

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

May 17, 2022

Minutes

The Tontitown Committee of the Whole meeting is scheduled for **Tuesday May 17, 2022**, at 6:30 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
All in attendance
 3. Pledge of Allegiance
 4. Approval of Agenda
Amber Ibarra motioned to approve
Second by Arthur Penzo
Motion passes Unanimously
 5. Approval of **April 19, 2022** COW Minutes
Penny Baskin motion to approve
Second by Tim Burress
Motion passes Unanimously
 6. Monthly Financials
Reference the city website for detailed report
 7. Comments from Citizens
Edgar Cilio wanted to bring attention to the drainage issues in the South Pointe Subdivision Phase 1, the residents are experiencing extreme flooding and it doesn't have to be a big rain event for that to happen. And the other part of the issue is the poor planning of the drainage, the subdivision is fairly new, and the developer was able to get away with not planning and doing something right, and he wants to see if the council will take action and get a solution for himself and his neighbors.

Rodney Jackson wanted to speak about flooding of his in-law's rental property, this property has had 3 feet of water inside the home for the second/third time. There were no flooding issues until the road was built up and since then the culvert closest to Hwy. 412 cannot handle the water that's coming from the south. Mr. Jackson's opinion is that one or two more culverts need to be installed. Pictures were submitted to the council.

Jason Fitzgerald is with Cards Recycling a local trash company in Springdale, Ar. Mr. Fitzgerald reminded the council that the city's contract is coming up for renewal and wanted to see if the council would entertain putting it out for bid and offer Tontitown the same options they have for other cities and if chosen they would replace Waste Management. The company is currently in the process of building a new transfer station in Springdale with a state-of-the-art recycling on the backside and a MSW transfer of solid waste on the frontside with options to haul to other locations if needed but until then they will continue to haul to Waste Management. Cards Recycling offers 96-gallon carts for trash is provided and a 96-gallon cart for recycle every other week. Company business cards were provided to the council if they have any questions.

Rebecca Timmons is asking for a speed plate to be installed on South Pianalto Road. There have been numerous accidents/wrecks due to speeding and people aren't paying attention.

Donnie Talbert lives in South Pointe Phase 1 and wanted to add to Mr. Cilio's comment. When more developing went up the flooding got worse and his backyard is like a river, it catches everything running down and pools up like a pond between him and his neighbor's house. Mr. Talbert has put in efforts to help the drainage problem but it's not working, and the detention ponds are not working as designed. Mr. Talbert is willing to help the best he can as well as Mr. Cilia's. Videos and pictures will be sent to the city.

Paula Debusk lives east of South Pointe and one of the reason's she bought the home was because of a beautiful 80-year-old oak tree out by her fence. A developer built a retention pond north of Mrs. Debusk with big tunnels for drainage to come through and she looked at it and he had it going different directions the concrete under the ground which helped her drainage but killed her 80-year-old oak tree. Mrs. Debusk had to pay for the tree removal and the developer will not take any responsibility or help with the removal cost now she is left with a mound of dirt and the water started running down the side of her yard, she has done flat rock landscaping, and built a deck over the ugly part of the yard. So, the last rain washed out all the chat underneath and flowed on down with the water. This is getting very costly, Mrs. Debusk will provide pictures/videos.

Dan Barber appreciates the steps that the city has taken to help with the flooding issues in Barrington Heights. The common thread through the comments tonight has been the amount of runoff from the new development. Barrington Heights didn't have a problem with flooding until NAPA and Liberty Subdivisions whet in, and both developments have retention ponds, but they are not retaining water and after more observation the street drains are intentionally blocked (this reduces the amount of silt that goes into the retention pond). Mr. Barber would encourage the city to put requirements for the builders to really maintain an open drainage system so water flows to the retention ponds and look at future developments while continuing the work you're doing. And cover exposed gas line at the bridge at Brushy Creek/Liberty.

Nina Brown has lived at her residents since the 80's and never had flooding issues until Tontitown started to develop and she is in the valley, and they are developing up above her. There are retaining ponds but when they get full the water comes down. Mrs. Brown had 18 inches of water in her garage which made her gas cans started floating and the gas leaked out. She thinks the house is good because it was built up. The mayor, Fire Department, and everyone else showed up and Mrs. Brown stayed at the Tontitown Fire Department until it was safe for her to go home. Mrs. Brown is in the process of fixing the garage and the gas issue, and these floods are putting a financial burden on her. Mrs. Brown did thank the city for their assistance but would like for them to slow down the building and think about what we're doing.

Angie Russell visited the flooded areas also she presented pictures of Nina Brown's resident and the damage the floods are doing. A declaration was signed, and Angie asked what people need to do to get help. The mayor said everyone that called in was informed to get as much documentation as possible and send to the responsible contact which is Washington County so they can forward all information to FEMA to see if we can get funding. Angie said the drainage ditches in NAPA and Liberty were completely closed off and the water went right down into theses citizens homes, and she asked who is responsible for removing these. The mayor understood that the developer uses swaddles to block debris from going into the culverts while construction is in process and then will be removed by the developer when vegetation is established on at least 80 percent of the subdivision. The swaddles could be removed from culverts before a big rain event.

Rhonda Doudna said after looking at NAPA which is across the street front of councilman Larry Ardemagni's home, Mrs. Doudna wants to know why there isn't grass and that nasty sidewalk cleaned up. Mrs. Doudna and Angie Russell went through this whole neighborhood and every complaint was this builder, go look at the swimming pool she didn't think it was finished and it looks like trash, and you look at it everyday Larry, so something needs to be accountable to these builders that come in and should have been done a long time ago/should be finished.

Kenneth Lovett said it sounds like we have inherited these issues from Mr. Colvin and the city's plate is full but every time we talk about something, we worry about F.O.I.A. and worry so much about communicating, afraid we're going to say something wrong that'll come back to us later, so Mr. Lovett just wanted to throw that out there he's not sure exactly why that is. Also, it appears that the landfill is digging up the cap to place some vents maybe, new vents that they were talking about on the NE/NW corner. There have been complaints since this morning about the smell being awful. Tontitown approved expansion and Boston Mountain approved the Certificate- of- Need and after bringing up the smell to Boston Mountain Mr. Sprouse said isn't that an ADEQ issue, well it is but they approve the need and Tontitown approved the expansion, and the citizens are dealing with the issues.

8. Department Reports

- a) Police Department – Chief Corey Jenison
Reference the city website for detailed report
- b) Fire Department—Operations Chief Todd Witzigman
Reference the city website for detailed report
- c) Public Works Department – James Clark
Reference the city website for detailed report
- d) New Build Permit Report – James Clark
Reference the city website for detailed report
- e) Planning Department – Planning
Reference the city website for detailed report
- f) Tontitown Museum Board – Beverly Cortiana or Katherine Karras
Reference the city website for detailed report

9. Old Business:

- A. Discussion of an Ordinance expressing support for individual rights and choice as it relates to vaccines – Tim
City Attorney Justin Eichmann explained the legal side of this ordinance. Justin also contacted the Municipal League staff attorney John Wilkerson who had no knowledge of any other city having such an ordinance and Chief Counsel Lanny Richmond who said in an email there were problems with the ordinance.

Tim Burress motioned to move to the next city council meeting
Second by Penny Baskin

Amber Ibarra voted- YES

Tim Burress voted- YES

Gene McCartney voted- NO

Penny Baskin voted- YES

Arthur Penzo voted- NO

Larry Ardemagni voted- NO

Vote was Tied (4 votes are needed to Pass)-Did Not Pass

10. New Business:

- A. Discussion of drainage within the City – Penny
Mrs. Baskin said all flooding issues are a concern but some of them that are fixable, so she would like the council to see what we need to do to work forward with putting in extra drainage on Pinanlto by the Jackson's place and part of the road build up that has created that problem and would like to see what can be done with the bridge by Nina

Brown's, also, see what can be done on Bausinger and Arlington Way. Mrs. Brown asked if she could have some input when and if an engineer comes to out to look at the bridge.

B. Discussion on the Air Quality Committee – Penny

The cost of the air testers will be \$1300.00 per Kenneth Lovett, this amount is within the mayor's spending limit and the mayor said a check will be issued the next day.

C. Discussion of a Resolution amending the general budget and rescue grant budget for the purpose of claiming police salaries and employer payroll contributions – Gene

Penny Baskin motioned to move to the next city council meeting

Second by Tim Burress

Motion Passes Unanimously

D. Discussion of Garage Sale Permits – Tim

This council discussed doing away with the \$10.00 yard sale permit.

Tim motioned to move to the next city council meeting

Second by Amber Ibarra

Motion Passes Unanimously

11. Comments from Council Members

Tim Burress shares Rocky Clinton's frustration with the traffic and Rocky said he was unable to get a copy of the Master Street Plan, but Mr. Burress imagines the Planning Commission has access to that and can get a copy, Leslie has some ready and easily accessible and is used daily.

We do have problems with our roads, and we do have a street committee and will need to see how much was spent of the \$100,000.00 that was issued.

We do have a city budget and all city council should be permitted to be involved in creating the budget.

Mr. Burress said some of the council was disappointed we could not have an events coordinator but if we don't have funds for roads, we really don't want to put money there. Also, want to thank everyone for coming and speaking and all city departments, council, mayor for their work and for the two lives saved during the flooding.

Fishing Derby Saturday 8:00 AM- No license needed

Heritage Day – 11:00 AM to 1:00 PM

Penny Baskin- Had a good turnout for the Trails meeting @Rollins School.

Thanked everyone for coming out a talking about the flooding.

We had thirty-one trees donated to the city park for air quality event, thanks to Orscheln's, Sharum's Nursery and Waste Management. And the Farmers Market is from 9:00 to 1:00 on Saturday.

Arthur Penzo said it has been a year and asked James the status of Impact Fees, James Clark replied "Still in Progress", Arthur asked who we needed to talk to doing a little bit more progress, James replied "ME". James said more information needs to be sent to Garver and he is working on it.

Arthur said he feels for everybody's who has flood damage and it's not going to get better but worse and we don't have the money to spend right now and with impact fees every little bit we get will be a whole lot of help. James said the impact fees that are currently being worked on are for water/sewer. The mitigation grant we are using on N. Barrington to make repairs and we will apply for another after this one is finished because we cannot have two at one time. James said he will check with Justin, but the city might be able to require the developer to have more detention.

Amber Ibarra said on June 11, 2022, at 6:30 -The Arkansas Music Works Brass Orchestra, and food trucks will be performing in the park, so come out.

Larry Ardemagni the last time the trash contract came up we did put out it out for bid and Larry is more than happy to hear what Mr. Fitzgerald and his company's proposals.

12. Comments from Mayor

Air Quality- a check will be issued tomorrow.

City employees are working hard to clean up after the flood.

The Fire Station design is looking good

The Voting Election Commission would like to continue using the council chambers.

13. Comments from Attorney- None

14. Adjournment- Penny Baskin motioned to adjourn All in Favor