development division or an authorized representative as outlined below.

Non-large scale development plan: The developer shall submit to the director of the planning and community development division or the appointed representative a non-large scale development application, three copies of a non-large scale development plan, one digital copy of the plan, colored building elevations, and one digital copy of the preliminary drainage report and filing fee.

Non-large scale development plan:

- a. *Staff review:* A submittal through the scheduled technical review committee process is not required for a non-large scale development plan unless so stipulated by the director of planning and community development division as indicated in subsection (a) above. The plans will be directed to the appropriate city departments and utility companies for review and all comments received will be forwarded to the developer and the designated representative.

The developer shall address each comment in writing indicating the action taken and how it is shown on the revised plans. The resubmittal shall contain three hard copies and one digital copy of the revised plans, one digital copy of the final drainage report, and the written responses in digital form. The revised plans should include a site plan, landscaping plan, lighting plan, colored building elevations, grading plan, drainage report and any other plans needed to address the project by the scheduled date on the approved submission schedule. The submission of all these items shall constitute an acceptance for review of the non-large scale development plan.

- b. *Staff approval:* Within 60 days after acceptance for review of the non-large scale development plan, the planning and community development division director shall approve, approve with conditions, or disapprove.
1. *Approval.* Plans approved by the director shall be signified by the signature of the planning and community development director or designated representative upon the development plan and the applicant may apply for a building permit.
 2. *Approval with conditions.* If the plans are approved with conditions, the conditions shall be set forth in written form to the developer. The signature of the developer on the form setting forth the conditions of proposal shall be deemed his agreement to comply with said conditions.
 3. *Disapproval.* If the plans are disapproved, the reasons for such action shall be reduced to written form and supplied to the developer.

The **City of Rogers** is clear that parking lots or additions to existing parking lots exceeding 15 spaces are considered Large Scale Developments.

The following shall require a large-scale development plan:

- (1) *New commercial construction or commercial additions exceeding 2,500 square feet of new floor space;*
- (2) *New construction of multifamily housing (exceeding four units);*
- (3) *Additions to existing multifamily housing (where existing housing exceeds four units);*
- (4) *Changes from the residential use of a property to any non-residential use of a property;*
- (5) *Parking lots or additions to existing parking lots exceeding 15 parking spaces; and*
- (6) *Any new cell tower construction.*



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **March 17, 2022**
Project: **Pozza Lane Addition**
Planner: Courtney McNair, Garver

PUBLIC HEARING AGENDA ITEM

4

PLANNING COMMISSION AGENDA ITEM

4

CONDITIONAL USE PERMIT REQUEST

To allow single-family and duplex units within C2 zoning district

South of Hwy. 412, to the west of Pozza Lane
Part of Parcel # 830-37669-000

At the Planning Commission meeting it was discussed that the Planning Commission would feel more comfortable with removing duplex units from this request. The applicant agreed, and the motion was approved to allow Single Family Residential units within C-2 zoning. This project was unanimously approved at the March 17th, 2022, Planning Commission meeting. The conditions were approved as listed in the staff report.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. This project shall be in compliance with all local, state, and federal regulations.
2. This Conditional Use Permit shall proceed to the City Council for approval.
3. Any improvements to this site shall require additional review.
4. This project shall develop generally as is stated in the applicant's letter and presented in the plans.

SUMMARY: Request to allow single-family and duplex residential units within C2 zoning.

CURRENT ZONING: C2-General Commercial

FUTURE LAND USE CATEGORY: RC-N Residential Commercial Neighborhood

CITY WARD: 3- Tim Burress and Penny Baskin

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

Water: Tontitown Water, existing 8-inch water line.

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

PROJECT SYNOPSIS:

PH4 and PC4 -1

The owners of this property are Gilda Bitner, Larrie Stolfi, Lisa Ann Stolfi, Eric Anthony Stolfi, and Gina Marie Criman, represented by Brandon Rush, Engineering Services, Inc.

The property is located south of Hwy. 412, to the west of Pozza Lane.

The overall parcel (approx. 12.19 acres) is comprised of C-2 zoning along Hwy. 412, and R-3 zoning on the southern portion. The applicant also requested to rezone 3.01 acres, the western half of the portion of the lot zoned R-3, to C-1 for the future mixed-use development, and submitted a Conditional Use Permit Request to allow duplex units within the area they requested to be rezoned to C1. This Conditional Use Permit has been submitted to allow single-family and duplex residential units within a small portion (1.63 acres) of the C-2 zoning.

The concept plan shows single-family residential along the southern portion of Pozza Lane (east half of the lot), duplex residential adjacent to the Reserve development to the west, and commercial uses on the northern portion of the lot that is zoned C-2. The applicant also submitted a Conditional Use Permit Request to allow duplex units within the area they requested to be rezoned to C1 (3.01 acres).

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for the Residential Commercial Transition (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 well aligned with the Future Land Use Plan for this area.

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: By layering the design, the applicant is providing buffering to adjacent residential areas by placing single-family residential uses between the existing residential and the proposed duplex uses. On this area of the site, commercial uses are allowed by right, but this request sets up a better transition. As this is in the concept phase, additional discussion will be had regarding internal traffic/pedestrian patterns. Sidewalks and internal connection are important. A full landscaping plan will also be required during the technical plan review.

(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, single-family and duplex residential may be considered as a conditional use in 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, lot coverage maximums, design standards, and screening requirements will be required to be met as this project moves forward to technical 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: There is existing water and sewer service available for connection. Street connections will be required, and improvements to Pozza Lane will be required along the portion with City Rights-of-Way. The applicant's engineer must provide a Stormwater Pollution Prevention Plan prior to Construction Plan approval. Based on these factors, staff feels that this project will not have a 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:

North-zoned C2- currently vacant, shown in the concept plan as commercial.

East-zoned C2- currently single family residential

South-zoned R3- current request for single-family and duplex uses.

West-zoned C2 – currently duplex residential

Surrounding properties are zoned for commercial and residential uses. The actual uses of the surrounding properties include Single Family and Duplex residential uses.

- (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 request is to add single-family residential uses between the existing residential and the proposed duplex uses. This development is proposing to implement the desired mixed-use development detailed in the adopted Future Land Use Plan.

- (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: While specific drive locations will be further evaluated with technical plans, the circulation shown on the concept plan shows the general internal circulation system and off-street parking. Additional information will be required to show sidewalks and connectivity.

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

STAFF ANALYSIS: Based on (A), the landscaping should:

Provide protection for water quality, reduce erosion, heat and glare

Retain existing trees where possible

Screening and buffering for uses which are marginally compatible,

Provide for beautification and enhancement of the property

This CUP request is to allow single family and duplex residential uses within C2 zoning. Less formal landscaping will be required, however, as the request is residential in nature, there will be open yard areas and the overall building coverage will be typical of a residential area.

- (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.

TECHNICAL INFORMATION:

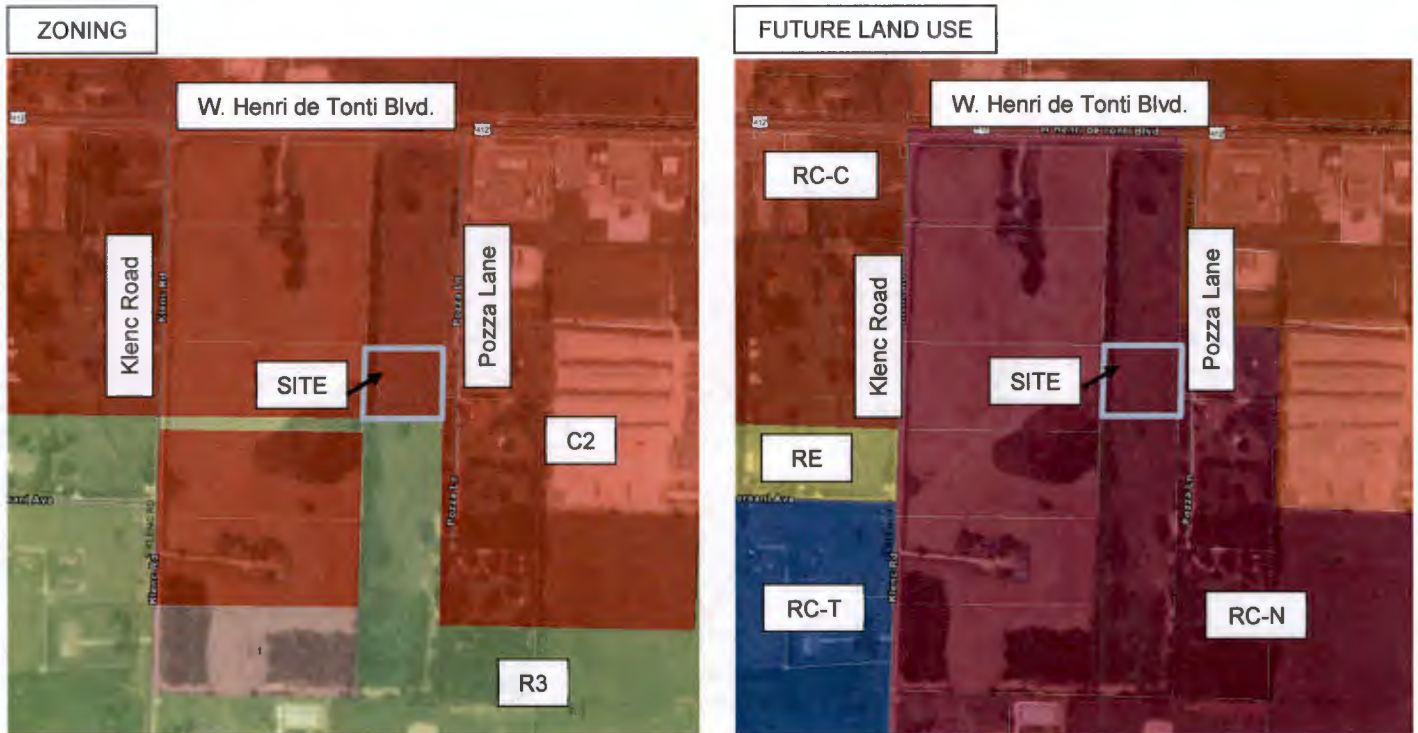
Technical information is addressed at a future stage of development request. The current request is a concept plan only.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has not received any comments for this project but will update the Planning Commission at the meeting if any are submitted.

STAFF RECOMMENDATION: Based on the Future Land Use Plan, surrounding zoning and uses, and the availability of utilities and access, staff recommends approval of the Pozza Lane Conditional Use Permit Request to allow Single-Family and Duplex Residential within C-2 zoning.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. This project shall be in compliance with all local, state, and federal regulations.
2. This Conditional Use Permit shall proceed to the City Council for approval.
3. Any improvements to this site shall require additional review.
4. This project shall develop generally as is stated in the applicant's letter and presented in the plans.



ORDINANCE NO. 2022-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 155.01 FEES OF THE TONTITOWN MUNICIPAL CODE; FOR OTHER PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Tontitown has determined that it necessary to protect the health, safety and welfare of the citizens of Tontitown and others to amend the regulations pertaining to jacking, boring, or road cut permit fees that are set forth in Section 155.01 FEES of the Tontitown Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 155.01 FEES of the Tontitown Municipal Code should be adopted.

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

Section 1. That Section 155.01 FEES of the Tontitown Municipal Code is hereby amended in its entirety as set forth in the Attached Exhibit “A”

Section 2. The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

Section 3. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4. Declaration of Emergency. It is hereby found and determined that Section 155.01 FEES of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to jacking, boring, or road cut permit fees. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer

§ 155.01 FEES.

(A) *After hours/emergency inspection.* Thirty dollars (\$30.00) per hour, with a one-hour minimum.

(B) *Appeal of a City Official decision.* Three hundred dollars (\$300.00).

(C) *Appeal of Planning Commission decision.* Four hundred dollars (\$400.00).

(D) *Certificate of occupancy.* Seventy-five dollars (\$75.00).

(E) *Certificate of occupancy- change of use involving on-site inspection.* One hundred dollars (\$100.00). Certificate of occupancy for change of use involving on-site inspection, if no plans are required by the Building Official.

(F) *Certificate of occupancy-partial.* Twenty-five dollars (\$25.00) for 30-day duration.

(G) *Conditional use.* Two hundred dollars (\$200.00).

(H) *Copies:*

(1) *Drainage manual (copies):* \$100.00.

(2) *Zoning regulations (copies):* \$40.00.

(3) *Subdivision regulations (copies):* \$30.00.

(4) *Storm water regulations (copies):* \$30.00.

(I) *Demolition permit.*

(1) Demolition of any single-family residential structure: \$50.00.

(2) Demolition of multi-family residential, commercial, or industrial structure: \$50.00 plus 1% (0.10) of job cost up to \$10,000.00 plus ½% (.005) of job cost up to \$10,001.00 to \$20,000.00 plus ¼% (.0025) of job cost up to \$20,001.00 and above.

(J) *Fence permit.* Twenty-five dollars (\$25.00).

(K) *Final plat/as-built plans (large scale development, subdivision, and PUD).* Two hundred and fifty dollars (\$250.00) plus:

(1) Professional review fees and costs: a nonrefundable fee of \$500.00. In the event that professional review fees and costs exceed \$500.00, the owners and/or developers shall reimburse the city for all additional expenses incurred.

(L) *Garage sale, yard sale, and rummage sale permits.* Ten dollars (\$10.00).

(M) *Grading permit.*

(1) Grading permit for small sites (one acre or less): Fifty dollars (\$50.00).

(2) Grading permit for large sites (more than one acre): Fifty dollars (\$50.00) plus 1% (0.10) of job cost up to \$10,000.00 plus ½% (.005) of job cost up to \$10,001.00 to \$20,000.00 plus ¼% (.0025) of job cost up to \$20,001.00 and above.

(N) *Home occupation permit*. Fifty dollars (\$50.00).

(O) *Informal plat (minor subdivision, incidental subdivision, administrative plat)*. Two hundred dollars (\$200.00).

(P) *Large scale development*. Five hundred dollars (\$500.00), plus:

(1) Professional review fees and costs: a nonrefundable fee of \$500.00. In the event that professional review fees and costs exceed \$500.00, the owners and/or developers shall reimburse the city for all additional expenses incurred.

(Q) *Lot splits*. Two hundred dollars (\$200.00).

(R) *Moving permit*. Three hundred dollars (\$300.00). (Moving of building or structure. Additional highway permits may be required).

(S) *Outdoor food vendor*. Three hundred dollars (\$300.00).

(T) *Planned unit development*. Five hundred dollars (\$500.00), plus:

(1) Professional review fees and costs: a nonrefundable fee of \$500.00. In the event that professional review fees and costs exceed \$500.00, the owners and/or developers shall reimburse the city for all additional expenses incurred.

(U) *Preliminary plat*. Two hundred and fifty dollars (\$250.00) up to ten lots, and an additional \$10.00 per each lot for preliminary plats containing more than ten lots, plus:

(1) Professional review fees and costs: a nonrefundable fee of \$500.00. In the event that professional review fees and costs exceed \$500.00, the owners and/or developers shall reimburse the city for all additional expenses incurred.

(V) Professional review fees and costs.

(1) For all development that does not have a specified non-refundable professional review fee (including, but not limited to lot splits, rezoning requests, waivers, variances, conditional use permits, grading permits), the non-refundable submittal fee adopted for that specific process, shall be used to cover the review of the development by the City and its contract professional staff.

(2) . In the event that professional review fees and costs exceed the non-refundable submittal fee amount, the owners and/or developer shall reimburse the city for all additional expenses incurred.

(~~V~~W) *Road cut, Jacking or Boring permit*. Two hundred dollars (\$200.00).

(~~W~~X) *Re-zoning request*. Four hundred dollars (\$400.00).

(~~X~~Y) *Re-plat*.

(1) Two hundred and fifty dollars (\$250.00), plus:

(2) Professional review fees and costs (applicable only to replats with more than five lots being replatted, and that require engineering review): a nonrefundable fee of

\$500.00. In the event that professional review fees and costs exceed \$500.00, the owners and/or developers shall reimburse the city for all additional expenses incurred.

(YZ) *Sign permit.* One hundred dollars (\$100.00) plus 1% (0.10) of job cost up to \$5,000.00 plus ½% (.005) of job cost up to \$5,001.00 to 10,000.00 plus ¼% (.0025) of job cost up to \$10,001.00 and above. Subject to surcharge detailed in § [155.02](#).

(1) Signs temporary in nature that are intended to be displayed for less than 30 days will not require permitting.

(2) Signs temporary in nature that will be displayed for greater than 30 days will be \$50.00.

(ZAA) *Solicitor/peddler permit.* Forty dollars (\$40.00).

(1) *Permit for principal peddler/solicitor.* No peddling or solicitation shall be conducted within the city without a principal permit being issued and fees shall be paid before any peddling or soliciting is conducted within the city. The permit shall expire on December 31 in the year the permit is issued. In addition to the principal's permit, the principal must also comply with the city's business license requirements under [Chapter 110](#). To obtain a permit, a representative of the principal shall provide a written, signed application stating:

(a) The name, address, telephone number, type of organization, and contact person for the principal applicant;

(b) The nature of the products or services involved;

(c) The proposed method of operation in the city; and

(d) A list of persons who will peddle or solicit in the city on behalf of the principal in the city.

(2) *Permit for agents of principal peddler/solicitor.* In addition to the principal permit, each peddler or solicitor acting for the principal shall also obtain a permit from the city before peddling or soliciting within the city. The cost to obtain a peddler/solicitor permit is \$5 for each agent assisting the principal peddler/solicitor. In applying for the permit, each applicant shall provide the same information as required by the principal peddler/solicitor found above.

(3) *Soliciting without a permit.* The penalty for violation of soliciting/peddling without a permit shall be punishable pursuant to § [116.99](#).

(4) *Exemptions.* Exemptions for this division are provided by § [116.03](#).

(AABB) *Vacate permit.* One hundred twenty-five dollars (\$125.00).

(BBCC) *Variance/waiver request.* One hundred twenty-five dollars (\$125.00).

(CCDD) *Revisions of plats.* Each revised plat submitted shall be regarded as a new plat and shall be subject to the appropriate fees as required within this section.

~~(DDEE)~~ *Transfer of fees.* Fees are not transferable or refundable. The Building Official reserves the right to apply prepaid fees to certain lot splits, sketch plans or plat revisions; provided that the revised portions of the lot splits, sketch plans or plats have not been reviewed prior to the submittal of the revision.

~~(EEFF)~~ *Building permits.*

(1) *Building permit.* The city determines the valuation of a structure using the ICC Building Valuation Data Table. A copy of the table is available on the International Building Code's website at www.iccsafe.org/cs/techservices. The valuation table is updated every six months to provide an up-to-date "average" construction cost per square foot. For construction of new single family residential dwellings, the permit fee will be calculated based on heated square feet. Once the valuation is determined, the following table is used to calculate permit fees:

(a) Twenty-eight dollars and seventy-five cents (\$28.75) fee for any valuation of a structure that is \$3,000.00 or less.

(b) Twenty-eight dollars and seventy-five cents (\$28.75) fee for the first \$3,000.00 plus \$5.75 for each additional thousand or fraction thereof, to and including \$50,000.00, for any valuation of a structure that is from \$3,000.01 to \$50,000.00.

(c) Two hundred ninety-nine dollars (\$299.00) fee for the first \$50,000.00 plus \$4.60 for each additional thousand or fraction thereof, to and including \$100,000.00, for any valuation of a structure that is from \$50,000.01 to \$100,000.00.

(d) Five hundred twenty-nine dollars (\$529.00) fee for the first \$ 100,000 plus \$3.45 for each additional thousand or fraction thereof, to and including \$500,000.00, for any valuation of a structure that is from \$100,000.01 to \$500,000.00.

(e) One thousand, nine hundred nine dollars (\$1,909.00) fee for the first \$500,000.00 plus \$2.30 for each additional thousand or fraction thereof, for any valuation of a structure in excess of \$500,000.01.

(f) *Water and sewer tap and access fees.* Prior to the issuance of a building permit, all tap and access fees for the project site must be paid in full.

(g) *Residential single family building permit.* The purchase of a building permit for a residential single family home shall include the cost of all necessary permits to complete the construction as presented on the approved plans. Individual contractors must obtain permits for plumbing, electrical, mechanical and fence work. However, these permits will be issued at no charge if associated with a current building permit.

(h) *Permit box.* Ten dollars (\$10.00) All building permits (commercial or residential) shall require the purchase of a permit box.

(2) If work for which a permit is required by [Chapter 152](#), Subdivisions, is started or proceeded with, prior to obtaining said permit or other approvals required by ordinance, the fees specified herein and elsewhere in the Code of Ordinances shall be doubled, but the payment of such doubled fee shall not relieve any persons from fully complying

with the requirements of [Chapter 152](#) and all applicable in the execution of the work, nor from any other penalties prescribed therein.

(3) *Plan checking fees.* When the valuation of the proposed construction is for a commercial use and exceeds \$1,000.00, and a plan is required to be submitted by the Code of Ordinances, a plan checking fee shall be paid to the Inspection Department at the time of submitting plans and specifications for checking. Residential plan checking fees apply to single-family dwellings with a valuation of \$500,000.00 or more. Said plan checking fee shall be equal to one-half of the building permit as set forth in the code.

(4) *Miscellaneous commercial permits.* Shell commercial structures will receive a final building permit upon approval of completion of the shell building and associated systems. Tenant improvement permits and interior remodeling permits will be issued based on the permit and plan checking fee schedule.

(5) *Miscellaneous residential and agricultural zoned accessory building permits.* Permit fees for sheds, pole barns, unattached garages and other like structures will be calculated using the following guidelines: for a structure without any utilities (plumbing, electrical or HVAC) consisting of pole type, wood or steel frame construction without a concrete floor, the permit fee shall be calculated at 25% of the square foot cost using the most current ICC building valuation data for utility group and VB construction type, not including the suggested 20% deduction for shell only buildings. Permit fees for structures with a concrete floor and wood or steel frame construction with no utilities shall be calculated at 35% of the ICC valuation using the same group and construction type. Permit fees for buildings with a concrete floor and wood or steel frame that include any utilities, (plumbing, electrical, HVAC) will be calculated at 45% of the ICC valuation.

(6) *Additions to commercial or residential buildings.* Fees for additions to commercial and residential buildings will be regarded as new construction for fee purposes.

(7) *Replacement inspection cards/boxes.* Inspection cards are required to be posted on site for most residential and commercial building projects. If it is required, the city provides a card with a permit box at the time the permit is issued. The cards must be present in order for the Building Inspector to complete an inspection. In the event that the inspection card is lost, a replacement card/box may be issued for a fee of \$50.00.

(8) *Subcontractor stickers.* Subcontractor stickers are issued at the time the subcontractor pulls the required permit. These stickers are to be placed on the permit box. Subcontractor stickers must be present in order for the Building Inspector to complete an inspection for that portion of the project. In the event that the subcontractor sticker is lost, a replacement sticker may be issued for a fee of \$25.00.

(GGFF) *Electrical permit.* Seventy-five dollars (\$75.00) on residential and \$50.00 on commercial plus 1% (0.10) of job cost up to \$10,000.00 plus ½% (.005) of job cost up to \$10,001.00 to \$20,000.00 plus ¼% (.0025) of job cost up to \$20,001.00 and above.

(GGHH) *Extension of permit.* Fifty dollars (\$50.00) extension for 180-day duration.

| (HHI) *Mechanical permit.* Seventy-five dollars (\$75.00) on residential and \$50.00 on commercial plus 1% (0.10) of job cost up to \$10,000.00 plus ½% (.005) of job cost up to \$10,001.00 to \$20,000.00 plus ¼% (.0025) of job cost up to \$20,001.00 and above.

| (HJJ) *Plumbing permit.* Seventy-five dollars (\$75.00) on Residential and \$50.00 on Commercial plus 1% (0.10) of job cost up to \$10,000.00 plus ½% (.005) of job cost up to \$10,001.00 to \$20,000.00 plus ¼% (.0025) of job cost up to \$20,001.00 and above.

| (JJK) *Re-inspection.* With the purchase of any permit, one inspection and if necessary, one follow-up inspection for correction of violations will be free of charge. A fee for each additional re-inspection of the same issue shall be \$25.00 per trip.

ORDINANCE NO. 2022-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTIONS 90.1000.1 through 90.1000.5 OF EXCAVATIONS AND ALTERATIONS OF THE TONTITOWN MUNICIPAL CODE; FOR OTHER PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Tontitown has determined that it necessary to protect the health, safety and welfare of the citizens of Tontitown and others to amend the regulations pertaining to application for permit: bond amounts, public/traffic safety, bored crossings: requirements, and boring and jacking procedures and requirements that are set forth in Sections 90.1000.1 through 90.1000.5 of EXCAVATIONS AND ALTERATIONS of the Tontitown Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Sections 90.1000.1 through 90.1000.5 of EXCAVATIONS AND ALTERATIONS of the Tontitown Municipal Code should be adopted.

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

Section 1. That Sections 90.1000.1 through 90.1000.5 of EXCAVATIONS AND ALTERATIONS of the Tontitown Municipal Code is hereby amended in its entirety as set forth in the Attached Exhibit "A"

Section 2. The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

Section 3. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4. Declaration of Emergency. It is hereby found and determined that Sections 90.1000.1 through 90.1000.5 of EXCAVATIONS AND ALTERATIONS of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to application for permit: bond amounts, public/traffic safety, bored crossings: requirements, and boring and jacking procedures and requirements. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved

nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer

ARTICLE 90.1000 EXCAVATIONS AND ALTERATIONS

§ 90.1000.1 EXCAVATIONS.

(A) *Permit.* It shall be unlawful for any person to excavate, bore under or cut any street, alley, sidewalk, road, highway or other public way, or curb and gutter in the city, without first obtaining a permit from the City-Engineer. Such permit shall be granted only after a written application has been filed, all fees have been paid, and surety bonds are in place as set forth herein. Information to be indicated in such application shall include:

- (1) Name and address of the owner or agent in charge of the property abutting the proposed work area.
- (2) The name and address of the party doing the work.
- (3) A map that indicates the location of the work area and the dimensions of the excavation area.
- (4) A plan or a clear description of the work to be done.
- (5) A traffic control plan that meets the "Manual on Uniform Traffic Control Devices" latest edition.

(B) *Inspection-Permit fee; surety bond.* At the time of making application for a boring, jacking or open cut permit, ~~an inspectiona permit~~ fee as outlined under City Code § [155.01](#) shall be paid. An applicant for such permit shall deposit a cashier's check or a sufficient surety bond with the city, before a permit for boring, jacking or open cut shall be issued. The cashier's check and/or bond shall be forfeited for failure to comply with rules of public safety, as provided for by Article 90,~~800-1000.3~~ chapter.

(C) Upon satisfactory completion and approval of the bore, jack, or open cut, the city shall authorize the return of any ~~bond fee~~ sum deposited as provided above. In the event that the permit holder shall fail, refuse or neglect to make such repair or shall fail, refuse or neglect to remove and replace any rejected work as provided in this chapter, the city may make such repair or cause such repair to be made and deduct the cost thereof from the amount on deposit with the city, and the balance of the deposit, if any, shall be paid to the permit holder.

(Ord. 2009-11-347, passed 11-3-09; Am. Ord. 2010-06-356, passed 6-1-10; Am. Ord. 2018-11-816, passed 11-6-18)

§ 90.1000.2 APPLICATION FOR PERMIT: BOND AMOUNTS.

(A) ~~Unless the contractor has a Standing Bond, n~~ Unless the contractor has a Standing Bond, n No person shall make any bore, jack, or open cut for which a permit is required by § [90.1000.1](#) above, until he or she has deposited a cashier's check or a surety bond required herein at the time of obtaining the permit as set forth in § [90.1000.1](#).

(B) The amount of such cashier's check or surety bond shall be determined by the criteria as follows:

~~(1) — (1) The amount of the required bond for a boring or jacking permit shall be as follows:~~

~~a. 2-inch or less bore: \$750.00~~

~~b. More than 2-inch up to 4-inch: \$1,000.00~~

~~c. Larger than 4-inch: \$1,500.00~~

~~The amount for a boring or jacking permit shall not be less than \$750.~~

~~(2) The amount for an open cut shall be determined by the total square surface yards of the open cut, then multiplied by the current fees for open cuts as set forth in the Municipal Code, and then multiplied by 150%.~~

~~(3) In the case of sidewalks and curb and gutter, or other public way, the amount for an open cut shall be determined by the total square surface yards of the open cut, then multiplied by the current fees for open cuts as set forth in the Municipal Code.~~

~~(2) The amount for an open cut shall be estimated by square surface yards and calculated by the current fees for open cuts as set forth in the Municipal Code and then multiplied by 150%.~~

~~(3) In the case of sidewalks and curb and gutter, or other public way, the amount shall be determined by the current fee schedule as set forth in the Municipal Code but shall not be less than \$100.~~

(4) No fees or bonds shall be required for those projects which are borne by the city.

(5) Standing Bond.

~~(a) For a Jacking or Boring Standing Bond the amount of the bond shall be a minimum of \$3,000.00.~~

~~(b) For a combined (jacking or boring, open cut) Standing Bond, the amount of the bond shall be a minimum of \$10,000.00.~~

(Ord. 2009-11-347, passed 11-3-09; Am. Ord. 2010-06-356, passed 6-1-10; Am. Ord. 2018-11-816, passed 11-6-18)

§ 90.1000.3 PUBLIC/TRAFFIC SAFETY.

Every person making an excavation or cut as provided for in this article shall submit a traffic control plan for vehicular or pedestrian traffic flow at the time of obtaining a permit. The plan shall comply with the Manual on Uniform Traffic Control Devices, and be stamped for approval by the City ~~Engineer~~.

(Ord. 2009-11-347, passed 11-3-09; Am. Ord. 2010-06-356, passed 6-1-10; Am. Ord. 2018-11-816, passed 11-6-18)

§ 90.1000.4 BORED CROSSINGS: REQUIREMENTS.

The intent of this section is that all street, alley, sidewalk, road, highway or other public way, or curb and gutter crossings by utilities and other parties shall be required to be bored unless an open cut is approved by the city. Open cut approvals shall not be withheld unreasonably and if required, shall meet the following requirements:

(A) *Handling of excavated material.* In making excavations or making improvements in or to any street, alley, sidewalk, road, highway or other public way or curb and gutter in the city, all material or earth removed and new material necessary for repairs or for new work shall be handled in a safe manner and placed where it will cause the least possible inconvenience to the public. In no case shall such material or earth be stock piled or scattered over the surface of the pavement or impede vehicular or pedestrian traffic flow.

(B) *Making open trench repairs promptly.* No trench or opening made on any street, alley, sidewalk, road, highway, or other public way, or curb and gutter in this city shall remain open longer than is absolutely necessary, and in no event more than 24 hours, except by special written permission of the city. If a cut is required to be open for longer than 24 hours and the party making it failed to secure the necessary extension of time, and having been notified to refill the same, failed to do so, then the such refilling shall be made under the direction of the city at the expense of the party that has secured the permit. Temporary bridging of the open cut such as "plating" shall be required if a cut is required to stay open more than 12 hours. For public safety a minimum "plate" thickness of one inch shall be required.

(C) *Backfilling generally.* Immediately upon the completion of any job, the backfilling of cuts into any street, alley, sidewalk, road, highway or other public way, or curb and gutter shall be done as per the city's current standard details for such a repair. If no standard detail is available for such a repair, it shall be repaired in a manner approved by the City-Engineer.

(D) *Settling.* If the backfilling of any trench or opening settles prior to the making of permanent repairs, such trench or opening shall immediately be brought to proper grade by the party that secured the permit as directed by the City-Engineer. If such repair has not been made within three days24 hours of notification to permit holder, repairs will be made by the city at the permit holder's cost.

(E) *Length of excavation.* No excavation shall be made in any street, alley, sidewalk, road, highway, or other public way or curb and gutter in the city that exceeds 400 feet in length at any one time, except by special written permission of the City-Engineer.

(F) *Emergency cuts and excavations.* Nothing in this article shall prevent any person from opening any street, alley, sidewalk, roadway or other public way or curb and gutter as may be necessary for the preservation of life or property when necessity may arise during the times when city offices are closed. The person making such excavation shall make application for a permit within 24 hours after city offices are first opened subsequent to the making of such excavation.

(G) Application for all street cuts or bores shall be made with the ~~Water and Sewer~~City Planning and Permits Department. ~~The Water and Sewer Department will provide the service and,~~ and fees will be charged as outlined in § 155.01.

(Ord. 2009-11-347, passed 11-3-09; Am. Ord. 2010-06-356, passed 6-1-10; Am. Ord. 2011-08-379, passed 8-2-11; Am. Ord. 2018-11-816, passed 11-6-18)

§ 90.1000.5 BORING AND JACKING PROCEDURES AND REQUIREMENTS.

At the time of application for a permit for boring or jacking the following procedures and requirements shall apply as follows:

(A) The permittee shall provide a map that clearly depicts the location of each individual bored or jacked crossing.

(B) The permittee shall mark each individual bored or jacked crossing with "pinkwhite" chalk paint, as to provide the City Inspector a reference line as to where the boring or jacking ~~took~~will take place.

(C) When jacking or boring, the depth of bury on installations which are jacked or bored under any street shall have a minimum depth of bury of two and one-half feet below the low points of the street cross section to the top of the pipe or casing, or three and one-half feet below the bottom of the pavement structure (top of subgrade) to the top of the pipe or casing, whichever gives the greatest depth. In the case of a street section with a ditch section, the bury shall be a minimum of one foot below flow line, but still a minimum of the above referenced depth below street section, whichever is greater. If the pavement or curb and gutter structure is damaged by the jacking or boring installation, it shall be repaired in a manner approved by the City ~~Engineer~~.

(D) After the completion of the jacking or boring, the permittee shall contact the City ~~Engineer~~ within 48 hours of such completed work for an inspection.

(Ord. 2009-11-347, passed 11-3-09; Am. Ord. 2010-06-356, passed 6-1-10; Am. Ord. 2011-08-379, passed 8-2-11; Am. Ord. 2018-11-816, passed 11-6-18)

ORDINANCE NO. 2022-_____
CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS
A ORDINANCE EXPRESSING SUPPORT FOR INDIVIDUAL RIGHTS AND
CHOICE AS IT RELATES TO VACCINES, AND PROHIBITING THE CITY
FROM REQUIRING ANY PERSON TO PRESENT EVIDENCE OF
IMMUNIZATION AS A CONDITION FOR PROVIDING ACCESS, SERVICE,
OR EMPLOYMENT TO THE CITY

WHEREAS, vaccines are one tool that are used to protect the health and well-being of the public in the management of lethal communicable diseases, and

WHEREAS, every citizen who wants a vaccine possesses the right to obtain one; and the City of Tontitown affirms that right, and

WHEREAS, the City of Tontitown honors each persons' autonomy to assess risks and make their own informed health decisions, whether that be with allopathic, naturopathic, or alternative medicine, as each person determines what is best for their own situation, and

WHEREAS, people have the right to refuse vaccination based on religious, medical, or personal reasons, and every medical intervention requires informed consent and the right of refusal, and

WHEREAS, Arkansas HB1547 prohibits the state from mandating a vaccine or immunization for Coronavirus 2019, and

WHEREAS, the City of Tontitown does not discriminate upon any individual with regard to their race, religion, culture, gender, age, health, or vaccination status, and

WHEREAS, the City Council desires to express its support for the rights of individuals, families, and employees in our community, to direct their own health choices regarding vaccination or medical treatment, including Police, Fire, Public Works, First Responders, and all city staff, and

WHEREAS, it seems best to protect these individual rights and medical freedoms by preventing the mandating of vaccines in the City of Tontitown.

NOW, THEREFORE, BE IT ENACTED by the City Council of Tontitown, Arkansas:

Section 1: That the City of Tontitown shall not require any person to present evidence of his or her immunization status in connection with any service provided to the City of Tontitown, nor in connection with his or her employment to the City of Tontitown.

Section 2: The City shall not require any testing for a communicable disease as a requirement for employment.

PASSED AND APPROVED this ____ day of _____, 2022

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, Clerk-Treasurer
(SEAL)

RESOLUTION NO. 2022-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO AN INDEPENDENT CONTRACTOR AGREEMENT WITH DANIELLE DELILLE FOR CITY EVENT COORDINATION SERVICES.

WHEREAS, the City of Tontitown, Arkansas, is in need of an independent contractor to provide coordination services for various approved city events; and

WHEREAS, Danielle Delille is an employee of the City of Tontitown, but can provide such coordination services outside of her scheduled work hours; and

WHEREAS, the city and Danielle Delille desire to negotiate and enter into an independent contractor agreement for the provision of city events coordination services.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of Tontitown, Arkansas, on behalf of the City of Tontitown, Arkansas, is authorized to negotiate and enter into an Independent Contractor Agreement with Danielle Delille in a form similar to the Independent Contractor Agreement attached hereto as Exhibit "A".

PASSED AND APPROVED this _____ day April, 2022.

APPROVED:

Gene McCartney, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

**CITY OF TONTITOWN AGREEMENT
WITH INDEPENDENT CONTRACTOR**

THIS AGREEMENT WITH INDEPENDENT CONTRACTOR ("Agreement") is entered into this ____ day of _____, 2022, by and between City Of Tontitown, hereinafter referred to as the "City", and Danielle DeLille, hereinafter referred to as "Contractor".

W I T N E S S E T H

WHEREAS, the City holds and conducts various events and festivals in the city, including a farmer's market, bocce ball tournaments, Halloween festival and other events (the "City Events") which are held by the city in order to foster community awareness, tourism, economic development and other worthy goals and aims of the City of Tontitown; and

WHEREAS, the City is in need of a person to assist with the coordination of these approved City Events; and

WHEREAS, Danielle DeLille is employed by the City of Tontitown and desires to provide such coordination services as an independent contractor separate and apart from her duties with the City of Tontitown and outside of her scheduled work hours; and

WHEREAS, the Contractor is willing to accept the responsibility of providing these services to the City under the terms and conditions set forth in this Agreement.

NOW, THEREFORE, for and in consideration of the above premises and the mutual agreements hereinafter set forth, the parties hereto agree as follows:

1. Term. The term of this Agreement shall be month-to-month beginning on _____, 2022, unless otherwise terminated as provided herein.

2. Compensation. As compensation for services performed under this Agreement, the Contractor shall be paid the sum of \$_____ per approved City Event. Said compe

3. Expenses to be Reimbursed. The City will reimburse the Contractor for prior-approved expenses incurred by the Contractor in connection with the performance of the Contractor's duties under this Agreement. Such expenses must be submitted to the city for approval by the Mayor, and the Mayor shall have sole discretion to approve or disallow any expenses. All expenses must receive prior-approval for reimbursement.

4. Duties. The City agrees to retain the Contractor to perform the services normal and necessary to provide coordination for City Events. The City Events for which the Contractor shall provide services shall be approved in advance by the Mayor and the Contractor, and shall be contingent on funds budgeted for such City Events. Such duties shall include the coordination of event set-up, event activities, vendors, participants, tear-down and clean-up. The Contractor shall use her best and most diligent efforts and skills, and shall render services to the City in accordance with and in a manner consistent with applicable laws and standards established by the City.

5. Relationship of Parties. Both parties to this Agreement intend that an Independent Contractor relationship will be created by this Agreement. City is interested only in the results to be achieved, and the conduct and control of the work will lie solely with the Contractor. Contractor is not to be considered an agent or employee of City for any purpose, and the employees of the Contractor, if any, are not entitled to any of the benefits that City provides for City's employees. It is understood that City does not agree to use Contractor exclusively. Contractor shall be responsible for all taxes and withholdings related to the provision of these services.

6. Liability. The work to be performed under this Agreement will be performed entirely at Contractor's risk.

7. Right to Inspect. In the performance of the work herein contemplated, Contractor is an independent contractor with the authority to control and direct the performance of the details of the work, City being interested only in the results obtained. However, the work contemplated herein must meet the approval of the City and shall be subject to City's general right of inspection and supervision to secure the satisfactory completion thereof.

8. Death. The death of the Contractor during the term of this Agreement shall terminate this Agreement.

9. Termination. This Agreement may be terminated by the City without cause, at any time, upon written notice to the Contractor. The Termination provisions of this Section shall not be exclusive, but rather shall be in an addition to any other rights and remedies that the parties may have at law or equity. The termination of this Agreement shall not relieve or discharge either party from any obligation, debt, or liability which shall have previously accrued and remain to be performed up and until the date of termination.

10. Notices. Any and all notices, demands, requests, consents, approvals, or communications required or permitted to be given hereunder, shall be in writing and shall be delivered by personal delivery, via United States first class mail or overnight mail delivery. Irrespective of the manner of delivery used, all such notices shall be properly addressed and directed, in accordance with this provision:

City: City of Tontitton
Attn: Current Mayor
P.O. Box 305
Tontitown, Arkansas 72770

With a copy to: Harrington, Miller, Kieklak, Eichmann & Brown, P.A.
Attn: R. Justin Eichmann
4710 S. Thompson
Springdale, AR 72764
Fax Number: 479-751-3715

Contractor: Danielle DeLille

Notices sent by personal delivery shall be deemed given upon actual receipt. Notices sent via United States first class mail shall be deemed given no later than five (5) business days from mailing.

11. Legislative/Regulatory Change. If there is a change in any applicable statute, rule or regulation or a change in the manner in which the applicable rules and regulations are enforced, such that it affects the continuing legality of some or all of this Agreement, the parties agree to negotiate in good faith to amend this Agreement to conform to existing laws or regulations. If a mutually acceptable agreement that conforms to such changed rules and/or regulations cannot be reached within thirty (30) days (or such earlier time as may be required by such changed rules or regulations), this Agreement may be terminated immediately by either party by written notice to the other.

12. Time of the Essence. Time is of the essence in respect to all provisions of this Agreement that specify a time for performance; provided, however, that the foregoing shall not be construed to limit or deprive a party of the benefits of any grace or use period allowed in this Agreement.

13. Survival. Except as otherwise expressly provided in this Agreement, representations, warranties, and covenants contained in this Agreement, or in any instrument, certificate, exhibit, or other writing intended by the parties to be a part of this Agreement, shall survive the termination of this Agreement.

14. Ambiguities. Each party and its counsel have participated fully in the review and revision of this Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in interpreting this Agreement. The language in this Agreement shall be interpreted as to its fair meaning and not strictly for or against any party.

15. Waiver. No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.

16. Necessary Acts, Further Assurances. The parties shall at their own cost and expense execute and deliver such further documents and instruments and shall take such other actions as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

17. Anti-Fraud and Abuse. The parties enter into this Agreement with the intent of conducting their relationship in full compliance with applicable state, local, and federal law.

18. Entire Agreement. This Agreement constitutes the entire agreement between the

parties hereto and shall supercede any prior or contemporaneous oral or written statements or agreements that supplement or contradict the terms and provisions set forth herein. There are no agreements, understandings, restrictions, warranties or conditions between the parties, oral or otherwise, other than those set forth herein.

19. Binding Agreement. The rights and obligations of the City under this Agreement shall inure to the benefit of and shall be binding upon the successors and assigns of the City. However, neither this Agreement or any interest herein, or claim hereunder, shall be assigned or transferred by Contractor to any party or parties.

20. Modification. No modification or amendment of any of the terms, conditions or provisions hereby may be made unless by written agreement signed by the parties hereto.

21. Consent or Waiver of Breach. Consent of either party to any act or the waiver of either party of any breach of any provision of this Agreement shall not operate or be construed as a consent or waiver to any subsequent act or breach by the other party. No provision of this Agreement shall be deemed to have been waived by either party unless such waiver is in writing and signed by the parties.

22. Severability. If any part, term, clause, section or provision of this Agreement shall contravene or be invalid under the laws of the particular jurisdiction where used, construed or enforced, such contravention or invalidity shall not invalidate the whole Agreement, but instead this Agreement shall be construed as if not containing the particular provision or provisions held to be invalid in the particular jurisdiction, the validity of the remaining portions or provisions not being affected thereby, and the rights of the parties hereto shall be construed and enforced accordingly.

23. Expenses in Event of Default. In the event of any default under or breach of all or any provisions of this Agreement by either party, the other party shall be entitled to any and all expenses and costs incurred by such party in enforcing this Agreement. Such expenses shall include, but shall not be limited to, any reasonable attorneys' fees incurred by the non-defaulting or non-breaching party.

24. Construction of Agreement. The captions, headings and arrangements used in this Agreement are for convenience only and do not in any way limit or amplify the terms and provisions hereof. The use of the singular form of pronoun shall be construed to include the plural and the plural the singular where the number of the parties and the context indicates that intent. Likewise, the use of the masculine gender shall include the feminine.

25. Multiple Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which taken together shall be deemed one instrument.

26. Facsimile Signature. This Agreement may be executed by facsimile signature by the parties hereto, and any such facsimile signatures shall have the same force and effect as if manually signed.

27. Applicable Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Arkansas applicable to agreements made and to be performed wholly within such jurisdiction, without regard to the conflicts of law provisions thereof. The courts of the State of Arkansas for Washington County and the federal courts for the Western District of Arkansas shall have jurisdiction over any and all disputes which arise between the parties under this Agreement, whether in law or in equity, and each of the parties shall submit and hereby consents to such courts' exercise of jurisdiction. The aforementioned choice of venue is intended by the parties to be mandatory and not permissive in nature, thereby precluding the possibility of litigation between the parties with respect to or arising out of this Agreement in any jurisdiction other than that specified in this paragraph. Each party hereby waives any right it may have to assert the doctrine of forum non conveniens or similar doctrine or to object to venue with respect to any proceeding brought in accordance with this Paragraph, and stipulates that the State courts located in the County of Washington, State of Arkansas and the Federal court located in the Western District of Arkansas, Fayetteville Division, shall have in personam jurisdiction and venue over each of them for the purpose of litigating any dispute, controversy, or proceeding arising out of or related to this Agreement., Each party hereby authorizes and accepts service of process sufficient for personal jurisdiction in any action against it as contemplated by this paragraph by registered or certified mail, return receipt requested, postage prepaid, to its address for the giving of notices as set forth in this Agreement. Any final judgment rendered against a party in any action or proceeding shall be conclusive as to the subject of such final judgment and may be enforced in any other jurisdictions in any manner prescribed by law.

28. Specific Performance. The Parties acknowledge that it will be impossible to measure in money the damage to them caused by any failure to comply with the covenants set forth in this Agreement, that each such covenant is material, and that in the event of any such failure, the injured party will not have an adequate remedy at law or in damages. Therefore, the parties consent to the issuances of an injunction or the enforcement of other equitable remedies against them at the suit of the other, without bond or other security, to compel performances of all of the terms of this Agreement, and waive the defense of the availability of relief in damages.

29. Force Majeure. No party shall be liable for any failure to perform its obligations in connection with any action described in this Agreement, if such failure results from any act of God, riot, war, civil unrest, flood, earthquake, or other cause beyond such party's reasonable control (including any mechanical, electronic, or communications failure, but excluding failure caused by a party's financial condition or negligence).

30. Assignment. This Agreement is personal and nothing contained herein shall be construed to permit the Contractor, either voluntarily or by operation of law, to assign, hypothecate, give, transfer, mortgage, sublet, license, or otherwise transfer or encumber all or party of his rights, duties, or other interests in this Agreement or the proceeds thereof (collectively, "Assignment"), without the City's prior written consent. Any attempt to make an Assignment in violation of this provision shall be a material default under this Agreement and any Assignment in violation of this provision shall be null and void.

IN WITNESS WHEREOF, the parties to this agreement have duly executed it on the day and year first above written.