

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

October 18, 2022

Minutes

The Tontitown Committee of the Whole meeting is scheduled for **Tuesday October 18, 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
All in Attendance
 3. Pledge of Allegiance
 4. Approval of Agenda
Arthur Penzo motioned to approve
Second by Amber Ibarra

Motion Passes Unanimously
 5. Approval of **September 20, 2022** COW Minutes
Tim Burress motioned to approve the minutes
Second by Penny Baskin

Motion Passes Unanimously
 6. Monthly Financials-
Detailed report is available on the city website
 7. Comments from Citizens

Rhonda Doudna 762 Pozza Ln. Tontitown, AR said she runs the “Community of Tontitown” page on Facebook and she put out there on what is going on with Penny Baskin and has proof in what she wrote. Mrs. Doudna had some questions for Mrs. Baskin that she wanted answered in public (The “Comments for Citizens” portion is strictly for comments, council only listens), so Mrs. Doudna asked the following questions:

1. Were you a registered voter when you took your seat in November 2021- She was not
2. Did she turn in Financial Statement when she took her seat as appointed seat- No she did not.
3. Did she turn in her Financials to run for the seat in the November election- No she did not
4. Did she turn in her Oath 15 days after being sworn in November 2, 2021- No she did not.
5. Did she register to vote as Penny Lynn Ramsey in Oklahoma and was married to Baskin in 2004 and voted in 2004, 2008, 2016, 2020 with the same SS#, same address.

These questions need to be answered and by taking this seat she wasn't qualified for, and she knew it, this is fraud, and she is taking money that doesn't belong to her and didn't qualify for. Mrs. Baskin has been asked numerous times to turn in her paperwork and she still has not, Rhonda said she would publicly apologize if she is wrong but Mrs. Baskin's must prove her qualifications by submitting her paperwork. Now the Attorney General is involved.

Mike Odette 1575 S Pinalto, Tontitown, AR wanted to echo what Rhonda Doudna said and asked the council to vote and ask Penny Baskin to resign.

Roy Jackson 310 Ceola, Tontitown, AR wanted clarification on the trash pickup.

Mark Calcagni 12642 Arbor Acres Rd, Springdale, AR announced that there will be a Public Hearing with ADEQ Wednesday November 2, 2022, at the Springdale Senior Center 203 Park Street, Springdale, AR at 5:00PM to 7:00PM, 38 letters were submitted in reference to the Landfill Expansion.

Kenneth Lovett 18702 Clearwater Rd., Fayetteville, AR spoke about the landfill gases and odors and had the bus stop moved due to those issues.

8. Department Reports

a) Police Department – Chief Corey Jenison

Tontitown Police Monthly Report
 Month: September 2022
 Calls for Service – 667
 Accident Reports – 22
 Warrants Served – 69
 Warrants Outstanding - 1157
 Warrants Amount - \$ 1,511,041.50
 Training Hours (YTD) - 1905
 Citation Total - 205
 Speeding Citations - 7
 (Other) Traffic Citations - 110
 Criminal Citations – 47
 Improper Driving (City Ordinance) - 41
 Warning Total - 296
 Speeding Warnings – 82
 (Other) Traffic Warnings – 214

b) Fire Department—Chief Mark Ramsey

Fire Department Report
 September 2022
 Total Calls: 51

	Call Type	City Rural
EMS	27	4
Fire	5	1
MVA	9	1
False Alarm	2	0
Service Call	2	0

September Total	45	6
YTD Total (9/30/22)	380	86
Last YTD (9/30/21)	289	99

Crews responded to 382 total calls in the city last year.

TFD completed over 316 hours of training in September

Volunteer Fireman Tyler Langford completed Inspector I (80-hour course).

Two new cadets completed the Arkansas Wildland course.

Crews inspected and serviced hydrants in the city.

Participated in the car show for 2022.

Volunteer Neville Gough participated in the 9/11 stair climb.

The city accepted an AFG (Assistance to Firefighters Grant) for a Gear Extractor for \$22, 627.00. (Partnered with TAFD

c) Public Works Department – James Clark

Monthly Report October 2022 Public Works Department

STREETS/PARKS:

Good News, Ardemagni Road paving is completed and ahead of schedule. If you have not had a chance to drive through, please do so. It's amazing how a small project such as this improves the city, and relieves the street crew from ongoing maintenance issues.

The Street Planning Committee met last week with Regional Planning, Robin Lundstrum and Clint Penzo to discuss priorities and funding opportunities. Tim Conklin with Regional Planning explained how we need to go about requesting federal funds for street improvements. More importantly, he made us aware of the length of time required to construct improvements using federal dollars. The first item that needs to be addressed is the Master Street Plan. The current plan, last updated in 2018, needs to be updated again as some of the needs and priorities have changed. Mark Latham and I have been working on a priority list and potential timeline for construction. Committee discussion included planning future improvements out 10-15 years due to the cost and time required to acquire federal funding.

Some of the projects can be accomplished without the use of federal funds. These smaller projects can be funded with local dollars, including impact fees, once they are in place. However, with all of this being said, we still need to dedicate more funding to the street department. In the near future, the council will have to make a decision where the money will come from. There are very few options available to generate the amount of funds needed to construct any new streets. The first option is to pass a new sales tax that would be dedicated to streets. Secondly, the current one-cent sales tax that is divided 60% to general fund, 30% to water and sewer and 10% to streets, could be re-allocated to add a larger percentage to streets. The final option, which has already been passed this year, is to increase millage to 5%, the maximum allowed without going to the voters. There is a possibility It may take all three to generate the amount of revenue needed to fund the wants and needs of the City.

WATER/SEWER:

First of all, I am happy to announce the hiring of a new employee in the Public Works

Department. For the last year I have been trying to convince Charles Ward to come work for the City. He finally agreed to take the job. Yesterday, Charles started as the Public Works Supervisor. His many years of experience will make him a great asset to the City.

Just a reminder, the bid opening for the installation of the 18" waterline along 412 will be October 28th. I will have the results of the bids for your approval at the November 1st Council meeting

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

e) **Planning Department – Planning**

October Agenda:

Mark has been leading the effort to update our comprehensive plan for the city. Some of the commissioners along with NWAPC & Clint Penzo, discussed on October 11th, the priority needs for our roads and streets.

Update on the Don Tyson expansion to 112: The money has been allocated on the expansion. Commission held their meeting prior to the COW meeting and will be no agenda for October.

If approved, council will hear the following:

1. Rezone North Maestri Road (Highway 112): The applicant is requesting to a rezone several parcels of property from A "Agriculture" to C-2 "General Commercial" on approximately 57 acres on the west side of North Maestri Road. Parcels include 830-38036-000, 830-37780-000, 830-37969-000, and 830-37969-100.

In addition to the rezone, we have the following:

2. Sloan Crest Subdivision LSD: Applicant has submitted a preliminary plat for a singlefamily residential subdivision to be built on approximately 13 acres at 859 Barrington Road.

November Agenda:

Possible Rezone and CUP approval of 516 W. Henri De Tonti Blvd that has been submitted and Has been through Tech Review and now waiting on re-submittal.

Also, a LSD for Paramount Metals located at 761 W Henri de Tonti Blvd. Again, plans have been submitted and reviewed through Planning Tech and now waiting for re-submittal.

f) **Tontitown Museum Board – Misty Piazza**

The THM Board of Directors met in person on Monday, October 3, 2022.

1. 20th Annual Polenta Smear: Save the date for our 20th Annual Polenta Smear, Sunday, November 6th, 11:00 am - 1:30 pm at St. Joseph Catholic Church Parish Hall. This year's theme is "Taste of Tontitown." Please join us as we celebrate all things Tontitown: Umedo, Lasagna, Spaghetti, and lots of Italian Desserts. This year we are also doing a recipe share and encouraging others to bring their favorite Italian desserts with the recipe to share with others. You do not want to miss this amazing event.

2. Visitors: We had 16 visitors in September. We have had a total of 230 for the year. We

have 3 outside hours appointments already on the books for October.

3. Halloween in the Park: The Museum Board is excited to be a participant in this year's event. We collected and turned in our candy at our October board meeting. We are excited to share our love of our Tontitown history with our young visitors.

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

The next THM Board of Directors meeting is scheduled for Saturday, October 29, 2022, at 8:30 am in City Hall Conference Room. We will be having our Fall Board Retreat to plan for 2023.

9. Old Business:

A. Discussion of a cost-of living adjustment at an agreed upon percentage – Tim

This workshop is to be rescheduled so all council members can be in attendance.

B. Discussion of reconsideration of change in zoning parcel #830-37750-000 and #830-37758-001 located on Klenc Road from R-3 to P.U.D – Arthur

Councilman Arthur Penzo who voted against this project at the last City Council Meeting on 10/4/22, felt this needed further discussion, after the owners of the project contacted Mr. Penzo to discuss his concerns and then the City Attorney Justin Eichmann was contacted and asked what options the city had to be able to revisit this project.

- 1. A member of city council could bring this back to a meeting for reconsideration.**
- 2. The owners could take this to Circuit Court.**

Larry Ardemagni motioned to approve and move to the special meeting following tonight's Committee of the Whole Meeting.

Second by Arthur Penzo

Tim Burress Voted- NO

Amber Ibarra Voted- YES

Gene McCartney Voted- YES

Larry Ardemagni- Voted YES

Arthur Penzo Voted- YES

Penny Baskin Voted- YES

Motion Passes

10. New Business:

A. Discussion of a resolution expressing the intent of the Tontitown City Council related to the Eco-Vista class 1 and 4 landfill expansions in the City of Tontitown, Arkansas – Angie

Kenneth Lovett 18702 Clearwater Rd. Fayetteville, AR said the following is still an issue with Waste Management:

- 1. Unknown gases**
- 2. Possible combustible gases**
- 3. The amount of leachate in the storm drains (pictures where presented)**
- 4. Improper cover**
- 5. Waste Management and Mr. Lovett did test for five gases that Mr. Lovett suggested, and found nothing**
- 6. Waste Management and ADEQ need to get their own tubes and do their own testing**

Mayor Angie Russell said the council is aware of the following problems with Waste Management:

- 1. Loud noise**
- 2. Trash everywhere**

3. Serious air quality concerns
4. Ground pollution
5. Water quality issues

The mayor wants the citizens of Tontitown to be safe.

Mark Calcagni 12642 Arbors Acres Rd. Springdale, AR said an August Department of Environmental Quality Meeting held in Bentonville consisting of three members of Tontitown council, State Senator, State Representative, and some citizens of Tontitown. ADEQ had a top official, two Lawyers, top air official, head of land area, and second in command at this meeting. ADEQ is Tontitown had the authority to deny expansion and regulate and hold Waste Management accountable.

A top official with ADEQ said she visited Tontitown and sat in Waste Management's parking lot and got a headache and burning eyes, but they said they are limited on what they can do. ADEQ and Boston Mountain are doing a lot of finger pointing and 1200 citizens signed a petition to try and stop this expansion. Please deny the Waste Management the expansion.

Dennis Boyer 1969 Dowell Rd. Tontitown, AR said Waste Management has been uncooperative and will not give any information. Waste Management knows what gases are out there.

Rhonda Doudna 762 Pozza Ln. Tontitown, AR asked the mayor to please explain the resolution.

Mayor read the resolution

Penny Baskin 1539 S Pinalto Rd. Tontitown, AR said not all the trash is local.

Nina Brown 1851 S Pinalto Rd. Tontitown, AR is concerned about the wildlife, trash everywhere, track out and would like answers before expanding.

Rebecca Timmons 1946 S Pinalto Rd. Tontitown, AR said the dust and dirt that is in the air is also in the homes of the area residents and the smell of feces is in the air and not being treated. Why is this being allowed?

Tim Burress motioned to move to the next City Council Meeting
Second by Penny Baskin

Motion Passes Unanimously

B. Discussion to amend section 4.2 work hours in the Tontitown Handbook – Angie (Mark)

Tim Burress motioned to move to the next City Council Meeting with verbiage changes to this Department
Second by Amber Ibarra

Motion Passes Unanimously

11. Comments from Council Members

Tim Burress was glad to see the seats full tonight and thanked everyone for coming.

Amber Ibarra reminded everyone of Halloween in the Park, and we desperately need candy and donations.

Larry Ardemagni said the Ardemagni Rd. is fantastic and welcome to the new hire.

Gene McCartney

1. There is now a light at E. Fletcher and Maestri and looking at another at Steele and Maestri.
2. Looking at a grant to fix bridge on Reed Valley.
3. A work session is to be scheduled to discuss cell phone towers.
4. Light at Klenc was a half million project is now closer to 1.50 million project due to the moving of utilities. Do we keep moving forward with this original thought or use turning lanes?

12. Comments from Mayor

- 1. Thanked Robin Lunstrum and Clint Penzo for attending meetings for the streets. Robin Lunstrum has helped the city find grants so we could apply.**
- 2. Reminder for the month of December the citizens will be receiving 2 trash bills- 1 will be the city's final bill and then 1 for Waste Management, this will be a quarterly bill (3 months) from now on, any trash issues contact Waste Management.**
- 3. Early Voting starts at City Hall on the following dates:
October 24 through the 28, 8:00 AM to 6:00 PM
October 29 - 10:00 AM to 4:00 PM
October 31 through November 4th - 8:00 AM to 6:00 PM
November 5th – 10:00 AM to 4:00 PM
Polls will close at 4:30 Tuesday November 1st for the City Council Meeting
Election Date is November 8th 7:30 AM to 7:30 PM**
- 4. Halloween in the Park- candy and/or donations are desperately needed.**
- 5. Appreciates the citizens and council.**

13. Comments from Attorney

- 14. Adjournment- Tim Burress motioned to adjourn All in Favor**