

Mayor – Angela Russell
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

July 19, 2022

Minutes

The Tontitown Committee of the Whole meeting is scheduled for **Tuesday July 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>

1. Meeting Call to Order

2. Roll Call

All in attendance

Note- Tim Burress was on zoom but we were unable to hear him during roll call only.

3. Pledge of Allegiance

4. Approval of Agenda

Penny Baskin motioned to approve the agenda

Second by Amber Ibarra

Motion Passes Unanimously

5. Approval of **June 23, 2022** COW Minutes

Tim Burress motioned to approve the minutes

Second by Larry Ardemagni

Motion Passes Unanimously

6. Monthly Financials-

Reference the city website for detailed report

7. Comments from Citizens-

James Dean (1025 Trailwood) is requesting that the city hire additional personnel and do a lot of cross training in City Hall. Mr. Dean has already spoken to the mayor about this matter because he and other citizens are having issues with the water department not being manned when Madelyn is absent. The phone is not being answered and messages are not being returned and this is frustrating to the citizens who have questions or need some assistance.

Kenneth Lovett (18702 Clearwater Rd.) said that Rocky Clinton needs to be removed from the Planning Commission. Mr. Lovett spoke with A.D.Q. again and they brought up the fact that people are moving in on the landfill and the reason why they are is because Tontitown is allowing them to and originally the landfill moved in on the people and

over time it gets too big for the area, and it needs to go somewhere else but the powers that be won't allow it to, so Mr. Lovett asked the council to consider how the city is rezoning things. We need the code enforcer to enforce the city codes on the landfill.

Nina Brown asked about the flooding issues and where are we going with it. Also, who's going to enforce our rules? Mrs. Brown said she will continue to be a squeaky wheel on this issue, and we've got to do something before we go developing a bunch more stuff. The retention ponds don't seem to be the answer, but we need to address the flooding issues that are already in place before allowing more growth. Where are we going to put the water runoff? Mrs. Brown wanted to address the speeding on S. Pianalto and who is the code enforcer? (The city has posted a notice for the hire of a Code Enforcement Officer because the city doesn't currently have one at this time and the Police Department is the contact). Mrs. Brown thanked all the council for their service and take in consideration of everything said tonight.

8. Department Reports

a) Police Department – Chief Corey Jenison

Tontitown Police Monthly Report
Month: June 2022
Calls for Service – 805
Accident Reports – 18
Warrants Served – 85
Warrants Outstanding - 1033
Warrants Amount - \$ 1,388,269.50
Training Hours (YTD) - 580
Citation Total - 276
Speeding Citations - 11
(Other) Traffic Citations - 143
Criminal Citations – 46
Improper Driving (City Ordinance) - 76
Warning Total - 343
Speeding Warnings – 179
(Other) Traffic Warnings – 164

b) Fire Department—Interim Operations Chief Mark Ramsey

Fire Department Report
June 2022
City Calls 39
Rural Calls 12

	Call Type	City Rural
EMS	27	4
Fire	4	5
MVA	2	2
False Alarm	1	1
Service Call	5	0
Total	39	12

Firefighters completed 296 hours of training for the month.

Firefighter Cody Tucker was hired part-time.

The city purchased a new 2022 Freightliner Pumper Tanker from Midwest Fire.

Honored the retirement of Operations Chief Todd Witzigman.

Volunteer Brandon Carmean completed a Wildland and First Responder class

c) Public Works Department – James Clark

Monthly Report July 2022 Public Works Department

STREETS/PARKS:

Beginning Monday, July 18th, our tree trimming contractor will complete trimming on Reed Valley Road. After finishing at that site, they will move to South Barrington Rd. I ask again,

please be considerate of workers in the road. Not just the tree trimming contractor, but our own water, sewer and street crews as well

Last week our new Planning staff, the Mayor and I had an opportunity to meet with Highway Commissioner Phillip Taldo. During a phone conversation, I inquired about the status of highway projects that will affect Tontitown. He offered to come visit with us in person. Mr. Taldo assured us that his main focus is on three projects. Those projects are; Highway 112 widening, the 612 Springdale bypass and the airport access road. First of all, the 112 widening project will begin with the section from Don Tyson Parkway to Highway 412, with major improvements to the 412/112 intersection. The projected cost of this section is \$20 - \$30 million dollars. Estimated let date for the construction of this section is scheduled for late 2024 or early 2025. However, relocation of utilities will have to begin in 2023. This is important to us because we have water lines that will have to be moved outside of the new right-of-way. We can expect ArDot to pay for moving the Lines that exist inside the current right-of-way, but not any upgrades in size. Lines that are outside the current right-of-way, that will have to be moved outside of the new right-of-way will have to be funded completely by the City. I have instructed our engineers to begin immediately working on plans to determine the needs and estimated cost to relocate these utilities.

The two other major projects for ArDot, Springdale Northern Bypass (612) and the airport access road will have a similar time frame for the eastern portion, from 112 to the airport access. Right-of-way acquisition and utility relocation are estimated to be complete late in 2023. Construction should begin mid to late 2024. The total cost for the complete 6.5-mile bypass from 112 to 412 is estimated at \$125-\$150 million. Right-of-way acquisition for the airport access road is estimated to be completed late 2023 and utility relocation late in 2024. The cost of this four-mile section is estimated at \$100-\$125 million. Finally, Mr. Taldo assured us that the department is working on the design for the Klenc/412 Traffic signal. I will follow up on that project soon.

WATER/SEWER:

The Public Works Department experienced an act of vandalism last Tuesday, July 12th in the late hours of the night. Two persons were recorded on our security cameras throwing rocks over the fence at vehicles. The windshield was broken in our John Deere tractor; rear windows in two trucks and a windshield in one. A couple of vehicles also sustained damage from rocks hitting the body causing dents in tailgates and other areas. Tontitown P.D. is investigating.

d) **New Build Permit Report – James Clark**
Reference the city website for detailed report/chart.

e) **Planning Department – Planning**

Planning Report - July

The Planning Commission will meet on July 26th at City Hall starting at 6pm. At our last planning commission meeting the board agreed to adopt a new calendar for the remainder of the year. This new calendar allows time for staff to fully and thoroughly review each project and make whatever corrections are needed prior to it being presented to the board. A copy of the new calendar has been attached to your report and is also available on our website.

Public Hearing:

1. Bariloche Planned Unit Development (PUD) and Preliminary Subdivision Plat: The applicant is requesting PUD and plat approval for 139 lots (136 Single family, 2 Detention, and 1 common area) on 40.13 acres. The project is located on Klenc Road, approximately 3,300 feet south of HWY 412 on parcel numbers 830-33758-000 and 830-37758-001.

Planning Commission:

1. Jean Mary (Manhattan Steel Door) LSD: The applicant is requesting Preliminary Large Scale Development approval to construct a commercial building and associated parking on approximately 0.64 acres. The project is located on the SE corner of the intersection of Via De Tonti Lane and Jean Mary Dr., on parcel #830-37834-000.

2. Bariloche Planned Unit Development (PUD) and Preliminary Subdivision Plat: The applicant is requesting PUD and plat approval for 139 lots (136 Single family, 2 Detention, and 1 common area) on 40.13 acres. The project is located on Klenc Road, approximately 3,300 feet south of HWY 412 on parcel numbers 830-33758-000 and 830-37758-001.

2. Victory Church LSD: The applicant is requesting Preliminary Large Scale Development approval to construct a 13,303 SF building with associated parking and driveway, located at 250 Industrial Circle East.

3. Tontitown Fire Station LSD: The applicant is requesting Preliminary Large Scale Development approval to construct an 11,846 SF fire station with associated parking and driveways, located at 199 E. Bandini Ave.
If approved the following will be coming to City Council on August 1st for final approval:

1. Bariloche Planned Unit Development (PUD) and Preliminary Subdivision Plat: The applicant is requesting PUD and plat approval for 139 lots (136 Single family, 2 Detention, and 1 common area) on 40.13 acres. The project is located on Klenc Road, approximately 3,300 feet south of HWY 412 on parcel numbers 830-33758-000 and 830-37758-001.

Planning Report - August

The Planning Commission will meet on August 23rd at City Hall starting at 6pm. As the submittal calendar was adjusted, the submittal day was earlier, so Planning can present the preliminary items for this meeting. All of them may not proceed, but these are the items that were submitted.

1. Sbanotto Ave Rezoning: The applicant is requesting to rezone a piece of property that is 5.83 acres, located at 701 Sbanotto Ave., from "A" Agriculture, to "R-3" Residential.

2. Laura Lane Warehouse LSD: The applicant is requesting Preliminary Large Scale Development approval to construct a 17,000 SF warehouse building at 609 Laura Lane on 3.7 acres.

f) Tontitown Museum Board – Misty Piazza

Tontitown Historical Museum (THM) Report for the COW Meeting Tuesday, July 19, 2022

The THM Board of Directors met in-person on Monday, July 11th.

1. New Board Member: We are excited to announce that Ethan Oxford is interested in joining the THM Board. Ethan has a BA in History degree from Arkansas Tech University and works at Scott Family Amazeum. We ask Mayor Angie Russell to appoint Ethan, and that the City Council approve Ethan's appointment at the August 1 City Council Meeting.

2. Visitors: We had 52 visitors in June -- 45 on the day of our Tontitown Heritage Day and 7 during our normal business hours.

3. Piazza Family Blessings Box: Mayor Angie Russell has approved the new location of the

food pantry. Penny Baskin and Misty Piazza will be working together to get the new concrete slab poured and pantry moved within the next month. The new location will be over between the two parking lots to the west of the Water Department.

4. The 123rd Tontitown Grape Festival: August 2nd– 6th. The museum will have extended open hours:

- ☐ Thursday, August 4 -- 3:00 to 7:00 pm
- ☐ Friday, August 5 -- 1:00 to 7:00 pm
- ☐ Saturday, August 6 -- 10:00 am to 7:00 pm

Regular Museum Hours: Friday, Saturday, and Sunday 1pm – 4pm

The next THM Board of Directors meeting is scheduled for Monday, August 1, 2022, at 6pm in City Hall Conference Room

9. Old Business:

- A. Discussion of an Ordinance establishing standards for small wireless facilities within the City of Tontitown, Arkansas; declaring an emergency and for other purposes – Gene

This was a discussion only.

Jason Steel who is not building the Verizon tower in Tontitown but does build and owns his own poles spoke about the different designs and construction of cell towers and gave his expert opinion on the monopole design. Mr. Steel also suggested that the council update the city wireless ordinance that would better serve the city's future design.

City Attorney Justin Eichmann addressed the legal side of this discussion and proposed that the council look at the regulations and strengthen those regulations.

Reference YouTube for lengthy discussion.

Tim Burress motioned to move to the next Committee of the Whole Meeting
Second by Penny Baskin

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

10. New Business:

- A. Acknowledgement of the City of Tontitown Water and Sewer audit – Angie
The mayor acknowledgement that the city Water and Sewer Audit was received by the Committee of the Whole and will be on the next City Council agenda.
- B. Discussion of an Ordinance to amend chapter 110 General Licensing Provisions in the Tontitown Municipal Code: Declaring emergency and for other purposes – Angie

This is an ordinance to amend the business license and the cease and desist. The city currently does not have anyway of penalizing businesses for not renewing their license. There are currently 37 businesses in Tontitown operating without a valid license. The cease and desist must be issued by a majority from the city council. The mayor would like to get this ordinance updated. City Attorney Justin Eichmann presented to the council more information on cease and desist.

Larry Ardemagni motioned to move to the next City Council Meeting
Second by Penny Baskin
Motion Passes Unanimously

- C. Discussion of the City of Tontitown Police Department entering into a contract with First Capital Equipment Leasing Corp for “lease to own” on 6 New Dodge Durango PPV’s with Law Enforcement upfits and equipment – Chief Jenison

Chief Jenison passed out an updated quote-On the four year the net amount to finance is the same, on the four-year lease to own payment went up to \$100,112.43 and the fixed interest went up to 4.4. Chief Jenison’s goal was to bring it forward later this year when we were closer to budgets, it’s just to present another option to start phasing out the older units and get into a fleet rotation.

Reference YouTube for a detailed discussion

Amber Ibarra motioned to move to the next City Council Meeting
Second by Penny Baskin
Motion Passes Unanimously

- D. Discussion of an Ordinance to amend chapter 111: Sale of Fireworks in order to include and define regulations for the use of Fireworks in the Tontitown Municipal Code – Angie

There were a lot of complaints stating that the fireworks are being fired off all hours and well after the fourth of July. The city is proposing to move the ending time to July 6th instead of the 10th. The starting of the sale and use is June 20th through July 6th until 10:00 PM, July 4th until Midnight, and add New Year’s Eve (ONLY) until 1:00 AM.

Larry Ardemagni motioned to move to the next City Council Meeting with changes noted
Second by Amber Ibarra
Motion Passes Unanimously

- E. Discussion of a Resolution authorizing the Mayor to negotiate and enter into an agreement to see approximately 3,400 square feet of property owned by the City of Tontitown, Arkansas – Angie

The mayor said that Mrs. Foster had her property surveyed and then had a fence installed, she was later told her fence was approximately 3,400 square feet on a city owned lot. Mrs. Foster would like to purchase the property instead of moving her fence and Mrs. Foster has all documentation which she presented to the council, also Mrs. Foster who lives at 287 Arlington Way, thinking the property was hers, has been maintaining the city property at her own expense since 2014.

Tim Burress motioned to move to the next City Council Meeting
Second by Amber Ibarra
Motion Passes Unanimously

11. Comments from Council Members

Tim Burress thanked everyone for coming to tonight’s meeting and Mr. Steel for expertise in the cell tower discussion. All seats are up for re-election in November and encourage citizens to get involved.

The mayor is doing a superb job and thanked her personnel.

Arthur Penzo said he knows it cost a lot of money and it’s a good thing we put in a water tower and lines and we’re going to have to build another tower. Mr. Penzo said he was told today that Centerton has three of them and remembers what Rhonda (Doudna) said years ago “We need rooftops”, but it’s getting to the point that these rooftops are causing us a lot of trouble and where there being built. We need to slow down somewhere; we’re getting to much. If the city could afford this drainage, it would be different, but we don’t, and Mrs. Brown has been complaining about the water for a long time and we can’t do anything with it. Years ago, just the cost to fix the bridge on Sbanotto to help with drainage was a quarter of a million and you can add another \$150,000.00 now. We need to put on the brakes.

Amber Ibarra wanted Mrs. Brown her to know that at the last planning meeting there was a development that came before them and was turned down and the reason was the landscape, they knew would cause a flooding issue. Mrs.

Ibarra feels that the planning commission is paying attention to future projects, so she wanted Mrs. Brown to know and that it's a step in the right direction.

Larry Ardemagni thanked everyone for coming out and as a reminder the next City Council Meeting will be on Monday August 1, 2022 @ 6:00 PM because the Tontitown Grape Festival starts Tuesday August 2nd through the 6th.

Gene McCartney said citizens have been asking about the following and would like to get any information together by the next meeting just to keep the citizens up to date:

- 1) FEMA flood damage had a lot of photos, comments, and calls from people during the flooding and would like to discuss in the next meeting.
 - 2) Reed Valley bridge
 - 3) Barrington Heights
 - 4) Progress on the water/sewer bond projects
- Thanked everyone for being here tonight.

12. Comments from Mayor

- 1) Welcomed Mark and Brad who are doing a phenomenal job in planning.
- 2) Thanked the awesome Nina Brown for bringing in A LOT of snacks for the city employees who worked the fourth of July weekend.
- 3) Thanked Mrs. Graham for the delicious 55-pound watermelon.
- 4) Thanked Healthy Harbor for the food and energy drinks.
- 5) On July 26th we will be interviewing for the Fire Chief position
- 6) Thanked everyong for coming out tonight and please continue to let the mayor/council know what's going on because everything on the agenda tonight came from our citizens.

13. Comments from Attorney- None

14. Adjournment- Arthur motioned to adjourn All in Favor