Mayor – Angela Russell
Recorder – Rhonda Ardemagni
City Attorney –Justin Eichmann
Law Firm—Harrington-Miller
City Engineer–Garver Engineers

Ward 1 Position 1 – Misty Piazza
Ward 1 Position 2– Amber Ibarra
Ward 2 Position 1—Daniel Montez
Ward 2 Position 2—Larry Ardemagni
Ward 3 Position 1- Mike Washkowiak
Ward 3 Position 2— Tim Burress

City Council
July 18, 2023
Agenda

The Tontitown Public Hearing and City Council is scheduled for Tuesday, July 18, 2023, at 6:00 p.m. at Tontitown City Hall and via Zoom and YouTube visit https://zoom.us/j/97053037337
Meeting ID: 970 5303 7337# or join by phone at +1 (312) 626-6799
When prompted for Meeting ID: 970 5303 7337# If you do not have a Participant Number: press #

City Council

1. Meeting Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of the June 20, 2023 City Council Minutes
6. Financial Report
7. Department Reports
   A. Museum
   B. Police
   C. Fire
   D. Public Works
   E. Building Report
   F. Planning
8. Comments from Citizens
9. Approval by City Council Members to Waive the 3 Reading Rule for All Ordinances on Agenda
10. Old Business:
    A. Approval of an ordinance to accept the final Plats for January – May 2023: Angie/Planning
11. New Business:
    A. Appointment of Olivia Ward to the Tontitown Historical Museum Board: Angie/Museum
    B. Appointment of Megan McAfee to the Tontitown Historical Museum Board: Angie/Museum
    C. Approval of an Ordinance rezoning approximately 37.53 acres of property located on 523 S Barrington: Angie/Planning
    D. Approval of an Ordinance to amend section 110.04 licenses required for each place of business: Tim
    E. Approval of a Resolution amending section 5.2 Holidays and Holiday Pay in the personnel handbook: Angie
    F. Rezoning of 1145 Javello Road (Tabled to August due to applicant not providing a legal description for the ordinance): Angie/Planning

G. Approval of an ordinance to rezone approximately 10.53 acres located at 516 W Henri De Tonti Blvd: Angie/Planning
H. Approval of a conditional use permit at 516 W Henri De Tonti Blvd: Angie/Planning
I. Approval of an Ordinance amending section 10.99 General Penalty: Tim
J. Approval of an Ordinance amending section 51.04 Water Service Rates: Angie/Public Works
K. Approval of a Resolution authorizing the mayor to negotiate and execute a contract with Tri-Star Contractors for the S Pianalto sewer line extension: Angie/Public Works
L. Approval of a Resolution authorizing the mayor to negotiate and execute a contract with Tri-Star Contractors for the Klenc Road sewer line extension: Angie/Public Works
M. Approval of a resolution authorizing the mayor to enter into a contract with Duncan Associates: Angie

12. Comments from Aldermen
13. Comments from Mayor
14. Comments from City Attorney
15. Adjournment

Mayor – Angela Russell
Recorder – Rhonda Ardemagni
City Attorney –Justin Eichmann
Law Firm—Harrington-Miller
City Engineer–Garver Engineers

Ward 1 Position 1 – Misty Piazza
Ward 1 Position 2– Amber Ibarra
Ward 2 Position 1—Daniel Montez
Ward 2 Position 2—Larry Ardemagni
Ward 3 Position 1- Mike Washkowiak
Ward 3 Position 2— Tim Burress

City Council
June 20, 2023
Minutes

The Tontitown Public Hearing and City Council is scheduled for Tuesday, June 20, 2023, at 6:00 p.m. at Tontitown City Hall and via Zoom and YouTube visit https://zoom.us/j/97053037337

Meeting ID: 970 5303 7337# or join by phone at +1 (312) 626-6799

When prompted for Meeting ID: 970 5303 7337# If you do not have a Participant Number: press #

City Council

1. Meeting Call to Order
2. Roll Call
   All in attendance
3. Pledge of Allegiance
4. Approval of Agenda

   Amber Ibarra motioned to approve the agenda.
   Second by Misty Piazza

   Motion Passes Unanimously

5. Approval of the May 16, 2023 City Council Minutes

   Tim motioned to approve the minutes.
   Second by Larry Ardemagni

   Motion Passes Unanimously

6. Financial Report
   Reference the city website for the detailed report.

7. Department Reports

   A. Museum

      The THM Board of Directors met in person on Monday, June 5, 2023.

      1. Tontitown Heritage Day: Thank you to everyone who was able to join us at our annual Tontitown Heritage Day. A special thank you to Mayor Russell and Councilman Larry Ardemagni for attending. We had a great turn out and the weather was perfect. Save the date for Sunday, June 2, 2024.

2. New Exhibits: Stop by the museum and see our new pasta exhibit and new dress on display. We have many other changes that will be taking place in the future, stop by and visit today.

3. Historic House Hunt: Our museum is part of a summer museum adventure. From June 1st –August 31st, you can visit 7 museums around NWA and see the different historic houses and learn more about the history here in the area. We are honored to be a part of this experience. It will also bring more people into our city to experience Tontitown.

4. Wednesdays: The museum is now open on Wednesdays of each week from 9 am to 1pm. We are excited to add an additional day for the public to come and enjoy our museum.

5. New Board Members: We are excited to announce that Olivia Ward and Megan McAfee are interested in joining the Tontitown Historical Museum Board. Olivia Ward works at Scott Family Amazeum. She has Italian roots in Oklahoma and is excited to join our museum to learn more in the museum field. Megan McAfee is a Tontitown descendant. Her parents are Phillip and Mary Ann Taldo. She is excited to help carry on tradition. We ask Mayor Russell to appoint Olivia and Megan and that the City Council approve their appointment at the July 18 City Council meeting.

Regular Museum Hours: Wednesday 9 am – 1 pm; Friday, Saturday, and Sunday 1 pm – 4 pm.

The next THM Board of Directors meeting is scheduled for Monday, July 10, 2023, at 6:00 pm in the City Hall Conference Room.

B. Police

Tontitown Police Monthly Report Month: May 2023

Calls for Service – 728
Accident Reports – 20
Warrants Served – 104
Warrants Outstanding - 1119
Warrants Amount - $ 1,494,660.50
Training Hours (YTD) – 1104
Citation Total - 210
Speeding Citations - 16
(Other) Traffic Citations - 124
Criminal Citations – 21
Improper Driving (City Ordinance) - 49

Warning Total - 389
Speeding Warnings – 94
(Other) Traffic Warnings – 295

C. Fire

Fire Department Report May 2023

Total Calls: 48
EMS- 20
FIRE- 5
MVA- 6
FALSE ALARM- 6
SERVICE CALL- 11
MUTUAL AID- 2
Calls within city limits of Tontitown

May 2023: 238 calls for service May 2022: 195 calls for service

Average response time (Alarm to en route) listed at: 41 seconds.
Average on scene/arrival time (Alarm to on scene): 3 minutes 01 second
The fire department completed over 415 training hours in May.
Garrett Henry and Grant Beasley completed Advanced Auto Extrication in Alma, AR.
Cadets Colton Cooley and Johnathan Oktay started the Fire Academy in Camden, AR.
All ladders were inspected and tested for 2023. All ground ladders passed.

D. Public Works

Public Works Department June 2023 Report

Streets/Parks:
Mr. Latham is going to proceed with the Fun Park grant to hopefully help pay for the horseshoe pits in the park. Some of you are aware that interim Mayor McCartney started this project while he was in office. In working with the state director of NHPA, we have developed a design that would be able to be sanctioned for tournaments.

Water/Sewer:
As you are aware, the 412-water line bond project is under way. We have two sewer projects that have been advertised in the newspaper in the last few weeks, that will be paid for with the bond funds. These projects will be constructed on Klenc and S. Pianalto. Bid opening dates for the two sewer projects will be July 12 and 14 respectively. The other project that we have to complete is the Wildcat Creek water line. This line was intended to be constructed with the bond fund. However, the cost of the 412-water line consumed the bond money on the water side. Wildcat Creek is the

source of most of our water leaks so far this year. The line is an old 3" PVC that has been in place since around 1980 and was installed under the driving surface of the road. Therefore, this project will need to be paid for with reserve funds. I am sure that I have mentioned before, we have the materials for this project, so the cost of installation will be greatly reduced from a fully complete project. In addition, I want to remind to remind you that we may encounter a shortfall on the 412-water project. With both of these things considered, we may need as much as one million dollars to complete all projects.

To give you an update on the small water projects that we are working on in house, we have almost completed the first one. Unfortunately, as soon as we began the Kelly Road project we encountered rock about two feet under the surface. The ditch that we needed to excavate is five feet deep, so we had to break three feet of rock to install the pipe. As you can imagine, this greatly reduced the amount of pipe we could install per day. In addition shortly after we started, Charles Ward left the City. He was to play an instrumental role in this and other construction projects. Therefore, we may need to hire outside assistance to complete the other project on S. Barrington.

As I have mentioned previously, we have at least one major project that we need to construct within the next year, an additional water tower. We have plans drawn and approved by the Health Department, we just need to determine how we will fund this four to five million dollar project. The Mayor and I have met with financial advisors and hope to have a presentation for the council soon.

Thanked the council for hiring a City Engineer.

E. Building Report
Reference the city website for the detailed report.

F. Planning

May Agenda:

1. Royal Real Estate, LLC – The applicant is requesting a rezone of 16.0 acres Residential Estate (RE) to Commercial Trades and Services (C-T) at 1145 Javello RD. Parcel #: 830-37883-100 and 830-37883-400. (Tabled at last Planning Commission)

2. Vapor Maven – The applicant is requesting a rezone from R-3 to C-2 and a CUP for warehouse in C-2 at 516 W. Henri De Toni Blvd.

3. Copart LSD with Variance -The applicant is requesting an approval of a setback variance at 3116 W. Henri De Toni Blvd.

4. Donna Baker – The applicant is requesting a rezone of 48.57 from R-2 to R-3 at the corner of Arbor Acres and Dowell Rd. 830-38331-005, 830-39950-000, 830-38331-003, 830-38331-004, 830-38331-006.

5. Martin Burciaga – The applicant is requesting a conditional use permit to store items on property zoned RE at 677 Gina Marie Lane. 830-37976-404.

8. Comments from Citizens-

Kenneth Lovett 18702 Clearwater Rd., Fayetteville, AR

1. Made the council aware that there is a continued nuisance with Waste Management.

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

Amber Ibarra motioned to approve.
Second by Larry Ardemagni

Motion Passes Unanimously

10. Old Business: NONE

11. New Business:

A. Reschedule the July Committee of the Whole meeting – Angie

The July 4th meeting has been moved to Thursday July 6th.

B. Water and Sewer audit acknowledgement – Angie

Mayor Russell presented to the council by the Berry & Associates Certified Public Accountants, the City of Tontitown Water and Sewer Department Financial Statements and Supplementary Information for the years ended December 31, 2022, and 2021 and Independent Auditor's Report.

Misty motioned to verify and accept the Water and Sewer audit.
Second by Amber Ibarra

Motion Passes Unanimously

C. Approval of an ordinance to amend section 153.060 zoning districts established and section 153.080 agriculture and residential districts; general description – Angie/Planning

This will put the R-4 in a dormant state but can be brought back later when R-4 is needed.

Tim Burress motioned to approve.
Second by Amber Ibarra

Motion Passes Unanimously

Tim Burress motioned to approve the Emergency Clause.
Second by Mike Washkowiak

Motion Passes Unanimously

D. Approval of a resolution to adopt the Tontitown Vision Plan 2023 – Angie/Planning

Misty Piazza motioned to approve the Vision Plan.
Second by Tim Burress

Motion Passes Unanimously

E. Approval of an ordinance to amend and replace various sections of Chapters 152 through 154 – Angie

This will change the appeals process to 10 business days.

Amber Ibarra motioned to approve.
Second by Daniel Montez

Motion Passes Unanimously

Tim Burress motioned to approve the Emergency Clause.
Second by Daniel Montez

Motion Passes Unanimously

F. Approval of final plat ordinance – Angie/Planning

The council needed clarification on some of the parcel numbers.

Tim Burress motioned to Table.
Second by Mike Washkowiak

Motion Passes Unanimously

G. Approval of a resolution to authorize the acquisition of water service – Angie/Public Works

Washington Water Authority has no desire to service this area and is willing to release this area at no charge to the City of Tontitown for their future services.

Larry Ardemagni motioned to approve.
Second by Daniel Montez

Motion Passes Unanimously

H. Approval of an ordinance to vacate a portion of a 20-foot utility easement located at 244 S Maestri Road – Angie/Planning

The reason for this approval is that there is an encroachment issue to a building.

Larry Ardemagni motioned to approve.
Second by Amber Ibarra

Motion Passes Unanimously

I. Approval of an ordinance to amend chapter 91: Noise Regulations – Angie

Adding federal holidays to the ordinance.

Citizen Comments-

Mark Calcagni 12642 Arbor Acres Rd., Tontitown, AR and Kenneth Lovett 18702 Clearwater Rd., Fayetteville, AR
Requested that council approve this ordinance.

Tim Burress motioned to amend the ordinance "No noise from commercial or industrial activity shall be allowed during all federal holidays or on all federal holidays".
Second by Daniel Montez

Motion Passes Unanimously

12. Comments from Aldermen

Daniel Montez

1. Thanked everyone for coming out and for the reports.
2. Have a good July 4th.

Misty Piazza

1. Thanked the Fire and Police Departments for their community involvement.
2. Will be sending out information for the September 16th -Bocce Tournament, Car and Motorcycle Show.
3. Thanked those for attending the Park Meeting.
4. The diaper drive for the Burress family continues, plan on giving to the Burress family on July 6th.

Larry Ardemagni

1. Thanked everyone for coming out and for the reports.

Tim Burress

1. Thankful for the diaper drive.
2. Thanks to Misty Piazza and Amber Ibarra.
3. Thanked City Attorney Justin Eichmann.
4. Have a safe July 4th.

Mike Washkowiak

1. Thanked everyone for coming.
2. Sorry he missed the Park Meeting.
3. Happy July 4th.

13. Comments from Mayor

    1. Had a great learning experience at the Municipal League Conference.
    2. Citizens can still vote by email and Misty Piazza's Facebook page and the city's page, on the Master Park Plan.

14. Comments from City Attorney- NONE
15. Adjournment- All in Favor

City of Tontitown Financial Snapshot
June 30, 2023

Balance Sheet	2023	2022	$ Change from Previous Year
833 Fire Restricted Fund Balance	$112,619.38	$91,276.58	$21,342.80
988 Police Restricted Fund Balance	$63,332.37	$93,927.26	($30,594.89)
UnderCover Drug Fund	$738.67	$15,822.46	($15,083.79)
City General Fund Balance	$6,798,173.45	$5,547,075.59	$1,251,097.86
City General Bond Restricted Accts	*$ 3,350,066.25*	*$ 5,672,381.43*	($2,322,315.18)
Water Sewer Fund Balance	$6,040,263.32	$6,190,562.85	($150,299.53)
Water Sewer Bond Restricted Accts	*$ 5,864,831.34*	*$ 7,846,001.91*	($1,981,170.57)
Street Fund Balance	$470,069.57	$425,485.61	$44,583.96

Income Expense

833 Fire Restricted Income & Expenses	2023 Current Month	2023 Year to Date	2021 Budget & % To Budget	2022 Year to Date	Change from Previous Year
			$ 20,000		
Income	$10,640.69	$11,257.64	56.29%	$9,257.66	
Expenses	$0.00	$0.00	0.00%		
Net Transfers		$0.00			
Net Change in Fund Balance	$10,640.69	$11,257.64		$9,257.66	$1,999.98

988 Police Restricted Income & Expenses	2023 Current Month	2023 Year to Date	*$ 50,000*	2022 Year to Date	Change from Previous Year
Income	$4,856.28	$27,501.53	55.00%	$4,303.94	
Expenses	$0.00	$0.00	0.00%	$3,359.28	
Net Transfers					
Net Change in Fund Balance	$4,856.28	$27,501.53		$944.66	$26,556.87

City General Income & Expenses	2023 Current Month	2023 Year to Date	*$ 4,066,500*	2022 Year to Date	Change from Previous Year
Income	$357,439.03	$2,591,687.94	63.73%	$2,486,111.63	
Expenses	$358,840.25	$2,109,154.43	51.87%	$1,922,250.10	
Net Transfers	($106,263.96)	($470,702.77)		($138,035.37)	
Restricted SUT - 2022A&B SUT	$172,015.10	$859,377.37		$943,100.23	
Regions Debt Service Expense A&B	$0.00	$0.00			
Net Change in Fund Balance	$64,349.92	$871,208.11		$1,368,926.39	($497,718.28)
Operating Income/(Expense)	($1,401.22)	$482,533.51		$563,861.53	($81,328.02)

Water Sewer Income & Expenses	2023 Current Month	2023 Year to Date	*$ 4,647,000*	2022 Year to Date	Change from Previous Year
Operating Income	$479,310.33	$2,459,039.78	52.92%	$2,335,959.12	
Operating Expenses	$390,485.81	$2,248,584.26	48.39%	$1,643,068.03	
Restricted SUT - F&M 3/4% Bond	$129,011.32	$644,533.02		$707,325.16	
Net Transfers	$2,305.32	$9,717.70		$2,807,723.91	
Net Change in Fund Balance	$220,141.16	$864,706.24		$4,207,940.16	($3,343,233.92)
Net Operating Income/(Expense)	$88,824.52	$210,455.52		$692,891.09	($482,435.57)

Street Income & Expenses	2023 Current Month	2023 Year to Date	*$ 549,000*	2022 Year to Date	Change from Previous Year
Income	$53,823.95	$330,332.34	60.17%	$328,027.47	
Expenses	$13,856.59	$143,381.82	26.12%	$291,749.67	
Net Transfers		$0.00		$0.00	
Net Change in Fund Balance	$39,967.36	$186,950.52		$36,277.80	$150,672.72
Operating Income/(Expense)	$39,967.36	$186,950.52		$36,277.80	$0.00

Large Monthly Income / Expenses - See Attached Detail

Large Monthly Items City			
Comm Dev	Desktop/Software Engineer	($5,444.24)	
Police	KS Bank-Car Lease Program	($101,561.01)	
Large Monthly Items Water Sewer			
Water/Sewer	Fixed Asset: Olathe Ford	($80,089.00)	
	Material & Supplies	($24,068.82)	
	Miscellaneous Exp	($13,358.10)	K2 Constr, Easements
Large Monthly Items Streets			

Act 833 Fund-Fire Restricted

Balance Sheet-Act 833 Fire Restricted

For Period Ending 6/30/2023

	Book Value Jun 2023 Actual	Book Value Jun 2022 Actual
Assets		
Current Assets		
Cash		
7025-833 Fire Fund Restric-DDA	112,619.38	91,276.58
Total Current Assets	**$112,619.38**	**$91,276.58**
Total Assets	**$112,619.38**	**$91,276.58**
Fund Balance		
Accumulated Surplus (Deficit)		
Fund Balance	112,619.38	91,276.58
Total Fund Balance	**$112,619.38**	**$91,276.58**
Total Liabilities and Equity	**$112,619.38**	**$91,276.58**

Act 833 Fund-Fire Restricted

Act 833 Fire

Acct		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Year-To-Date Jan 2022 Jun 2022 Actual
Revenue & Expenditures						
Revenue						
4552	Act 833 Fund-Fire Restricted	10,380.02	10,380.02	20,000.00	51.90%	9,236.35
4650	Interest Income	260.67	877.62	0.00	0.00%	21.31
	Revenue	**$10,640.69**	**$11,257.64**	**$20,000.00**		**$9,257.66**
	Gross Profit	**$10,640.69**	**$11,257.64**	**$20,000.00**		**$9,257.66**
Expenses						
5060	Materials and Supplies		0.00	20,000.00	0.00%	
	Expenses		**$0.00**	**$20,000.00**		
	Revenue Less Expenditures	**$10,640.69**	**$11,257.64**	**$0.00**		**$9,257.66**
	Net Change in Fund Balance	**$10,640.69**	**$11,257.64**	**$0.00**		**$9,257.66**
Fund Balances						
	Beginning Fund Balance	101,978.69	101,361.74	0.00	0.00%	82,018.92
	Net Change in Fund Balance	10,640.69	11,257.64	0.00	0.00%	9,257.66
	Ending Fund Balance	112,619.38	112,619.38	0.00	0.00%	91,276.58

Report Options
Fund: Act 833 Fund-Fire Restricted
Period: 6/1/2023 to 6/30/2023
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 6/30/2023

	Book Value Jun 2023 Actual	Book Value Jun 2022 Actual
Assets		
Current Assets		
Cash		
7033-988 Police Fund-DDA	63,332.37	93,927.26
Total Current Assets	**$63,332.37**	**$93,927.26**
Total Assets	**$63,332.37**	**$93,927.26**
Fund Balance		
Accumulated Surplus (Deficit)		
Fund Balance	63,332.37	93,927.26
Total Fund Balance	**$63,332.37**	**$93,927.26**
Total Liabilities and Equity	**$63,332.37**	**$93,927.26**

Act 988 Fund-Police Restricted

Act 988 Police

Acct		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Period Jun 2022 Jun 2022 Actual
Revenue & Expenditures						
Revenue						
4550	Act 988 Fund-Police Restricted	4,700.00	27,021.25	50,000.00	54.04%	4,300.00
4650	Interest Income	156.28	480.28	0.00	0.00%	3.94
	Revenue	**$4,856.28**	**$27,501.53**	**$50,000.00**		**$4,303.94**
	Gross Profit	**$4,856.28**	**$27,501.53**	**$50,000.00**		**$4,303.94**
Expenses						
5025	Automobile Expense			0.00	0.00%	3,359.28
5060	Materials and Supplies			50,000.00	0.00%	
	Expenses			**$50,000.00**		**$3,359.28**
	Revenue Less Expenditures	**$4,856.28**	**$27,501.53**	**$0.00**		**$944.66**
	Net Change in Fund Balance	**$4,856.28**	**$27,501.53**	**$0.00**		**$944.66**
Fund Balances						
	Beginning Fund Balance	58,476.09	35,830.84	0.00	0.00%	92,982.60
	Net Change in Fund Balance	4,856.28	27,501.53	0.00	0.00%	944.66
	Ending Fund Balance	63,332.37	63,332.37	0.00	0.00%	93,927.26

Undercover Drug Fund

Balance Sheet-Undercover Drug Fund

For Period Ending 6/30/2023

	Book Value Jun 2023 Actual	Book Value Jun 2022 Actual
Assets		
Current Assets		
Cash		
6476-Undercover Drug Fund-DDA	738.67	15,822.46
Total Current Assets	**$738.67**	**$15,822.46**
Total Assets	**$738.67**	**$15,822.46**
Fund Balance		
Accumulated Surplus (Deficit)		
Fund Balance	738.67	15,822.46
Total Fund Balance	**$738.67**	**$15,822.46**
Total Liabilities and Equity	**$738.67**	**$15,822.46**

Undercover Drug Fund

Statement of Revenue and Expenditures

Account Number		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Year-To-Date Jan 2022 Jun 2022 Actual
Revenue & Expenditures						
Revenue						
Police Dept						
4650	Interest Income	1.88	6.21		0.00%	
4020	Miscellaneous	0.00	0.00		0.00%	3,986.08
	Police Dept Totals	**$1.88**	**$6.21**			**$3,986.08**
	Revenue	**$1.88**	**$6.21**			**$3,986.08**
	Gross Profit	**$1.88**	**$6.21**			**$3,986.08**
Expenses						
Police Dept						
5030	Bank Service	0.00	(10.00)		0.00%	
	Police Dept Totals	**$0.00**	**($10.00)**			
	Expenses	**$0.00**	**($10.00)**			
	Revenue Less Expenditures	**$1.88**	**$16.21**			**$3,986.08**
	Net Change in Fund Balance	**$1.88**	**$16.21**			**$3,986.08**
Fund Balances						
	Beginning Fund	736.79	722.46		0.00%	11,836.38
	Net Change in	1.88	16.21		0.00%	3,986.08
	Ending Fund	738.67	738.67		0.00%	15,822.46

Report Options
Fund: Undercover Drug Fund
Period: 6/1/2023 to 6/30/2023
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 6/30/2023

Account Number		Book Value Jun 2023 Actual	Book Value Jun 2022 Actual
Assets			
Current Assets			
Cash			
1010	0170-City Gen Operating-DDA	731,877.86	1,248,711.11
1008	1197-City Res Veneto-Mantegani	265,654.80	0.00
1014	2136-City ARPA Fund-GSB-MMS	0.00	379,453.63
1225	6248-GSB-ICS-City General	3,564,421.22	0.00
1012	7469-City Museum Sav	264,922.67	248,639.35
1004	7598-Parks and Trails Dev MMS	121,559.58	120,433.27
1003	7882-General - MMS	1,849,737.32	3,549,838.23
1035	RC-5961-2022A&B Revenue fund	0.02	0.23
1037	RC-5962-2022A&B Bond Fund	375,937.67	388,757.61
1045	RC-5964-2022A&B Debt Service	422,966.08	416,902.20
1046	RC-5965-2022A Fire Constr Fund	2,551,162.48	4,866,721.39
	Total Current Assets	**$10,148,239.70**	**$11,219,457.02**
Other Assets			
Other Assets			
1782	CIP-2022A-SUT-Fire Constr	2,613,904.40	154,500.00
	Total Other Assets	**$2,613,904.40**	**$154,500.00**
	Total Assets	**$12,762,144.10**	**$11,373,957.02**
Liabilities			
Current Liabilities			
Other Current Liabilities			
2000	Accounts Payable	265,000.00	0.00
	Total Current Liabilities	**$265,000.00**	**$0.00**
Long Term Liabilities			
Long Term Debt			
2603	2022A-SUT-Fire Bond	4,916,702.43	5,016,702.43
	Total Long Term Liabilities	**$4,916,702.43**	**$5,016,702.43**
	Total Liabilities	**$5,181,702.43**	**$5,016,702.43**
Fund Balance			
Accumulated Surplus (Deficit)			
3000	Fund Balance	7,580,441.67	6,357,254.59
	Total Fund Balance	**$7,580,441.67**	**$6,357,254.59**
	Total Liabilities and Equity	**$12,762,144.10**	**$11,373,957.02**

City of Tontitown
General Fund
Statement of Revenue and Expenditures

Acct		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Year-To-Date Jan 2022 Jun 2022 Actual
Revenue & Expenditures						
Revenue						
General Dept						
4995	2022A&B Bond Cost of Issue		0.00	0.00	0.0%	79,002.08
4040	Business License	13,905.00	24,625.00	25,000.00	98.5%	21,930.00
4057	Convenience Fee Income	71.65	284.95	2,000.00	14.2%	1,077.24
4086	Farmers Market Income	6.95	396.95	0.00	0.0%	1,280.00
4586	Fire Donations		1,000.00	0.00	0.0%	1,000.00
4085	Fire-Grant		32,527.06	60,000.00	54.2%	4,145.82
4000	Franchise Tax Income	3,674.00	225,650.66	225,000.00	100.3%	203,112.72
4010	Hosting Fees		201,313.61	350,000.00	57.5%	273,249.66
4595	Insurance Claims		32,557.07	0.00	0.0%	3,690.72
4650	Interest Income	17,121.36	74,430.06	7,000.00	1,063.3%	2,651.53
4651	Interest Income 2022A&B	17,034.33	113,392.03	30,000.00	378.0%	5,114.14
4020	Miscellaneous Income		989.99	500.00	198.0%	
4100	Museum Income	1,165.00	7,592.00	7,500.00	101.2%	8,896.00
4363	Park Event Income		0.00	1,000.00	0.0%	
4180	Park Income	370.00	2,430.00	2,500.00	97.2%	1,385.00
4200	Permits-Income	51,278.72	210,742.94	400,000.00	52.7%	279,884.54
4542	Police Donations		9,899.00	6,000.00	165.0%	6,000.00
4080	Police Grant		6,780.26	80,000.00	8.5%	20,017.07
4540	Police Income	27,051.00	166,543.50	320,000.00	52.0%	153,702.12
4560	Property Tax	25,440.00	384,566.97	615,000.00	62.5%	331,459.45
4570	Sales Tax- County SUT	93,178.17	551,389.57	900,000.00	61.3%	505,471.89
4580	Sales Tax-City SUT 2005	103,209.06	515,626.41	985,000.00	52.3%	553,860.14
4645	State Turnback-Cty & Muni A	3,933.79	28,949.91	50,000.00	57.9%	29,181.51
	General Dept Totals	**$357,439.03**	**$2,591,687.94**	**$4,066,500.00**		**$2,486,111.63**
	Revenue	**$357,439.03**	**$2,591,687.94**	**$4,066,500.00**		**$2,486,111.63**
	Gross Profit	**$357,439.03**	**$2,591,687.94**	**$4,066,500.00**		**$2,486,111.63**
Expenses						
Administration						
5030	Bank Service Charges	226.58	716.65	2,000.00	35.8%	1,097.17
5995	Bond Exp-Regions A&B		85,741.38	150,000.00	57.2%	
5351	Bond Trustee Fees		0.00	3,000.00	0.0%	5,250.00
5281	Building Repairs	104.98	14,241.69	5,000.00	284.8%	655.80
5035	Computer Software & Support		2,320.64	7,500.00	30.9%	3,341.35
5591	Contract-Central EMS		23,690.50	30,000.00	79.0%	10,741.50
5590	Contracts	1,952.82	15,904.28	25,000.00	63.6%	248,114.31
5040	Dues and Subscriptions	363.32	13,558.63	25,000.00	54.2%	15,251.26
5370	Engineering		27,729.80	50,000.00	55.5%	27,674.50
5470	Equipment Repairs	998.04	998.04	5,000.00	20.0%	4,818.17
5050	Fixed Assets Purchases		0.00	0.00	0.0%	7,495.56
5047	Fuel		119.16	0.00	0.0%	263.61
5150	Insurance, Vehicles &		0.00	5,000.00	0.0%	
5380	Legal Fees	7,355.00	42,000.14	100,000.00	42.0%	30,266.28
5060	Materials and Supplies	283.85	5,122.18	5,000.00	102.4%	754.20
5341	Meetings Training and Travel	792.92	3,172.96	1,500.00	211.5%	662.46
5340	Miscellaneous Expense		82.76	500.00	16.6%	
5090	Office Expenses	599.86	4,061.80	7,500.00	54.2%	6,869.15

City of Tontitown
General Fund
Statement of Revenue and Expenditures

Acct		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Year-To-Date Jan 2022 Jun 2022 Actual
Revenue & Expenditures						
Expenses						
Administration						
5630	Payroll w/Benefits	15,452.00	103,702.48	211,000.00	49.1%	65,600.30
5633	Payroll-AML Workers Comp		101.70	500.00	20.3%	121.73
5629	Payroll-Elected Officials		64,222.37	133,000.00	48.3%	57,497.03
5110	Printing and Reproduction		0.00	200.00	0.0%	150.00
5350	Professional Fees		4,636.00	10,000.00	46.4%	78,353.08
5420	Repairs & Maintenance		304.55	15,000.00	2.0%	6,488.89
5597	Uniform Expense	268.26	268.26	750.00	35.8%	379.79
5500	Utilities	899.35	7,789.90	20,000.00	38.9%	9,543.54
	Administration Totals	**$29,296.98**	**$420,485.87**	**$812,450.00**		**$581,389.68**
Community Dev						
5025	Automobile Expense		6,220.11	1,500.00	414.7%	854.00
5035	Computer Software & Support	5,444.24	5,444.24	4,500.00	121.0%	2,721.36
5590	Contracts	557.53	1,919.31	20,000.00	9.6%	3,759.30
5040	Dues and Subscriptions	25.00	2,712.21	5,000.00	54.2%	447.09
5370	Engineering		90,848.89	50,000.00	181.7%	26,338.56
5047	Fuel		1,016.56	5,000.00	20.3%	1,825.12
5150	Insurance, Vehicles &		0.00	1,100.00	0.0%	
5380	Legal Fees	60.80	547.20	1,000.00	54.7%	98.80
5060	Materials and Supplies	58.90	620.86	8,000.00	7.8%	4,448.70
5341	Meetings Training and Travel	262.60	2,635.25	5,000.00	52.7%	130.00
5090	Office Expenses	811.93	1,557.84	3,000.00	51.9%	584.18
5630	Payroll w/Benefits	16,052.50	114,069.81	254,200.00	44.9%	97,456.57
5633	Payroll-AML Workers Comp		279.30	500.00	55.9%	243.30
5634	Payroll-Planning		12,618.01	26,500.00	47.6%	9,676.50
5110	Printing and Reproduction		0.00	1,500.00	0.0%	1,278.18
5350	Professional Fees		0.00	1,000.00	0.0%	
5170	Taxes-Construction Surcharge	1,408.31	4,813.92	7,500.00	64.2%	4,588.21
5597	Uniform Expense	171.26	681.62	1,000.00	68.2%	332.64
5500	Utilities	289.30	1,416.00	2,500.00	56.6%	1,078.58
	Community Dev Totals	**$25,142.37**	**$247,401.13**	**$398,800.00**		**$155,861.09**
Fire Dept						
5025	Automobile Expense	3.86	1,947.02	4,000.00	48.7%	654.32
5035	Computer Software & Support		0.00	0.00	0.0%	2,353.00
5590	Contracts	1,393.83	2,439.11	7,500.00	32.5%	3,759.30
5592	Contract-TAFD		0.00	30,000.00	0.0%	100,479.96
5040	Dues and Subscriptions		4,754.92	7,000.00	67.9%	456.69
5050	Fixed Assets Purchases		80,875.80	90,000.00	89.9%	80,305.15
5047	Fuel	1,191.85	5,629.82	7,500.00	75.1%	3,060.74
5150	Insurance, Vehicles &		0.00	14,000.00	0.0%	
5060	Materials and Supplies	424.82	3,724.80	7,000.00	53.2%	1,355.04
5341	Meetings Training and Travel		731.92	3,000.00	24.4%	1,162.26
5090	Office Expenses		979.87	1,600.00	61.2%	727.02
5630	Payroll w/Benefits	45,946.22	273,620.67	584,500.00	46.8%	122,433.22
5633	Payroll-AML Workers Comp		8,136.00	11,500.00	70.7%	6,138.00
5350	Professional Fees		914.88	1,500.00	61.0%	1,183.94
5420	Repairs & Maintenance		3,027.21	8,500.00	35.6%	1,786.07

City of Tontitown
General Fund
Statement of Revenue and Expenditures

Acct		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Year-To-Date Jan 2022 Jun 2022 Actual
Revenue & Expenditures						
Expenses						
Fire Dept						
5421	Run Reimbursement-Fire		0.00	25,000.00	0.0%	
5530	Tools and Equipment		28,958.55	50,000.00	57.9%	3,381.86
5597	Uniform Expense	198.71	5,418.09	5,500.00	98.5%	1,250.38
5500	Utilities	688.94	6,201.81	10,000.00	62.0%	4,321.11
	Fire Dept Totals	**$49,848.23**	**$427,360.47**	**$868,100.00**		**$334,808.06**
Museum Dept						
5281	Building Repairs		275.00	0.00	0.0%	
5035	Computer Software & Support		0.00	500.00	0.0%	
5590	Contracts	167.26	711.54	2,750.00	25.9%	1,253.10
5040	Dues and Subscriptions	126.09	531.21	1,000.00	53.1%	415.18
5150	Insurance, Vehicles &		0.00	1,500.00	0.0%	
5060	Materials and Supplies	142.99	286.53	3,500.00	8.2%	263.57
5341	Meetings Training and Travel		471.14	1,600.00	29.4%	752.13
5090	Office Expenses	291.45	478.70	1,500.00	31.9%	450.11
5630	Payroll w/Benefits	1,723.62	10,319.15	30,000.00	34.4%	4,694.02
5633	Payroll-AML Workers Comp		31.00	250.00	12.4%	24.33
5110	Printing and Reproduction		697.01	1,500.00	46.5%	397.19
5420	Repairs & Maintenance		945.00	1,000.00	94.5%	
5500	Utilities	96.73	1,011.26	2,000.00	50.6%	915.72
	Museum Dept Totals	**$2,548.14**	**$15,757.54**	**$47,100.00**		**$9,165.35**
Park Dept						
5035	Computer Software & Support		789.56	0.00	0.0%	
5590	Contracts	55.75	55.75	0.00	0.0%	
5040	Dues and Subscriptions	388.48	590.40	0.00	0.0%	
5470	Equipment Repairs		374.76	3,000.00	12.5%	2,085.59
5043	Farmer Market Expense		0.00	3,000.00	0.0%	1,686.75
5050	Fixed Assets Purchases		0.00	0.00	0.0%	2,293.65
5047	Fuel	134.99	532.23	1,500.00	35.5%	505.76
5150	Insurance, Vehicles &		0.00	3,000.00	0.0%	
5060	Materials and Supplies	132.79	1,905.62	5,000.00	38.1%	7,710.05
5090	Office Expenses		29.52	500.00	5.9%	299.67
5095	Park Event Expense		0.00	1,000.00	0.0%	
5630	Payroll w/Benefits	3,239.39	20,821.50	41,000.00	50.8%	17,451.28
5633	Payroll-AML Workers Comp		443.00	675.00	65.6%	480.00
5350	Professional Fees		0.00	500.00	0.0%	
5420	Repairs & Maintenance		2,346.23	5,000.00	46.9%	
5500	Utilities	302.63	2,607.57	4,000.00	65.2%	1,738.85
	Park Dept Totals	**$4,254.03**	**$30,496.14**	**$68,175.00**		**$34,251.60**
Police Dept						
5020	Animal Sheltering	300.00	780.00	0.00	0.0%	(180.00)
5025	Automobile Expense	4,225.77	34,420.25	65,000.00	53.0%	54,888.98
5281	Building Repairs	206.41	352.61	2,000.00	17.6%	1,746.00
5028	CID Expense		4,695.45	10,000.00	47.0%	
5035	Computer Software & Support	19.90	5,164.36	8,000.00	64.6%	1,811.75
5590	Contracts	101,561.01	106,295.75	110,000.00	96.6%	7,827.30

City of Tontitown
General Fund
Statement of Revenue and Expenditures

Acct		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Year-To-Date Jan 2022 Jun 2022 Actual
Revenue & Expenditures						
Expenses						
Police Dept						
5027	Court Clerk Expense		0.00	70,000.00	0.0%	65,770.69
5040	Dues and Subscriptions	1,275.57	7,188.13	25,000.00	28.8%	7,872.91
5050	Fixed Assets Purchases	22,636.30	43,966.10	70,000.00	62.8%	74,210.00
5047	Fuel	6,637.55	34,929.21	80,000.00	43.7%	35,326.73
5150	Insurance, Vehicles &		2,985.84	18,300.00	16.3%	1,949.65
5596	K-9 Animal Expense	998.84	1,053.84	5,000.00	21.1%	
5380	Legal Fees		3,600.00	20,000.00	18.0%	8,200.00
5060	Materials and Supplies	226.53	17,941.40	15,000.00	119.6%	6,443.42
5341	Meetings Training and Travel	1,572.09	7,322.58	10,000.00	73.2%	3,342.29
5090	Office Expenses	434.71	2,464.59	5,000.00	49.3%	3,200.26
5630	Payroll w/Benefits	101,864.85	640,689.46	1,475,000.00	43.4%	494,604.07
5633	Payroll-AML Workers Comp		11,467.00	20,850.00	55.0%	8,340.64
5350	Professional Fees	258.00	706.00	1,500.00	47.1%	1,001.00
5420	Repairs & Maintenance		280.95	5,000.00	5.6%	2,978.36
5597	Uniform Expense	2,792.22	21,407.80	30,000.00	71.4%	15,052.07
5500	Utilities	2,740.75	16,443.38	30,000.00	54.8%	12,388.20
5562	Washington County Inmates		3,498.58	12,000.00	29.2%	
	Police Dept Totals	**$247,750.50**	**$967,653.28**	**$2,087,650.00**		**$806,774.32**
	Expenses	**$358,840.25**	**$2,109,154.43**	**$4,282,275.00**		**$1,922,250.10**
	Revenue Less Expenditures	**($1,401.22)**	**$482,533.51**	**($215,775.00)**		**$563,861.53**
Other Revenue						
General Dept						
4599	2022A&B Sales Tax	172,015.10	859,377.37	0.00	0.0%	943,100.23
4990	Transfer In	172,015.10	1,676,777.34	215,775.00	777.1%	4,490,378.26
	General Dept Totals	**$344,030.20**	**$2,536,154.71**	**$215,775.00**		**$5,433,478.49**
	Other Revenue	**$344,030.20**	**$2,536,154.71**	**$215,775.00**		**$5,433,478.49**
Other Expenses						
Administration						
5998	Transfer Out	278,279.06	2,147,480.11	0.00	0.0%	4,628,413.63
	Administration Totals	**$278,279.06**	**$2,147,480.11**	**$0.00**		**$4,628,413.63**
	Other Expenses	**$278,279.06**	**$2,147,480.11**	**$0.00**		**$4,628,413.63**
	Net Change in Fund Balance	**$64,349.92**	**$871,208.11**	**$0.00**		**$1,368,926.39**
Fund Balances						
	Beginning Fund Balance	7,516,091.75	6,709,233.56	0.00	0.0%	4,988,328.20
	Net Change in Fund Balance	64,349.92	871,208.11	0.00	0.0%	1,368,926.39
	Ending Fund Balance	7,580,441.67	7,580,441.67	0.00	0.0%	6,357,254.59

City of Tontitown
Balance Sheet - Water/Sewer Fund
For Period Ending 6/30/2023

Acct #	Acct	Book Value Jun 2023 Actual	Book Value Jun 2022 Actual
Assets			
Current Assets			
1050	0605-Water Meter Deposit-DDA	132,448.45	128,110.99
1040	0613-Water Depreciation-MMS	440,687.02	387,913.82
1030	0621-W&S Tap-Cap Impr-MMS	392,610.21	1,174,137.18
1081	1081 Cash In Transit-SoftWater	2,166.35	1,793.13
1080	5484-Water Oper Fund-DDA	467,114.99	708,731.36
1070	5492-W/S Excess Funds DDA+	1,186,910.00	3,428,978.68
1227	6321-GSB-ICS Water General	2,291,413.45	0.00
1229	6339-GSB-ICS-Water Capital Imp	763,804.43	0.00
1095	7122-Water NACA Restricted-DDA	363,108.42	360,897.69
1027	RC-5698-Regions Bond Fund	1,985.58	1,830.34
1048	RC-5966-2022B Water Constr Fun	2,041,219.58	3,356,437.06
1049	RC-5967-2022B Sewer Constructi	2,940,565.52	3,355,841.21
1044	RC-6521-Grand Savings MMS	0.00	202,500.32
1028	RC-8513-3-01-F&M AR SUT Bd Fd	660,363.86	709,523.18
1029	RC-8514-3-01-F&M-AR Debt Serv	220,696.80	213,988.80
1415	Other Current Assets	0.00	5,881.00
	Total Current Assets	**$11,905,094.66**	**$14,036,564.76**
Fixed Assets			
1510	GIS System	284,099.11	284,099.11
1520	Vehicles	180,682.75	161,577.75
1800	Accumulated Depreciation	(7,574,396.64)	(6,854,621.55)
	Total Fixed Assets	**($7,109,614.78)**	**($6,408,944.69)**
Other Assets			
1200	Accounts Receivable	315,118.92	204,166.04
1581	Buildings & Improvements	572,604.18	572,604.18
1783	CIP-2022B-SUT Water Constr	2,126,346.91	735,005.99
1784	CIP-2022B-Sut-Sewer Constr	1,343,133.41	829,905.28
1768	CIP-S Barrington Road Extensio	8,527.72	8,527.72
1475	DSR Helf in Trust by City	284,885.36	0.00
1400	Inventory	71,788.59	47,901.23
1505	Land	361,913.73	361,913.73
1530	Machinery & Equipment	191,007.36	(8,309.19)
1534	Machinery & Equipment	336,925.19	336,925.19
1515	Office Furniture & Equipment	64,648.57	64,648.57
1385	Other Assets	12,000.00	12,000.00
1300	Prepaid Expenses	0.00	15,561.35
1150	Sales Tax Receivable	187,466.68	325,817.69
1600	Water & Sewer Systems	26,579,115.73	26,579,115.73
	Total Other Assets	**$32,455,482.35**	**$30,085,783.51**
	Total Assets	**$37,250,962.23**	**$37,713,403.58**
Liabilities			
Current Liabilities			
2000	Accounts Payable	223,674.97	135,303.31
2410	Accrued Bond Interest Payable	117,953.78	72,428.72
2089	Arkansas Health Fee Payable	7,115.24	6,886.31
2045	Franchise Tax Payable	0.00	866.88
2490	Meter Deposits	126,694.23	124,023.22
2040	Sales Tax Payable	(2,817.95)	3,253.15

City of Tontitown
Balance Sheet - Water/Sewer Fund
For Period Ending 6/30/2023

	Acct #	Acct	Book Value Jun 2023 Actual	Book Value Jun 2022 Actual
	2540	Water Revenue Bond Region #31-	71,691.00	87,196.00
		Total Current Liabilities	**$544,311.27**	**$429,957.59**
Long Term Liabilities				
	2614	2022B-SUT-Sewer bond	0.00	4,182,523.71
	2612	2022B-SUT-Water Bond	(230,000.00)	4,088,080.79
	2602	Grand Sav Bk-Trans Line Loan	0.00	550,000.00
	2610	NP Regions 2022B SUT Bond Paya	11,470,000.00	0.00
	2550	Sales Use Tax Bond 2017 (F&M)	4,020,000.00	5,215,000.00
	2605	USDA RD Loan 91-01 Water Tower	1,228,487.08	1,250,849.69
	2606	USDA RD Loan 91-02 Water Tower	582,781.49	596,661.25
	2141	Current Portion of LTD	(468,100.00)	(505,100.00)
	2142	Current Portion of LTD	468,100.00	505,100.00
		Total Long Term Liabilities	**$17,071,268.57**	**$15,883,115.44**
		Total Liabilities	**$17,615,579.84**	**$16,313,073.03**
Fund Balance				
	3085	Invested in Capital Assets	5,695,336.00	9,751,777.00
	3065	Reserved for bond retirement	501,037.10	587,797.22
	3000	Fund Balance	13,439,009.29	11,060,756.33
		Total Fund Balance	**$19,635,382.39**	**$21,400,330.55**
		Total Liabilities and Equity	**$37,250,962.23**	**$37,713,403.58**

City of Tontitown

Water / Sewer Fund

Statement of Revenue and Expenditures

Acct		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Year-To-Date Jan 2022 Jun 2022 Actual
Revenue & Expenditures						
Revenue						
Sewer Dept						
Revenue						
4650	Interest Income		0.00	0.00	0.0%	8.86
4651	Interest Income 2022A&B	12,359.69	64,682.20	0.00	0.0%	3,222.78
4051	Sewer Sales	87,905.31	481,511.38	825,000.00	58.4%	401,104.09
4069	Sewer Tapping Fees	6,000.00	28,000.00	150,000.00	18.7%	82,150.00
4032	Waste Management Sewer	40,489.35	248,479.00	300,000.00	82.8%	132,321.06
	Total Revenue	**$146,754.35**	**$822,672.58**	**$1,275,000.00**		**$618,806.79**
	Sewer Dept Totals	**$146,754.35**	**$822,672.58**	**$1,275,000.00**		**$618,806.79**
Solid Waste Dept						
Revenue						
4053	Billing & Meter Fee Income	0.60	1,006.74	0.00	0.0%	5,560.06
4055	Recycling Fee Income		1,427.50	0.00	0.0%	7,566.13
4031	Sanitation SW Billing		24,173.09	0.00	0.0%	122,284.55
4056	Yellow Bag Sales	329.19	1,352.88	3,000.00	45.1%	1,712.12
	Total Revenue	**$329.79**	**$27,960.21**	**$3,000.00**		**$137,122.86**
	Solid Waste Dept Totals	**$329.79**	**$27,960.21**	**$3,000.00**		**$137,122.86**
Water Dept						
Revenue						
4053	Billing & Meter Fee Income	3,372.01	20,445.80	35,000.00	58.4%	18,725.95
4057	Convenience Fee Income	96.40	697.49	2,000.00	34.9%	1,109.37
4595	Insurance Claims		0.00	0.00	0.0%	3,051.06
4650	Interest Income	17,674.11	74,527.92	7,500.00	993.7%	3,266.78
4651	Interest Income 2022A&B	9,372.02	48,884.96	13,000.00	376.0%	3,362.26
4052	Late Fee Income	2,282.85	15,263.00	20,000.00	76.3%	8,552.67
4020	Miscellaneous Income		41.82	500.00	8.4%	362.96
4060	Overpayment of Water Sales	2,327.67	17,595.96	35,000.00	50.3%	21,350.19
4058	Reconnection Fee	75.00	227.84	1,000.00	22.8%	325.11
4299	Returned Checks Fees	93.00	432.00	1,000.00	43.2%	583.61
4594	Sales Tax-2022A&B Excess	106,263.96	462,771.02	900,000.00	51.4%	555,043.27
4580	Sales Tax-City SUT 2005 Series	51,604.53	257,813.21	475,000.00	54.3%	291,930.07
4050	Water Sales	125,364.64	652,305.97	1,250,000.00	52.2%	547,416.17

City of Tontitown

Water / Sewer Fund

Statement of Revenue and Expenditures

Acct		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Year-To-Date Jan 2022 Jun 2022 Actual
Revenue & Expenditures						
Revenue						
Water Dept						
Revenue						
4064	Water Tapping Fees	13,700.00	57,400.00	150,000.00	38.3%	124,950.00
	Total Revenue	**$332,226.19**	**$1,608,406.99**	**$2,890,000.00**		**$1,580,029.47**
	Water Dept Totals	**$332,226.19**	**$1,608,406.99**	**$2,890,000.00**		**$1,580,029.47**
	Revenue	**$479,310.33**	**$2,459,039.78**	**$4,168,000.00**		**$2,335,959.12**
	Gross Profit	**$479,310.33**	**$2,459,039.78**	**$4,168,000.00**		**$2,335,959.12**
Expenses						
Sewer Dept						
Other Expense						
5022	Audit Expense		6,610.00	5,000.00	132.2%	2,500.00
5025	Automobile Expense	4,136.99	7,157.49	5,000.00	143.1%	2,260.31
5030	Bank Service Charges		26.52	0.00	0.0%	
5351	Bond Trustee Fees		0.00	3,500.00	0.0%	2,500.00
5281	Building Repairs		690.14	1,500.00	46.0%	
5035	Computer Software & Support		30.39	500.00	6.1%	
5590	Contracts	1,248.01	2,022.66	7,500.00	27.0%	3,453.10
5040	Dues and Subscriptions		1,204.98	3,500.00	34.4%	1,987.71
5370	Engineering		40,040.20	175,000.00	22.9%	106,618.25
5470	Equipment Repairs	965.04	4,962.15	11,000.00	45.1%	3,536.21
5050	Fixed Assets Purchases	40,044.50	90,446.93	155,000.00	58.4%	3,388.53
5047	Fuel	1,078.59	6,309.35	10,000.00	63.1%	4,382.55
5150	Insurance, Vehicles & Property	247.01	742.78	12,500.00	5.9%	
5650	Interest Expense Bonds		0.00	0.00	0.0%	31,940.99
5441	Laboratory Testing	375.00	3,000.00	5,000.00	60.0%	1,805.00
5380	Legal Fees	1,200.00	2,200.00	2,500.00	88.0%	
5285	Locate Service	129.20	659.75	2,000.00	33.0%	703.46
5060	Materials and Supplies	2,723.44	15,394.61	20,000.00	77.0%	8,692.62
5341	Meetings Training and Travel		162.00	1,500.00	10.8%	

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

Acct		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Year-To-Date Jan 2022 Jun 2022 Actual
Revenue & Expenditures						
Expenses						
Sewer Dept						
Other Expense						
5340	Miscellaneous Expense		574.00	500.00	114.8%	
5090	Office Expenses		491.84	1,000.00	49.2%	423.59
5630	Payroll w/Benefits	14,914.82	97,540.09	235,000.00	41.5%	59,303.04
5633	Payroll-AML Workers Comp		5,000.00	5,000.00	100.0%	2,091.55
5110	Printing and Reproduction		0.00	1,000.00	0.0%	
5350	Professional Fees		0.00	5,000.00	0.0%	934.50
5420	Repairs & Maintenance	318.74	1,275.38	0.00	0.0%	
5202	Scada		504.81	12,000.00	4.2%	3,864.46
5011	Sewer Service Purchase	112,681.55	622,228.54	1,300,000.00	47.9%	574,071.06
5283	Sewer System Repairs	537.78	14,969.12	75,000.00	20.0%	29,698.06
5530	Tools and Equipment	736.59	4,566.25	5,000.00	91.3%	660.27
5597	Uniform Expense	133.66	1,844.10	3,000.00	61.5%	1,048.44
5500	Utilities	2,332.47	22,185.31	33,000.00	67.2%	15,052.44
5536	Water and Sewer Billing	5,000.00	8,000.00	10,000.00	80.0%	7,083.00
	Total Other Expense	**$188,803.39**	**$960,839.39**	**$2,106,500.00**		**$867,999.14**
	Sewer Dept Totals	**$188,803.39**	**$960,839.39**	**$2,106,500.00**		**$867,999.14**
Solid Waste Dept						
Other Expense						
5040	Dues and Subscriptions	537.63	1,612.89	2,500.00	64.5%	1,612.89
5012	Sanitation Expense-WMgmt		1,904.88	0.00	0.0%	143,315.28
5675	Yellow Bag Purchases		0.00	3,000.00	0.0%	1,848.00
	Total Other Expense	**$537.63**	**$3,517.77**	**$5,500.00**		**$146,776.17**
	Solid Waste Dept Totals	**$537.63**	**$3,517.77**	**$5,500.00**		**$146,776.17**
Water Dept						
Other Expense						
5022	Audit Expense		6,610.00	5,000.00	132.2%	2,500.00
5025	Automobile Expense	4,215.87	7,493.36	5,000.00	149.9%	2,157.40
5030	Bank Service Charges	388.75	1,007.71	2,500.00	40.3%	1,350.14
5201	Bond Expense-Grand Savings		0.00	0.00	0.0%	12,060.82
5199	Bond Expense-Regions	9,670.00	10,170.00	20,000.00	50.9%	10,170.00

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

Acct		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Year-To-Date Jan 2022 Jun 2022 Actual
Revenue & Expenditures						
Expenses						
Water Dept						
Other Expense						
5995	Bond Exp-Regions A&B		162,662.50	350,000.00	46.5%	
5200	Bond Interest Expense-F&M		83,934.37	250,000.00	33.6%	97,484.40
5351	Bond Trustee Fees		1,925.25	5,000.00	38.5%	2,280.50
5281	Building Repairs		4,581.83	2,500.00	183.3%	
5035	Computer Software & Support	2,524.24	2,554.63	500.00	510.9%	312.00
5590	Contracts	942.54	10,717.21	7,500.00	142.9%	3,865.60
5040	Dues and Subscriptions	386.58	5,298.33	7,500.00	70.6%	4,423.37
5370	Engineering	325.00	67,881.91	150,000.00	45.3%	16,061.57
5470	Equipment Repairs	965.05	2,741.20	11,000.00	24.9%	2,334.10
5050	Fixed Assets Purchases	40,044.50	157,294.58	455,000.00	34.6%	(5,611.46)
5047	Fuel	1,078.60	5,958.50	10,000.00	59.6%	4,415.69
5150	Insurance, Vehicles & Property	247.02	742.80	12,500.00	5.9%	
5596	K-9 Animal Expense		0.00	0.00	0.0%	198.89
5380	Legal Fees		0.00	2,500.00	0.0%	
5285	Locate Service	129.20	659.80	2,000.00	33.0%	703.49
5060	Materials and Supplies	24,068.82	96,964.62	75,000.00	129.3%	26,080.00
5341	Meetings Training and Travel	713.78	1,083.31	1,500.00	72.2%	175.00
5203	Meters		97,797.46	80,000.00	122.2%	46,881.09
5340	Miscellaneous Expense	13,358.10	13,358.10	500.00	2,671.6%	
5090	Office Expenses	547.96	1,110.52	2,500.00	44.4%	762.17
5630	Payroll w/Benefits	22,413.06	124,381.89	235,000.00	52.9%	82,442.05
5633	Payroll-AML Workers Comp		5,000.00	5,000.00	100.0%	2,091.56
5110	Printing and Reproduction		0.00	1,000.00	0.0%	
5350	Professional Fees		1,000.00	15,000.00	6.7%	8,522.50
5420	Repairs & Maintenance	609.56	609.56	0.00	0.0%	
5202	Scada		504.81	12,000.00	4.2%	4,741.48
5283	Sewer System Repairs		3,673.60	0.00	0.0%	
5530	Tools and Equipment	2,897.22	7,877.26	10,000.00	78.8%	1,532.12
5597	Uniform Expense	133.66	2,040.97	4,000.00	51.0%	1,616.47

City of Tontitown

Water / Sewer Fund

Statement of Revenue and Expenditures

Acct		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Year-To-Date Jan 2022 Jun 2022 Actual
Revenue & Expenditures						
Expenses						
Water Dept						
Other Expense						
5525	USDA Loan Service	5,881.00	35,286.00	75,000.00	47.0%	29,405.00
5500	Utilities	608.88	17,729.38	40,000.00	44.3%	14,977.99
5536	Water and Sewer Billing	5,000.00	8,000.00	10,000.00	80.0%	7,083.00
5010	Water Purchases	61,495.40	321,811.44	650,000.00	49.5%	247,275.78
5284	Water System Repairs	2,500.00	13,764.20	20,000.00	68.8%	
	Total Other Expense	**$201,144.79**	**$1,284,227.10**	**$2,535,000.00**		**$628,292.72**
	Water Dept Totals	**$201,144.79**	**$1,284,227.10**	**$2,535,000.00**		**$628,292.72**
	Expenses	**$390,485.81**	**$2,248,584.26**	**$4,647,000.00**		**$1,643,068.03**
	Revenue Less Expenditures	**$88,824.52**	**$210,455.52**	**($479,000.00)**		**$692,891.09**
Other Revenue						
Sewer Dept						
Transfer Revenue						
4990	Transfer In		0.00	0.00	0.0%	2,800,516.19
	Total Transfer Revenue		**$0.00**	**$0.00**		**$2,800,516.19**
	Sewer Dept Totals		**$0.00**	**$0.00**		**$2,800,516.19**
Water Dept						
Transfer Revenue						
4990	Transfer In	7,230.26	36,395.72	479,000.00	7.6%	332,721.13
	Total Transfer Revenue	**$7,230.26**	**$36,395.72**	**$479,000.00**		**$332,721.13**
Extraordinary Income						
4588	Sales Tax-2017-F & M Restrict	129,011.32	644,533.02	0.00	0.0%	707,325.16
	Total Extraordinary Income	**$129,011.32**	**$644,533.02**	**$0.00**		**$707,325.16**
	Water Dept Totals	**$136,241.58**	**$680,928.74**	**$479,000.00**		**$1,040,046.29**
	Other Revenue	**$136,241.58**	**$680,928.74**	**$479,000.00**		**$3,840,562.48**

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

Acct		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Year-To-Date Jan 2022 Jun 2022 Actual
Revenue & Expenditures						
Other Expenses						
Water Dept						
Transfer Expense						
5998	Transfer Out	4,924.94	26,678.02	0.00	0.0%	325,513.41
	Total Transfer Expense	**$4,924.94**	**$26,678.02**	**$0.00**		**$325,513.41**
	Water Dept Totals	**$4,924.94**	**$26,678.02**	**$0.00**		**$325,513.41**
	Other Expenses	**$4,924.94**	**$26,678.02**	**$0.00**		**$325,513.41**
	Net Change in Fund Balance	**$220,141.16**	**$864,706.24**	**$0.00**		**$4,207,940.16**
Fund Balances						
	Beginning Fund Balance	19,415,241.23	22,289,878.48	0.00	0.0%	17,130,571.95
	Net Change in Fund Balance	220,141.16	864,706.24	0.00	0.0%	4,207,940.16
	Ending Fund Balance	19,635,382.39	19,635,382.39	0.00	0.0%	21,400,330.55

City of Tontitown
Balance Sheet - Street Fund
For Period Ending 6/30/2023

Account Number		Book Value Jun 2023 Actual	Book Value Jun 2022 Actual
Assets			
Current Assets			
Cash			
1020	0188-Street Fund Operating-DDA	401,286.88	357,340.23
1131	6041-Street Excess Funds-DDA	68,782.69	68,145.38
	Total Current Assets	**$470,069.57**	**$425,485.61**
	Total Assets	**$470,069.57**	**$425,485.61**
Fund Balance			
Accumulated Surplus (Deficit)			
3000	Fund Balance	470,069.57	425,485.61
	Total Fund Balance	**$470,069.57**	**$425,485.61**
	Total Liabilities and Equity	**$470,069.57**	**$425,485.61**

City of Tontitown

Street Fund

Statement of Revenue and Expenditures

Acct		Current Period Jun 2023 Jun 2023 Actual	Year-To-Date Jan 2023 Jun 2023 Actual	Annual Budget Jan 2023 Dec 2023	Jan 2023 Dec 2023 Percent of Budget	Prior Year-To-Date Jan 2022 Jun 2022 Actual
Revenue & Expenditures						
Revenue						
4650	Interest Income	1,169.33	3,447.35	0.00	0.0%	130.88
4560	Property Tax	3,983.49	60,426.87	80,000.00	75.5%	52,236.88
4580	Sales Tax-City SUT 2005 Series	17,201.51	85,937.75	148,000.00	58.1%	97,310.02
4645	State Turnback-Cty & Muni A	31,469.62	180,520.37	321,000.00	56.2%	178,349.69
	Revenue	**$53,823.95**	**$330,332.34**	**$549,000.00**		**$328,027.47**
	Gross Profit	**$53,823.95**	**$330,332.34**	**$549,000.00**		**$328,027.47**
Expenses						
5025	Automobile Expense	36.55	3,180.37	6,000.00	53.0%	2,897.83
5590	Contracts	111.50	655.78	2,000.00	32.8%	508.50
5040	Dues and Subscriptions	65.25	537.08	25,000.00	2.1%	500.86
5370	Engineering			25,000.00	0.0%	53,309.25
5470	Equipment Repairs	39.12	3,358.09	15,000.00	22.4%	4,964.15
5050	Fixed Assets Purchases		10,276.50	50,000.00	20.6%	11,469.77
5052	Fletcher Road Project			0.00	0.0%	32,505.03
5047	Fuel	734.99	3,080.10	10,000.00	30.8%	4,933.66
5150	Insurance, Vehicles & Property			7,000.00	0.0%	
5380	Legal Fees			1,000.00	0.0%	
5060	Materials and Supplies	894.22	20,061.22	35,000.00	57.3%	11,817.43
5090	Office Expenses			500.00	0.0%	21.50
5630	Payroll w/Benefits	8,920.99	56,354.74	105,000.00	53.7%	34,075.45
5633	Payroll-AML Workers Comp		3,265.00	2,000.00	163.3%	522.89
5420	Repairs & Maintenance	507.77	695.30	50,000.00	1.4%	29,523.16
5461	Street Improvements		19,090.53	155,000.00	12.3%	77,819.49
5462	Street Signage		2,951.00	25,000.00	11.8%	11,545.60
5530	Tools and Equipment		41.98	0.00	0.0%	
5597	Uniform Expense			500.00	0.0%	114.99
5500	Utilities	2,546.20	19,834.13	35,000.00	56.7%	15,220.11
	Expenses	**$13,856.59**	**$143,381.82**	**$549,000.00**		**$291,749.67**
	Revenue Less Expenditures	**$39,967.36**	**$186,950.52**	**$0.00**		**$36,277.80**
	Net Change in Fund Balance	**$39,967.36**	**$186,950.52**	**$0.00**		**$36,277.80**
Fund Balances						
	Beginning Fund Balance	430,102.21	283,119.05	0.00	0.0%	389,207.81
	Net Change in Fund Balance	39,967.36	186,950.52	0.00	0.0%	36,277.80
	Ending Fund Balance	470,069.57	470,069.57	0.00	0.0%	425,485.61

251 E. Henri de Tonti Blvd., P.O. Box 144, Tontitown, AR 72770 ~ 479.361.9800

Tontitown Historical Museum (THM) Report for the COW Meeting
Tuesday, July 18, 2023

The THM Board of Directors met in person on Monday, July 10, 2023.

1. **New Exhibits**: On your way out tonight, stop by the Glass display to your left and see the updated Queen display just in time for the Grape Festival. Also, stop by the museum and see our new Grape Festival exhibit, new pasta exhibit and new dress on display. We have many other changes that will be taking place in the future, stop by and visit today.
2. **Historic House Hunt**: Our museum is part of a summer museum adventure. From June 1st – August 31st, you can visit 7 museums around NWA and see the different historic houses and learn more about the history here in the area. We are honored to be a part of this experience. We are already seeing increased foot traffic into the museum due to being a part of this scavenger hunt.
3. **Wednesdays**: The museum is now open on Wednesdays of each week from 9 am to 1pm. We are excited to add an additional day for the public to come and enjoy our museum.
4. **New Board Members:** We are excited for the appointment of Megan McAfee and Olivia Ward at the meeting tonight and appreciate your continued support of the museum.
5. **Grape Festival:** We are looking forward to the 124th Tontitown Grape Festival. The museum will be open more hours the week of the festival. We will be open Wednesday from 9-1, Thursday from 4-7, Friday from 1-7 and Saturday from 10-7. We hope that while you are visiting the festival you come on by the airconditioned museum and learn about our heritage.

Regular Museum Hours: Wednesday 9 am – 1 pm; Friday, Saturday, and Sunday 1 pm – 4 pm

The next THM Board of Directors meeting is scheduled for Monday, September 11, 2023, at 6:00 pm in City Hall Conference Room. We will not be meeting in August due to the festival.

THM Board Members

Misty Piazza	President	**Caroline Franco-Ceola**	Member
Jennifer De Martino	Vice President	**Heather Ranalli-Peachee**	Member
Ethan Oxford	Secretary	**Riley Tessaro**	Member
Bev Cortiana-McEuen	Treasurer	**Daxton Peachee**	Jr. Member

Tontitown Police Monthly Report
Month: June 2023

Calls for Service – 811

Accident Reports – 24

Warrants Served – 67
Warrants Outstanding - 1170
Warrants Amount - $ 1,570,042.50

Training Hours (YTD) – 1104

Citation Total - 234
Speeding Citations - 13
(Other) Traffic Citations - 143
Criminal Citations – 31
Improper Driving (City Ordinance) - 47

Warning Total - 430
Speeding Warnings – 142
(Other) Traffic Warnings – 288

POLICE

Tontitown

	Citation	Warning	Warrant
ASSAULT - 3RD DEGREE - FAMILY OR HOUSEHOLD MEMBER	1	0	0
BATTERY - 2ND DEGREE	0	0	2
CARELESS AND PROHIBITED DRIVING	1	4	0
CITY OF TONTITOWN - IMPROPER DRIVING	47	6	0
CITY OF TONTITOWN - UNLAWFUL DOOR TO DOOR SALES AND SOLICITATION	0	1	0
CITY OF TONTITOWN - UNNECESSARY LOUD NOISE PROHIBITED	1	0	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
DAMAGED/DISCOLORED WINDSHIELD	0	1	0
DOMESTIC BATTERING - 3RD DEGREE	1	0	0
DRIVER OF MOTOR VEHICLE FAILURE TO REGISTER 1ST OFFENSE	22	21	0
DRIVING DWI SUSPENDED LICENSE	1	0	0
DRIVING LEFT OF CENTER	1	7	0
DRIVING ON SUSPENDED LICENSE	19	2	0
DRIVING VEHICLE IMPROPER WINDOW TINTING	0	3	0
DRIVING VEHICLE WITH LICENSE OR REGISTRATION SUSPENDED OR REVOKED	1	0	0
DRIVING VEHICLE WITHOUT TAGS	0	2	0
DRIVING WHILE INTOXICATED - DWI 1ST	2	0	0
DRIVING WHILE INTOXICATED - DWI 2ND DRUGS	1	0	0
ENDANGERING THE WELFARE OF A MINOR - 2ND DEGREE	1	0	0
FAIL PRESENT DRIVER LICENSE	0	3	0
FAIL TO AFFIX/DISPLAY LICENSE PLATE	0	2	0
FAIL TO APPEAR ON CLASS A MISDEMEANOR (FTA)	0	0	7
FAIL TO APPEAR ON CLASS B MISDEMEANOR (FTA)	0	0	41
FAIL TO APPEAR ON CLASS C MISDEMEANOR (FTA)	0	0	2
FAIL TO APPEAR ON UNCLASSIFIED MISDEMEANOR (FTA)	0	0	1
FAIL TO APPEAR ON VIOLATION (FTA)	0	0	3
FAIL TO CHANGE ADDRESS ON DRIVER LICENSE	0	19	0
FAIL TO OBEY STOP SIGN	1	0	0
FAIL TO OBEY TRAFFIC CONTROL DEVICE	0	3	0
FAIL TO PRESENT PROOF OF INSURANCE (NO PROOF)	8	19	0
FAIL TO STOP OR YIELD	0	2	0
FAIL TO TRANSFER TO AR DRIVERS LICENSE	1	7	0
FAIL TO YIELD ON ENTERING HIGHWAY FROM PRIVATE ROAD	0	1	0
FAIL TO YIELD RIGHT OF WAY	2	0	0

FALSE IMPRISONMENT - 2ND DEGREE	1	0	0
FICTITIOUS LICENSE STICKER	1	0	0
FICTITIOUS TAGS	5	7	0
FOLLOWING TOO CLOSELY	1	1	0
IMPEDING TRAFFIC - DRIVING CONTINUOUSLY IN LEFT LANE	0	8	0
IMPROPER DISPLAY OF LICENSE TAGS	0	9	0
IMPROPER LANE CHANGE/USAGE	0	7	0
IMPROPER MUFFLER OR EXHAUST	0	2	0
IMPROPER PASSING ON LEFT	1	0	0
IMPROPER TURN AT INTERSECTION	0	3	0
IMPROPER TURN SIGNAL	0	1	0
IMPROPER USE OF CENTER LEFT-TURN LANES	0	3	0
INADEQUATE INSURANCE DURING AN ACCIDENT	2	0	0
LEAVING SCENE OF ACCIDENT INVOLVING PROPERTY DAMAGE ONLY	1	0	0
LITTERING - 1ST OFFENSE	0	1	0
MISDEMEANOR CRIMINAL TRESPASS	0	2	0
MISUSE OF DEALERS EXTRA LICENSE PLATE - 1ST	1	0	0
MOTORCYCLE - RIDING WITHOUT OPERATORS LICENSE	1	1	0
NO CHILD PASSENGER RESTRAINT	1	0	0
NO DRIVER LICENSE OR LICENSE EXPIRED	17	4	0
NO LIABILITY INSURANCE	26	2	0
NO LIABILITY INSURANCE 2ND	1	0	0
NO SEATBELT	0	6	0
OBSTRUCTING GOVERNMENTAL OPERATIONS	2	0	0
OPEN CONTAINER CONTAINING ALCOHOL IN MOTOR VEHICLE	3	0	0
OWNER FAIL TO REGISTER VEHICLE - EXPIRED TAGS	16	53	0
OWNER FAIL TO REGISTER VEHICLE 2ND - EXPIRED TAGS	3	0	0
PASSING AUTHORIZED VEHICLE STOPPED ON HIGHWAY	0	1	0
PERMITTING UNAUTHORIZED PERSON TO DRIVE	1	0	0
POSSESS CONTROLLED SUBSTANCE SCHED VI < 4 OZ	7	1	0
POSSESS CONTROLLED SUBSTANCE SCHED VI => 1 OZ < 4 OZ AND 4 PRIOR CONV	1	0	0
POSSESS DRUG PARAPHERNALIA	4	1	0
POSSESS DRUG PARAPHERNALIA CONCEAL NOT METH COCAINE	1	0	0
POSSESS DRUG PARAPHERNALIA METH COCAINE	1	0	0
POSSESSION OF A CONTROLLED SUBSTANCE SCHEDULE IV OR SCHEDULE V, <28 GRAMS (CLASS A MISDEMEANOR)	2	0	0
PURCHASE OR POSSESSION OF ALCOHOL BY MINOR	1	0	0
RECKLESS DRIVING - 1ST	1	0	0

REFUSAL TO SUBMIT TO ARREST	0	0	1
SIGNALS FOR TURNING, STOPPING, OR DECREASING SPEED REQUIRED	0	1	0
SPEEDING - 1 TO 15 MPH OVER LIMIT	4	125	0
SPEEDING - MORE THAN 15 MPH OVER LIMIT	9	17	0
SPILLING LOAD ON HIGHWAY	1	0	0
TEAR GAS - PEPPER SPRAY	0	1	0
TERRORISTIC THREATENING - 1ST DEGREE	0	0	1
THEFT BY RECEIVING <= $1,000	0	1	0
THEFT OF PROPERTY <= $1,000	0	1	0
USE WIRELESS DEVICE W/O HANDS FREE WHILE DRIVING - 18-21 YRS OLD	0	1	0
USE WIRELESS PHONE FOR INTERACTIVE COMMUNICATION WHILE DRIVING 1ST OFFENSE	4	5	0
USE WIRELESS PHONE FOR INTERACTIVE COMMUNICATION WHILE DRIVING 2ND OR SUBSEQUENT OFFENSE	0	1	0
VEH LIGHTS - DEFECTIVE/IMPROPER HEAD LAMPS	0	20	0
VEH LIGHTS - DEFECTIVE/IMPROPER SIGNAL LAMPS AND SIGNAL DEVICES	0	2	0
VEH LIGHTS - DEFECTIVE/IMPROPER TAIL LAMPS AND REFLECTORS	1	27	0
VEH LIGHTS - NO LIGHTS AT NIGHT	0	2	0
VEH LIGHTS - NUMBER OF DRIVING LAMPS REQ OR PERM	0	1	0
VEH LIGHTS - SPECIAL RESTRICTIONS ON LAMPS	0	2	0
VEH LIGHTS - USE OF MULTIPLE-BEAM ROAD LIGHTING EQUIPMENT - HIGH BEAM	0	6	0
VIOLATION OF DRIVERS LICENSE RESTRICTIONS	2	0	0
Totals	**234**	**430**	**67**

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

Fire Department Report

June 2023

Total Calls: 49

EMS	**29**
FIRE	**5**
MVA	**5**
FALSE ALARM	**5**
SERVICE CALL	**5**
MUTUAL AID	*4*

Calls within city limits of Tontitown

June 2023: **287** calls for service

June 2022: 234 calls for service

Average response time (Alarm to en route) listed at: 1 minute 06 seconds

Average on scene/arrival time (Alarm to on scene): 3 minutes 45 seconds

Code Enforcement opened 4 new cases and closed 3 in June.

All 9,000 feet of fire hose was tested. 700 feet failed (all 15-50 years old).

The fire department completed over 910 training hours in June.

TFD hosted AFA Fire Inspector I class (80 hours).

Landon Oktay and Colton Cooley graduated from the Arkansas Fire Academy.

Ozark Catholic Academy field day

Rodeo of the Ozarks Parade with Marshal

Tontitown Fire Department | Phone: 479-439-3578 |
Post Office Box 305 | 141 SE Zulpo Street | Tontitown, AR 72770

Fire Inspector I

Hose testing 2023

Tontitown Fire Department | Phone: 479-439-3578 |
Post Office Box 305 | 141 SE Zulpo Street | Tontitown, AR 72770

Monthly Report July 2023 **Public Works Department**

STREETS/PARKS:

We are expecting delivery of rubber mulch next week for the large play area. If you have been in the park lately you would have noticed that in this area the mulch is shallow and some of the underlayment is migrating to the surface. We will have the new mulch in place before the end of the month.

After many complaints, we are going to overlay a small portion, approximately 350' of S. Barrington Road on the south end of the S curve in front of 2914. This curve was milled a few years ago to help improve traction in wet conditions. Although it has helped in that respect, a resident has experienced excessive noise and vibration in his home. This resident has reported that since the milling was done, cracks have developed in the sheet rock in his home. Hopefully, this overlay will alleviate this issue without affecting the traction on the curve.

WATER/SEWER:

On Wednesday, July 12, we opened bids on the S. Pianalto sewer project, Friday, July 14, bids were opened for the Klenc sewer project. As of the time of writing this report, we have only opened the S. Pianalto bids. The result of the five bids varied greatly, with low bid coming in at $999,100.19. The other end of the spectrum, Brothers Construction submitted a bid of $2,698,780.00. The contractor that submitted the low bid was Tri-Star Construction.

To remind you again, the funds for these two sewer projects will be paid for with the 2022 Sewer Construction Bond. The amount currently available in that fund is $2,940,565.52. After opening bids on the S. Pianalto sewer, we now know that the Klenc sewer project will need to be less than $1,940,000 in order to be fully funded by the bond.

The Mayor, City Attorney, Mr. Pianalto and I will be visiting with the Director of Public Finance with Raymond James Tuesday, July 18, at City Hall to discuss possible funding options for future Water and Sewer construction projects. I should have something to report at the Council meeting.

As discussed at the COW meeting, I will be presenting at the next COW meeting the addition of impact fees for water and sewer. I believe I understood the Council's wish that we institute the fees at 15% of the maximum amount that was suggested by the study conducted by Duncan and Associates. Those amounts will be $989.10 for water and $1051.65 for sewer. This will amount to $2040.75 for a single 5/8" X 3/4" meter service. The total impact fees for a 1" meter service will be $5934.60 and a 2" meter will require an impact fee of $20,407.50.

The contractor working on the 412-water line project is making progress. The most important timeline at this point is to be cleaned up and off the church property at least a week before the Grape Festival.

Tontitown Building Activity Report

Commercial Valuation

	2023 Project Valuation	2022 Project Valuation	2021 Project Valuation	2020 Project Valuation
January	$421,500	$1,576,430	$821,133	$7,584,609
February	$1,382,374	$5,305,753	$0	$2,266,105
March	$462,703	$364,084	$1,497,008	$335,300
April	$4,353,814	$1,678,371	$308,019	$568,376
May	$2,964,871	$578,233	$1,433,803	$6,624,879
June	$1,595,365	$265,300	$501,074	$14,201,590
July		$489,380	$30,725	$95,340
August		$165,715	$888,031	$313,000
September		$364,785	$2,574,086	$149,658
October		$955,531	$385,818	$2,666,997
November		$152,090	$803,371	$16,836,388
December		$249,450	$156,525	$1,273,741
	$11,180,627	$12,145,122	$9,399,593	$52,915,983

Commercial Building Fees

2023 Project Fee's Assessed	2022 Project Fee's Assessed	2021 Project Fee's Assessed	2020 Project Fee's Assessed
$2,788	$10,145	$7,464	$38,946
$6,817	$26,381	$0	$5,789
$3,948	$3,167	$6,484	$159
$27,222	$7,952	$146	$270
$10,301	$4,219	$7,846	$28,832
$8,098	$669	$2,776	$72,815
	$4,684	$258	$45
	$1,268	$5,769	$149
	$168	$16,440	$520
	$455	$3,086	$11,653
	$1,073	$5,200	$57,956
	$118	$605	$0
$59,174	$60,299	$56,074	$217,134

Comm Permits

2023 #	2022 #	2021 #	2020 #
3	14	19	17
7	11	2	27
10	15	6	37
15	5	4	1
7	9	4	8
6	5	8	17
	13	5	5
	6	14	31
	7	21	6
	6	12	28
	4	9	20
	5	7	8
48	100	111	205

Residential Valuation

	2023 Project Valuation	2022 Project Valuation	2021 Project Valuation	2020 Project Valuation
January	$ 533,289	$9,939,770	$5,268,259	$4,330,252
February	$ 1,108,592	$3,514,598	$3,645,436	$7,957,844
March	$ 1,166,748	$18,796,721	$3,398,038	$5,759,277
April	$ 4,139,957	$ 1,702,348	$1,604,230	$5,526,538
May	$ 311,475	$ 2,455,736	$1,736,855	$3,580,573
June	$ 18,543,599	$ 1,148,628	$6,506,465	$6,455,457
July		$526,673	$13,210,249	$1,957,513
August		$611,557	$18,012,805	$4,726,713
September		$1,663,090	$454,469	$3,225,987
October		$4,213,108	$1,516,140	$5,309,643
November		$2,439,492	$9,651,548	$1,323,769
December		$2,629,974	$16,250,039	$1,791,330
	$25,803,660	$49,641,695	$81,254,533	$51,944,896

Residential Building Fees

2023 Project Fee's Assessed	2022 Project Fee's Assessed	2021 Project Fee's Assessed	2020 Project Fee's Assessed
$2,192	$43,415	$22,577	$18,699
$40,979	$14,436	$14,785	$32,996
$5,602	$79,283	$14,552	$23,461
$22,369	$6,964	$6,872	$23,579
$5,784	$10,169	$7,104	$15,896
$91,624	$7,823	$27,157	$27,674
	$2,662	$56,643	$8,864
	$2,789	$78,249	$19,629
	$9,231	$2,404	$14,275
	$20,693	$7,342	$22,913
	$9,986	$41,376	$5,623
	$11,527	$67,647	$7,057
$168,550	$218,978	$346,708	$220,666

Resi Permits

2023 #	2022 #	2021 #	2020 #
3	42	20	19
31	15	51	30
13	84	12	18
18	11	12	23
6	12	9	17
41	7	28	34
	7	56	14
	9	83	20
	12	9	14
	21	10	30
	12	41	6
	8	67	11
112	240	398	236

July Agenda:

1. **Joe Bumper Collision** - The applicant is requesting approval of a Large-Scale Development at 170 Industrial Circle to construct an 8,700 square foot building for collision repair and detail shop. **830**-37814-00.

2. **CPS of NWA, Inc.** - The applicant is requesting approval of a Large-Scale Development at 366 Henri de Tonti Blvd. to construct a residential/office building. 830-37626-002.

3. **Pam Transport, Inc.** The applicant is requesting approval of a Large-Scale Development at 294 and 296 W. Bandini Ave. for a truck driving school to include a 6,800 square foot building. 830-37563-000.

4. **McAllister Rezone** – The applicant is requesting property from A-Agriculture to R-1. 830-38146-000.

ORDINANCE NO. 2023 – 07 - _____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE ACCEPTING THE FINAL PLAT(S) OF
Joe Hager Incidental Subdivision Parcel #: 830-37902-250
Wagner Incidental Subdivision Parcel #: 830-38300-000 & 830-38303-000
Hawes Brothers Incidental Lot Split Parcel #: 830-37976-400
Sanders Incidental Property Line Adjustment Parcel #: 830-38640-000 & 830-38641-000
Gonzalez Incidental Lot Split Parcel #: 001-19299-002
Donna Baker Incidental Lot Split Parcel #: 830-38331-000
Piazza Family Incidental Property Line Adjustment Parcel #: 830-37616-000
Slow Poke, LLC Incidental Property Line Adjustment Parcel #: 830-37976-400
Hawes Brothers Incidental Property Line Adjustment Parcel #: 830-37976-400

WHEREAS, there has been duly presented to the Planning Commission, pursuant to Chapter 152 of the Tontitown Code of Ordinances, a plat to subdivide certain lands within the planning jurisdiction of the City of Tontitown; and

WHEREAS, certain street, utility, and other improvements, as well as easement and right-of-way dedications, were required as a condition of plat approval; and

WHEREAS, certification and verification has been received that all required dedications are shown on the final plat, and that all required improvements have been installed; and

WHEREAS, the Tontitown Planning Commission has granted final plat approval, and recommends City Council approval of the plat, and acceptance of all public facility improvements associated therewith.

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Tontitown, Arkansas:

Section 1: That the final plats of:

Joe Hager Incidental Subdivision Parcel #: 830-37902-250
Wagner Incidental Subdivision Parcel #: 830-38300-000 & 830-38303-000
Hawes Brothers Incidental Lot Split Parcel #: 830-37976-400
Sanders Incidental Property Line Adjustment Parcel #: 830-38640-000 & 830-38641-000
Gonzalez Incidental Lot Split Parcel #: 001-19299-002
Donnal Baker Incidental Lot Split Parcel #: 830-38331-000
Piazza Family Incidental Property Line Adjustment Parcel #: 830-37616-000
Slow Poke, LLC Incidental Property Line Adjustment Parcel #: 830-37976-400
Hawes Brothers Incidental Property Line Adjustment Parcel #: 830-37976-400

Section 2: That all street, utility, and other public facility improvements required and constructed as part of this subdivision, are hereby accepted as public facilities, and shall, henceforth, be subject to city maintenance, upkeep, and care.

PASSED AND APPROVED THIS _____ DAY OF _____, 20_____.

APPROVED:

_____

Angela Russell, Mayor

ATTEST: _____

Rhonda Ardemagni, City Recorder-Treasurer

(SEAL)

ORDINANCE NO. 2023-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE REZONING APPROXIMATELY 37.53 ACRES OF PROPERTY LOCATED ON 523 S. BARRINGTON ROAD) FROM A MIX OF GENERAL COMMERCIAL (C-2) AND SINGLE FAMILY RESIDENTIAL (R-3) TO A MIX OF GENERAL COMMERCIAL (C-2) AND SINGLE FAMILY RESIDENTIAL (R-4) IN THE CITY OF TONTITOWN, ARKANSAS

WHEREAS, a Public Hearing was held before the Planning Commission for the City of Tontitown, Arkansas on April 25, 2023, at 6:00 p.m. to hear public input to the question an application to rezone approximately 23.63 acres of property located at 523 S. Barrington Road in Tontitown, Arkansas from a mix of General Commercial (C-2) and Single Family Residential (R-3) to a mix of General Commercial (C-2) and Single Family Residential (R-4); and

WHEREAS, the rezone application was unanimously denied by the Planning Commission; and

WHEREAS, the applicant submitted an appeal of this denial, attached hereto as Exhibit "A", to the Tontitown City Council; and

WHEREAS, the applicant has voluntarily offered a Bill of Assurance, in a form attached hereto as Exhibit "B", where the applicant has agreed to certain property uses and development rules if the rezoning application is approved; and

WHEREAS, after thorough review, the Tontitown City Council has determined that the public interest and welfare is best served by approving the requested rezoning.

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

Section 1. The City of Tontitown hereby changes the zone classification from a mix of General Commercial (C-2) and Single Family Residential (R-3) to a mix of General Commercial (C-2) and Single Family Residential (R-4) for 37.53 aces of real property located at 523 S. Barrington Road in Tontitown, Arkansas more particularly described in the attached Exhibit "A".

Section 2. The City of Tontitown hereby accepts the Bill of Assurance that was voluntarily offered by the applicant. The rezoning request sought herein is subject to the execution and filing of the Bill of Assurance in the form attached hereto as Exhibit "B".

Section 3. Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 4. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not have an effect on the remaining provisions

of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

Section 5. The official zoning map of the City of Tontitown, Arkansas is hereby amended to reflect the zoning change provided in Section 1 hereof.

PASSED and APPROVED this_____ day of July 2023.

APPROVED:

_____
Angela Russell, Mayor

ATTEST:

_____
Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

EXHIBIT A

LEGAL DESCRIPTION

Legal Description for Commercial Outparcel

Proposed Zoning: C-2, General Commercial

A Part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section One (1), Township Seventeen (17) North, Range Thirty-One (31) West of the Fifth Principal Meridian, City of Tontitown, Washington County, Arkansas, and being more particularly described as follows:

Commencing at the Northeast Corner of the SE ¼ of the SW ¼ of said Section 1, said point being a found ½ inch rebar; thence along the east line of said SE ¼ of the SW ¼ South 03°16'54" West a distance of 570.61 feet to a found 5/8" rebar; thence leaving said east line North 86°41'24" West a distance of 94.43 feet to a found ½" rebar with PS 1559 cap; thence South 11°01'52" West a distance of 250.88 feet to a found ½" rebar, said point being on the North Right-of-Way line of a Proposed Road; thence along said North line South 74°53'33" East a distance of 130.93 feet to a found Mag Nail with PS 1559 washer, said point being on said east line of the SE ¼ of the SW ¼; thence along said east line South 03°10'45" West a distance of 50.85 feet to the Point of Beginning; thence continuing along said east line South 03°10'45" West a distance of 44.56 feet to a point in South Barrington Road; leaving said East line of the SE ¼ of the SW ¼ and along said South Barrington Road South 20°46'56" West a distance of 173.61 feet; thence leaving said South Barrington Road North 78°59'09" West 237.17 feet to a point on the East Right-of-Way line of a proposed road; thence along said East line an arc length of 27.85 feet along a non-tangent curve to the left, said curve having a radius of 125.00 feet and a chord bearing and distance of North 17°23'50" East 27.79 feet; thence continuing along said East line North 11°00'51" East a distance of 178.99 feet; thence an arc length of 41.04 feet along a curve to the right, said curve having a radius of 25.00 feet and a chord bearing and distance of North 58°02'14" East 36.58 feet to a point on the North Right-of-way line of a propose road; thence along said North line South 74°56'23" East a distance of 231.27 feet to the Point of Beginning, containing 1.29 acres more or less and subject to the Right-of-Way of South Barrington Road on the East side of the Subject Property, and any easement or rights-of-ways of record.

Legal Description for Land to be Donated to City

Proposed Zoning: C-2, General Commercial

A Part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section One (1), Township Seventeen (17) North, Range Thirty-One (31) West of the Fifth Principal Meridian, City of Tontitown, Washington County, Arkansas, and being more particularly described as follows:

Commencing at the Northeast Corner of the SE ¼ of the SW ¼ of said Section 1, said point being a found ½ inch rebar; thence along the east line of said SE ¼ of the SW ¼ South 03°16'54" West a distance of 570.61 feet to a found 5/8" rebar; thence leaving said east line North 86°41'24" West a distance of 94.43 feet to a found ½" rebar with PS 1559 cap; thence South 11°01'52" West a distance of 250.88 feet to a found ½" rebar, said point being on the North Right-of-Way line of a Proposed Road; thence along said North line South 74°53'33" East a distance of 130.93 feet to a found Mag Nail with PS 1559 washer, said point being on said east line of the SE ¼ of the SW ¼; thence leaving said North Right-of-Way line and along said East line South 03°10'45" West a distance of 95.41 feet to a point in South Barrington Road; thence leaving said East line of the SE ¼ of the SW ¼ and along said South Barrington Road South 20°46'56" West a distance of 173.61 feet to the Point of Beginning; thence continuing along said South Barrington Road South 20°46'56" West a distance of 71.80 feet; thence leaving said South Barrington Road North 87°42'25" West a distance of 296.12 feet to a found ½" rebar with PS 1559 Cap; thence North 20°17'57" East a distance of 33.89 feet to the East Right-of-Way line of a proposed road; thence along said East line an arc length of 106.29 feet along a non-tangent curve to the left, said curve having a radius of 125.00 feet and a chord bearing and distance of North 48°08'28" East a distance of 103.12 feet; thence leaving said East line South 78°59'09" East a distance of 237.17 feet to the Point of Beginning, containing 0.547 acres more or less and subject to the Right-of-Way of South Barrington Road on the East side of the Subject Property, and any easement or rights-of-ways of record.

Legal Description for Residential Subdivision

Proposed Zoning: R-4, Single Family Residential (8,000 sq ft min. lot size—max 4 units/acre)

A Part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section One (1), Township Seventeen (17) North, Range Thirty-One (31) West of the Fifth Principal Meridian, City of Tontitown, Washington County, Arkansas, and being more particularly described as follows:

Beginning at the Northeast Corner of the SE ¼ of the SW ¼ of said Section 1, said point being a found ½ inch rebar; thence along the east line of said SE ¼ of the SW ¼ South 03°16'54" West a distance of 570.61 feet to a found 5/8" rebar; thence leaving said east line North 86°41'24" West a distance of 94.43 feet to a found ½" rebar with PS 1559 cap; thence South 11°01'52" West a distance of 250.88 feet to a found ½" rebar, said point being on the North Right-of-Way line of a proposed road; thence along said North line South 74°53'33" East a distance of 130.93 feet to a found Mag Nail with PS 1559 washer, said point being on said East line of the SE ¼ of the SW ¼; thence leaving said North Right-of-Way line and along said East line South 03°10'45" West a distance of 50.85 feet; thence leaving said East line North 74°56'23" West a distance of 56.72 feet to a point on the South Right-of-Way line of a proposed road; thence along said South line North 74°56'23" West a distance of 174.55 feet; thence continuing along said South line an arc length of 41.04 feet along a curve to the left, said curve having a radius of 25.00 feet and a chord bearing and distance of South 58°02'14" West 36.58 feet to a point on the East Right-of-Way line of a proposed road; thence along said East line South 11°00'51" West a distance of 178.99 feet; thence continuing along said East line an arc length of 134.14 feet along a curve to the right, said curve having a radius of 125.00 feet and a chord bearing and distance of South 41°45'28" West 127.80 feet; thence leaving said East line South 20°17'57" West a distance of 33.89 feet to a found ½" rebar with PS 1559 cap; thence continuing South 20°17'57" West a distance of 150.08 feet to a found ½" rebar on the South line of said SE ¼ of the SW 1/4; thence along said South line North 87°23'27" West a distance of 932.14 feet to a found 1/2" rebar, said point being the Southwest Corner of said SE ¼ of the SW ¼; thence leaving said South line and along the West line of said SE ¼ of the SW ¼ North 03°22'33" East a distance of 1327.36 feet to a found ½" rebar, said point being the Northwest Corner of said SE ¼ of the SW ¼; thence leaving said West line and along the North line of said SE ¼ of the SW ¼ South 87°02'40" East a distance of 1343.64 feet to the Point of Beginning, containing 36.84 acres, more or less, subject to the Right-of-Way of South Barrington Road on the East side of the Subject Property, and any easement or rights-of-ways of record.

CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **April 25, 2023**
Project: **Rezone R3 and C2 to R4 and C2 at 523 S. Barrington**
Planner: Mark Latham

PUBLIC HEARING / PLANNING COMMISSION AGENDA ITEM

1

REZONING REQUEST

523 S. Barrington Rd.
Parcel # 830-37664-000

SUMMARY: Request to rezone a piece of land that is 37.53 acres in size from a mix of C-2 and R-3 to a mix of C-2 and R-4.
CURRENT ZONING: **R3** – **Residential** single family with a minimum 9,600 SF lot size and **C-2 Commercial**.
REQUESTED ZONING: **R4**– **Residential** single family with a minimum 8,000 SF lot size and **C-2 Commercial**.
FUTURE LAND USE CATEGORY: **RC-N, Residential Commercial Neighborhood**
CITY WARD: 3- Mike Washkowiak, Tim Burress
INFRASTRUCTURE SERVICE AREAS

Water: Tontitown Water
Electric: Ozarks Electric
Sewer/Septic: Tontitown Sewer
Phone: AT&T
Natural Gas: Black Hills Energy
Cable: Cox Communications

PROJECT SYNOPSIS:
The owner of this project is GSP NWA, Inc.

The property is located on the west side of Barrington Road, across the street from Rollins Elementary School. Pam Trucking is adjacent to the north. Property to the west is zoned R-3 and contains residential uses. The area to the south contains the Tuscan Sun Subdivision, and a small commercial use. The Master Street Plan shows Fletcher Road extending across the south end of this property.

The applicant is requesting to change the zoning from R3, Residential single-family with a minimum lot size of 9,600 SF to R4, Residential single-family with a minimum lot size of 8,000 SF.

There is a small portion of the northwest corner of this site that is currently zoned C2, the applicant is requesting to change this to R4, however, they are requesting a portion of the site along Barrington Road to be rezoned from R3 to C2 as well.

FUTURE LAND USE PLAN:
The Future Land Use Category shown in this area is for **Residential Commercial Neighborhood (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.

APPROVAL CRITERIA:

Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

(1) Consistency of the proposal with the comprehensive plan.

STAFF ANALYSIS: The current Future Land Use Plan shows this area as RC-N, Residential Commercial Neighborhood. This request is well aligned with the comprehensive plan for this area.

(2) Consistency of the proposal with the purpose of these regulations.

"The regulations are intended to provide for orderly growth and development; for protection of the character and stability of residential, commercial, industrial, recreational, and environmentally sensitive areas of the city; for protection of property from blight and undue depreciation; for efficiency and economy in the process of development for the appropriate and best use of land; for the use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement; and for adequate public utilities and facilities."

STAFF ANALYSIS: There is water and sewer available for connection along Barrington, and

the extension of Fletcher Road will provide better traffic alleviation in the future. The rezone request should not impact the orderly growth and development of this area.

(3) Compatibility of the proposal with the zoning, uses and character of the surrounding area.

STAFF ANALYSIS: The requested use is for single-family residential. Surrounding properties are primarily single-family residential.

North-zoned C-2-commerical, Pam Trucking
East-zoned R-3, with a conditional PI Public/Institutional use, Rollins Elementary School, and some single family uses.
South-zoned C-2 Commercial and R-3- single-family residence, Tuscan Sun Subdivision
West-zoned C-2 Commercial and R3- single family

(4) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.

STAFF ANALYSIS: This property could be suitable for uses allowed in R-3 and C-2.

(5) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.

STAFF ANALYSIS: This proposed rezoning should not detrimentally affect nearby property. Traffic will be routed on to Barrington Road, and the extension of Fletcher Road shall be constructed at the time this property is developed. Water and sewer are available. Before any development is constructed, a full review of all plats/plans shall be required.

(6) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and

STAFF ANALYSIS: There is one existing single-family residence on site currently.

(7) Impact of the proposed development on community facilities and services, including those related to utilities, streets drainage, parks, open space, fire, police, and emergency medical services.

STAFF ANALYSIS: This impact is expected to be minimal to utilities, streets, drainage, parks, open space, fire, police, and emergency services. There is adequate water and sewer that can be connected. The change from R3 to R4 is not expected to cause much additional impact to the infrastructure.

TECHNICAL INFORMATION:

Technical information will be addressed if this property is improved.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received several "opposed" written comments, and one "no objections" written comment, regarding this project. See attached

All written comments received are attached.

STAFF RECOMMENDATION: Based on the availability of utilities, future access, and the minimal expected impact when changing from R3 and C2 zoning to R4 zoning, staff recommends **approval** of the request to change the zoning at 523 S. Barrington Rd from **R-3, Residential Single-Family with a minimum 9,600 SF lot and C2-Commercial, to R4, Residential Single-Family with a minimum 8,000 SF lot and C2-Commercial.**

PROCESS NOTES:

1. This rezoning must proceed to the City Council for approval.
2. Any improvements to this site require additional review.

ZONING MAP

Use Comparison Chart:

Zoning Districts	*R-3*	*R-4*
Residential uses		
Single-family detached	P	P
Duplex	NP	C
Triplex, quadplex	NP	NP
Townhome	NP	NP
Detached accessory dwelling unit (ADU)	C	C
Emergency housing unit	NP	NP
Multi-family	NP	NP
Manufactured housing unit	NP	NP
Manufactured housing, residential design	NP	NP
Manufactured housing park	NP	NP
Group residential	NP	NP
Civic and commercial uses		
Airport or airstrip	NP	NP
Animal care, general	NP	NP
Animal care, limited	NP	NP
Automated teller machine	NP	NP
Bed and breakfast	NP	NP
Cemetery	C	C
Church	C	C
College or university	NP	NP
Communication tower	C	C
Convenience store	NP	NP
Day care, limited (family home)	C	C
Day care, general	NP	NP

Zoning Districts	*R-3*	*R-4*
Golf course	C	C
Government service	C	C
Hospital	NP	NP
Library	C	C
Medical services	NP	NP
Museum	C	C
Nursing home	NP	NP
Parks and recreation	C	C
Post office	NP	NP
Recreation/entertainment, outdoor	NP	NP
Safety services	NP	NP
School, elementary/middle	C	C
Utility, major	C	C
Utility, minor	P	P
Vocational school	NP	NP
Manufacturing and extractive uses		
Asphalt or concrete plant	NP	NP
Mining or quarrying	NP	NP
Sod farm	NP	NP
Topsoil	NP	NP
Agriculture uses		
Agriculture, animal	C	C
Agriculture, crop	C	C
Agriculture, product sales	C	C
Animal, farm	P	C
Chicken, hobby	P	P

Zoning Districts	*N-C*	*C-1*	*C-2*	*C-T*	*L-I*	*I*	*EU-L*
Industrial, manufacturing, and extractive uses							
Asphalt or concrete plant	NP	NP	NP	NP	NP	C	NP
Auto wrecking or salvage yard	NP	NP	NP	NP	NP	C	NP
Basic industry	NP	NP	NP	NP	C	P	NP
Freight terminal	NP	NP	C	NP	C	P	NP
Manufacturing, general	NP	NP	NP	NP	C	P	NP
Manufacturing, limited	NP	NP	NP	P	P	P	NP
Mining or quarrying	NP	NP	NP	NP	NP	C	NP
Soil borrowing	NP	NP	NP	NP	C	C	P
Research services	NP	C	C	C	C	P	C
Warehousing primary	NP	NP	NP	C	P	P	NP
Warehousing ancillary	NP	NP	C	P	P	P	NP
Welding or machine shop	NP	NP	C	P	P	P	NP

Area Comparison Chart:

	R-3	R-4
Category names	***Single- Family Residential 3 units/acre***	***Single- Family Residential 4 units/acre***
Density	3 units/acre	4 units/acre
Minimum lot size	9,600 sf	8,000 sf
Triplex, quadplex	NP	NP
Duplex	NP	Conditional, min. lot size 12,000 sf per duplex
Townhomes (single-family attached)	NP	NP
Multi-Family (5 or more connected units)	NP	NP
Nonresidential uses	9,600	10,000
Max building height	35'	35'
Max number of stories	N/A	N/A
Single Family Detached		
Lot width min.	80'	70'
Lot depth min.	120'	110'
Setbacks for 1- and 2-story structures**		
Front setback	30'	25'
Side setback	7'	7'
Street side setback	25'	20'
Rear setback	25'	15'
Setbacks for 3- and 4-story structures**		
Front setback	30'	30'
Side setback	7'	10'
Street side setback	25'	25'
Rear setback	25'	25'
Maxim um impervious area (structures)	60%	60%

Neighbor Comments:

7.13.23

Dear Tontitown City Council,

At the City's July 6, 2023 COW meeting, many Tontitown residents, including myself, were dismayed that the Council might be seriously leaning toward approval of an R3 to R4 zoning request in the vicinity of Barrington Road.

Our alarms flashed red for the following (inexhaustive) reasons:

REASON 1: In the prior months leading up to that meeting, we citizens had assumed that the City Council, through word and deed, had put R3 to R4 zoning on hold, at least for the time being.

REASON 2: At its meeting held on April 18, 2023, the City Council unanimously denied Tristar Contractors' appeal of the Planning Commission's denial to change zoning from R3 to R4 along Klenc Road. At that meeting, various Council Members made statements such as the following (paraphrased):

a. My family moved here because Tontitown is special.
b. In all my years on the City Council, I have never received this many calls in opposition to any item, with the exception of the Eco-Vista Landfill.
c. I have had an outpouring of calls and emails, all of which were in opposition to the change.
d. Not a single soul that called me was in favor of this.
e. I am an elected official and I have heard my constituents loud and clear [opposing the zoning change].

Given the tenor of the meeting, it seemed to us that this denial wasn't just for this particular proposal, but reflected a general policy position regarding R3 to R4.

REASON 3: The City Council was/is aware of the community's consensus regarding opposing R3 to R4 (reasons for this sentiment have been discussed at length so there is no need to repeat them here):

1. Emails, calls, letters, public meeting statements, etc., such as referenced above.
2. Subsequent to Mayor Russell's taking office just last year, she held a special Community Input Session to hear first-hand what citizens' top concerns were. Chief among them was a pronounced desire slow down growth, make it less dense when it does happen, and ensure that it is part of a 'larger overall plan' vs. just having random 'pop-up' developments here and there.

3. Following that input session, the Mayor conducted a comprehensive online survey whose results echoed the sentiments expressed in the Input Session.

REASON 4: Consistent with all of the above, the City Planning Commission rejected BOTH recent requests for R3 to R4 changes.

REASON 5: The City already has an approved zoning map and folks don't understand the rationale for jettisoning it as the perceived result of 'the latest developer's request.' Assuming that the zoning designations on that City planning map were the product of considerable study and widespread input from community stakeholders, it is hard to understand why, suddenly, none of that seems to matter in this case. I have always believed that a City's zoning map (obviously a vital part of its General Plan and Vision Plan) was the result of community consensus and that its purpose was to memorialize for its citizens and others what should and would be allowed. This is not to say that all rezoning requests should be denied, but to me anyway, it is to say that any proposed changes will be carefully considered and not approved by sudden and inexplicable fiat.

This brings us to the present confusing matter in which many citizens are of the impression that at the July 6 COW meeting, as indicated, a substantial number of City Council members exhibited not only openness, but seemingly outright potential support for approving this latest R3 to R4 request—which had just been rejected by the Planning Commission.

Our dismay is compounded by the fact that the City Council's perceived change in direction seems to have come straight out of the blue. What? After all that has been said, done and presumably agreed upon in good faith, the Council is now truly seriously considering an about-face?

WE CITIZENS RECOMMEND THAT:

1. The R3 to R4 request currently before you be denied.
2. The City publish on its website the current zoning map in a simple, reader-friendly format.
3. The City develop, adopt and implement steps that guide the decision-making process the City and Council will follow when considering a zoning change.

Respectfully,

Dennis Boyer
1969 Dowell Road
Tontitown, AR 72762

ORDINANCE NO. 2023-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 110.04: LICENSES REQUIRED FOR EACH PLACE OF BUSINESS OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Tontitown has adopted regulations to establish land usage fees within the City which are codified in Section 110.04: Licenses Required for Each Place of Business of the Tontitown Municipal Code; and

WHEREAS, it has become apparent to the City Council of Tontitown that a need exists to amend Section 110.04: Licenses Required for Each Place of Business in order to provide updated regulations for operating a business in the City of Tontitown; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that it is in the best interest and benefit to the Tontitown community to amend Section 110.04: Licenses Required for Each Place of Business of the Tontitown Municipal Code, as set forth in the attached Exhibit "A".

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

Section 1. That Section 110.04: Licenses Required for Each Place of Business of the Tontitown Municipal Code is hereby amended, 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 110.04: Licenses Required for Each Place of Business of the Tontitown Municipal Code should be immediately amended in order to provide updated regulations for operating a business in the City of Tontitown. 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 July 2023.

APPROVED:

_____

Angela Russell, Mayor

ATTEST:

_____

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

EXHIBIT

A

§ 110.04 LICENSES REQUIRED FOR EACH PLACE OF BUSINESS.

(A) Any person, partnership, corporation or other entity operating and having a place of business within the corporate limits of the city shall obtain a license for each place of business.

(B) For the purpose of construing this chapter, "more than one place of business" shall mean business operations conducted within two or more separate buildings or upon two or more separate tracts of real estate.

(C) Any person, partnership, corporation or other entity operating and having a business operated out of their residence and which has need of a license issued under these regulations, may request a home occupation permit for a fee of $50.

(D) All non-profit organizations, as defined and recognized by the Internal Revenue Service, must apply for a business license and the fee associated with this application shall be $5.

(E) Additionally, every applicant requesting a business license is required to provide evidence of proper zoning for the use and scope of the intended business on the property prior to receiving a business license. No business license shall be issued for the conduct of any business if the premises and building to be used for the purpose do not fully comply with the requirements of the city, including the city's zoning regulations.

(F) Each owner, partner, officer and/or firm member of any business or corporation required by these regulations to be licensed shall be jointly and severally responsible for the timely payment of business license due to the city.

§ 110.04 LICENSES REQUIRED FOR EACH PLACE OF BUSINESS.

(A) Any person, partnership, corporation or other entity operating and having a place of business within the corporate limits of the city shall obtain a license for each place of business. ~~A person, partnership, corporation or other entity operating and having a place of business within the corporate limits of the city shall not be required to have a business license if:~~

~~(1) Services are not provided at the residence which would require customers to travel to said residence for business purposes; and~~

~~(2) The business does not have any employees other than the owner of said entity, partnership, and/or corporation.~~

(B) For the purpose of construing this chapter, "more~~MORE~~ than~~THAN~~ one~~ONE~~ place~~PLACE~~ of~~OF~~ business"~~BUSINESS~~ shall mean ~~any~~ business operations conducted within two or more separate buildings or upon two or more separate tracts of real estate.

(C) Any person, partnership, corporation or other entity operating and having a business operated out of their residence and which has need of a license issued under these regulations, may request~~ed~~ a home occupation permit ~~which will require~~ for a fee of $50.

(D) All non-profit organizations, as defined and recognized by the Internal Revenue Service, must apply for a business license and the fee associated with this application shall be $5.

(E) Additionally, every applicant requesting a business license is required to provide evidence of proper zoning for the use and scope of the intended business on the property prior to receiving a business license. No business license shall be issued for the conduct of any business if the premises and building to be used for the purpose do not fully comply with the requirements of the city, including the city's zoning regulations.

(F) Each owner, partner, officer and/or firm member of any business or corporation required by these regulations to be licensed shall be jointly and severally responsible for the timely payment of business license due to the city.

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RESOLUTION NO. 2023-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION AMENDING SECTION 5.2: HOLIDAYS AND HOLIDAY PAY, OF THE CITY OF TONTITOWN PERSONNEL HANDBOOK FOR THE CITY OF TONTITOWN, ARKANSAS

WHEREAS, the City Council for the City of Tontitown has previously adopted an updated Personnel Handbook on July 7, 2020 for use by the City of Tontitown, for the purpose of establishing a guide to administrative action concerning personnel activities and in order to define the personnel policies and procedures of the City; and

WHEREAS, it has come to the attention of the City Council that it is necessary to amend Section 5.2: Holidays and Holiday Pay, of the Tontitown Personnel Handbook in order to provide an updated list of holidays observed by the City of Tontitown; and

WHEREAS, after review and consideration of the amendment, the City Council for the City of Tontitown has determined that it is in the best interest and benefit of the community to amend Section 5.2: Holidays and Holiday Pay of the Tontitown Personnel Handbook, as set forth in the attached Exhibit "A".

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

Section 1. Section 5.2: Holidays and Holiday Pay, of the Tontitown Personnel Handbook is hereby amended, as set forth in the attached Exhibit "A".

Section 2. The rest and remainder of the Tontitown Personnel Handbook not specifically amended herein shall remain in full force and effect.

PASSED AND APPROVED on this _____ day of July 2023.

APPROVED:

_____
Angela Russell, Mayor

ATTEST:

_____
Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

EXHIBIT
A

5.2 HOLIDAYS AND HOLIDAY PAY

The appropriation made by the city council for salaries shall include additional pay for holidays for all full-time employees of the city. City holidays include:

HOLIDAY	DAY/DATE
New Year's Day	January 1st
Martin Luther King Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4th
Labor Day	First Monday in September
Veterans' Day	November 11th
Thanksgiving Day	Fourth Thursday in November
The Day After Thanksgiving	Fourth Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th

In addition, each employee shall be provided an annual holiday on the date of his or her birthday.

In addition to holiday pay, uniformed employees shall be paid their regular rate of pay for all hours worked during a holiday. This additional pay, and holiday pay, shall be paid in one lump sum annually during the second week of December. Holiday pay is defined for purposes of this section as pay for an eight-hour day, regardless of the length of a shift typically worked by the employee.

The City of Tontitown will publish a holiday schedule for the upcoming year. The city reserves the right to change observance of any published holiday.

For civilian employees, when a holiday occurs on a Saturday, it will be observed on the preceding Friday. When a holiday occurs on a Sunday, it will be observed on the following Monday. For uniformed employees, the holiday will be observed on the day on which it falls.

5.2 HOLIDAYS AND HOLIDAY PAY

The appropriation made by the city council for salaries shall include additional pay for holidays for all full-time employees of the city. City holidays include:

HOLIDAY	DAY/DATE
New Year's Day	January 1st
Martin Luther King Jr. Day	Third Monday in January
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In addition, each employee shall be provided an annual holiday on the date of his or her birthday.

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The City of Tontitown will publish a holiday schedule for the upcoming year. The city reserves the right to change observance of any published holiday.

For civilian employees, when a holiday occurs on a Saturday, it will be observed on the preceding Friday. When a holiday occurs on a Sunday, it will be observed on the following Monday. For uniformed employees, the holiday will be observed on the day on which it falls.

ORDINANCE NO. 2023-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE APPROXIMATELY 10.53 ACRES LOCATED AT 516 W. HENRI DE TONTI BLVD FROM SINGLE FAMILY RESIDENTIAL (R-3) TO GENERAL COMMERCIAL (C-2) IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, a Public Hearing was held before the Planning Commission for the City of Tontitown, Arkansas to hear public input to the question of an application to rezone lands located at 516 W. Henri De Tonti Blvd in Tontitown, Arkansas from Single Family Residential (R-3) to General Commercial (C-2); and,

WHEREAS, after due notice as required by law, the Tontitown Planning Commission has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the rezoning requested should be approved and has recommended approval to the Tontitown City Council; and,

WHEREAS, the Tontitown City Council has determined that the public interest and welfare is best served by approving the requested rezoning.

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

Section 1. The City of Tontitown hereby changes the zone classification from Single Family Residential (R-3) to General Commercial (C-2) for certain real property located at 516 W. Henri De Tonti Blvd, more particularly described in the attached Exhibit "A".

Section 2. Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 3. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not have an effect on the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

Section 4. The official zoning map of the City of Tontitown, Arkansas is hereby amended to reflect the zoning change provided in Section 1 hereof.

PASSED and APPROVED this _____day of July 2023.

APPROVED:

_____

Angela Russell, Mayor

ATTEST:

_____

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

EXHIBIT

A

LEGAL DESCRIPTION

Part of the Southwest Quarter of the Northwest Quarter of Section 1, Township 17 North, Range 31 West of the Fifth Principal Meridian, Washington County, Arkansas, and being more particularly described as COMMENCING at a found 5/8" rebar pin for the Northwest corner of said Southwest Quarter of the Northwest Quarter; thence S87°20'58"E a distance of 570.90 feet to the POINT OF BEGINNING; thence S87°20'58"E a distance of 231.00 feet; thence S03°10'00"W a distance of 207.90 feet to a set 1/2" rebar pin; thence S87°20'43"E a distance of 207.90 feet to a set 1/2" rebar pin; thence S52°34'19"E a distance of 7.52 feet to a found 1/2" rebar pin at a fence corner; thence along fence S03°41'03"W a distance of 78.82 feet; thence S02°53'05"W a distance of 240.31 feet; thence S03°17'09"W a distance of 155.13 feet; thence S02°31'58"W a distance of 232.26 feet; thence S03°28'29"W a distance of 227.29 feet; thence S01°27'17"W a distance of 128.52 feet to the North Right of Way of U.S. Highway No. 412; thence leaving said fence and along said North Right of Way N87°45'19"W a distance of 11.80 feet to a found 1/2" rebar pin; thence N87°45'19"W a distance of 194.33 feet; thence N25°01 '41 "W a distance of 22.28 feet; thence N88°35'25"W a distance of 69.87 feet; thence S46°23'01"W a distance of 28.20 feet; thence S84°49'24"W a distance of 75.22 feet; thence N86°28'29"W a distance of 63.44 feet; thence leaving said Right of Way N05°09'38"E a distance of 124.13 feet to a fence; thence along said fence N02°28'37"E a distance of 152.57 feet; thence N02°51'56"E a distance of 388.65 feet; thence leaving said fence N00°49'24"W a distance of 105.45 feet to a found 1/2" rebar pin; thence N03°10'43"E a distance of 516.87 feet to the POINT OF BEGINNING, containing 11.89 acres, more or less. Subject to any easements recorded or unrecorded.

CITY OF TONTITOWN PLANNING OFFICE
201 E. Henri de Tonti Blvd.
479-361-2700
planning@tontitownar.gov

Meeting: **June 27, 2023**
Project: **Vapor Maven Rezoning**
Planner: Kevin M. Gambrill, Garver

PUBLIC HEARING AND PLANNING COMMISSION AGENDA ITEM

PH 3, PC 2

REZONING REQUEST

516 W. Henri De Tonti Blvd.
Part of Parcel # 830-37654-000

SUMMARY: The applicant is requesting to rezone 10.53 acres to C-2: a portion of this site is already C2, there is approx. 5.2 ac. +/- requested to be changed from R-3 (Single Family Residential, 9,600 sq. ft. minimum lot size) to C-2 (General Commercial). This site is currently 11.89 acres, but will have a lot line adjustment completed before any development is completed on site, to result in the 10.53-acre site that is requested to be C-2.

CURRENT ZONING: R-3 – Single Family Residential (9,600 min. lot size)
REQUESTED ZONING: C-2 – General Commercial
FUTURE LAND USE CATEGORY: RC-N- Residential Commercial Neighborhood
CITY WARD: 2- Daniel Montez and Larry Ardemagni
INFRASTRUCTURE SERVICE AREAS (not a guarantee of service availability)**:**

Water: Washington Water Authority
Electric: Ozarks Electric
Sewer/Septic: Septic
Phone: AT&T
Natural Gas: Source Gas
Cable: Cox Communications

PROJECT SYNOPSIS:

The applicant (owner representative) for this project is Mr. Steve Lisle, on behalf of owner, Mr. Hermin Thind / MWA Maven Properties, LLC. The property is located on the north side of Hwy. 412 (Principal Arterial) upon which it has frontage. The property's northern extent fronts along the south side of Sbanotto Avenue (Collector). This site is currently 11.89 acres, but will have a lot line adjustment completed before any development is completed on site, to result in the 10.53-acre site that is requested to be C-2.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for RC-N- Residential Commercial Neighborhood 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: The requested C-2 zoning marginally conforms to the Future Land Use Plan. It is more intense that what would typically be found in a Neighborhood Commercial area. However, the front portion of this site which is already zoned C-2, is within the RC-C FLU category, and C-2 is well aligned.

APPROVAL CRITERIA:
Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

(1) Consistency of the proposal with the comprehensive plan.

STAFF ANALYSIS: The requested C-2 zoning marginally conforms to the Future Land Use Plan. It is more intense that what would typically be found in a Neighborhood Commercial area. However, the front portion of this site which is already zoned C-2, is within the RC-C FLU category, and C-2 is well aligned.

(2) Consistency of the proposal with the purpose of these regulations.
"The regulations are intended to provide for orderly growth and development; for protection of the character and stability of residential, commercial, industrial, recreational, and environmentally sensitive areas of the city; for protection of property from blight and undue depreciation; for efficiency and economy in the process of development for the appropriate and best use of land; for the use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement; and for adequate public utilities and facilities."

STAFF ANALYSIS: The character of the Single-Family Residential zone along Sbanotto Ave. is rural. Expansion at this location to the north, near Sbanotto Ave., is buffered / tempered by environmental constraints imposed by the mapped FEMA floodplain. Additionally, the C-2 zoning request does not include the property that directly abuts Sbanotto Ave.

(3) Compatibility of the proposal with the zoning, uses and character of the surrounding area.

STAFF ANALYSIS: A reasonable buffer exists between the north side of the C-2 district and the south side of the R-3 district along the Sbanotto Avenue corridor. Increasing the land use intensity at this particular location would not appear to change the overall character of the surrounding area. The actual land uses surrounding the site are a mix of low-density,

residential estate and semi-rural to rural uses from its center to Sbanotto, with commercial / retail uses adjacent to the site from the central portion south to Hwy. 412.

North- zoned R-3
East- zoned R-3 + C-2
South- zoned C-2
West- zoned R-3 + C-2

(4) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.

STAFF ANALYSIS: This zoning request is unlikely to detrimentally affect nearby properties as all traffic will be routed to Hwy. 412, and has a natural buffer to the properties that would be most impacted by a change of use.

(5) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and

STAFF ANALYSIS: This area has remained R-3.

(6) Impact of the proposed development on community facilities and services, including those related to utilities, streets drainage, parks, open space, fire, police, and emergency medical.

STAFF ANALYSIS: The proposed rezoning should not have a major impact on services. Infrastructure exists or can be connected in order to service a more intense use.

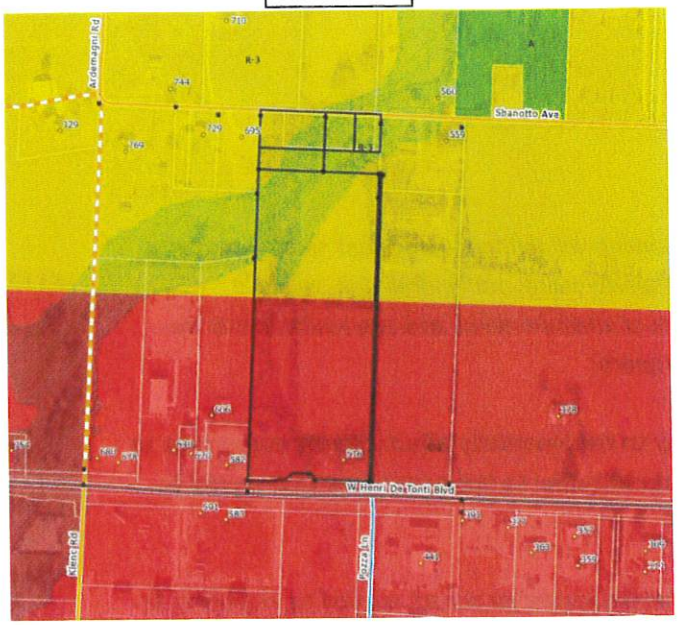
NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received one (1) comment(s) in opposition of this project and will update the Planning Commission at the meeting if any additional comments are submitted.

STAFF RECOMMENDATION: Based on the availability of infrastructure to service this use and the buffer for the residential character along Sbanotto Ave., staff recommends approval of this rezoning request from R-3, Single-Family Residential to C-2, General Commercial.

PROCESS NOTES:

1. If approved by the Planning Commission, this rezoning would proceed to the City Council for their consideration.
2. Any improvements to this site require additional review.

ZONING



FUTURE LAND USE

SITE LOCATION

USE COMPARISON CHART

R-3 ZONING DISTRICT	
Residential uses	
Single-family detached	P
Duplex	NP
Triplex, quadplex	NP
Townhome	NP
Detached accessory dwelling unit (ADU)	C
Emergency housing unit	NP
Multi-family	NP
Manufactured housing unit	NP
Manufactured housing, residential design	NP
Manufactured housing park	NP
Group residential	NP
Civic and commercial uses	
Airport or airstrip	NP
Animal care, general	NP
Animal care, limited	NP
Automated teller machine	NP
Bed and breakfast	NP
Cemetery	C
Church	C
College or university	NP
Communication tower	C
Convenience store	NP
Day care, limited (family home)	C
Day care, general	NP
Golf course	C
Government service	C
Hospital	NP
Library	C
Medical services	NP
Museum	C
Nursing home	NP
Parks and recreation	C
Post office	NP
Recreation/entertainment, outdoor	NP
Safety services	NP
School, elementary/middle	C
Utility, major	C
Utility, minor	P
Vocational school	NP
Manufacturing and extractive uses	
Asphalt or concrete plant	NP
Mining or quarrying	NP
Sod farm	NP
Topsoil	NP
Agriculture uses	
Agriculture, animal	C
Agriculture, crop	C
Agriculture, product sales	C
Animal, farm	P
Chicken, hobby	P

C-2 ZONING DISTRICT	
Residential uses	
Single-family detached	C
Duplex	C
Loft living space	P
Townhomes (see *LOT, YARD* and *HEIGHT REGULATIONS* for requirements)	C
Triplex, quadplex	C
Multi-family	NP
Civic and commercial uses	
Airport or airstrip	NP
Animal care, general	P
Animal care, limited	P
Auditorium or stadium	C
Automated teller machine (ATM)	P
Bank or financial institution	P
Bed and breakfast	P
Car wash	P
Cemetery	P
Church	P
College or university	P
Communication tower	C
Construction sales or service	P
Convenience store	P
Day care, limited (family home)	P
Civic and commercial uses	
Day care, general	P
Entertainment, adult	C
Funeral home	P
Golf course	P
Government service	P
Hospital	P
Hotel or motel	P
Library	P
Medical service/office	P
Museum	P
Nursing home	P
Office, limited	P
Office, general	P
Parking lot, commercial	P
Parks and recreation	P
Pawn shops	P
Post office	P
Recreation/entertainment, indoor	P
Recreation/entertainment, outdoor	P
Restaurant, fast food	P
Restaurant, general	P
Retail/service up to 5,500 sq. ft.	P

C-2 ZONING DISTRICT	
Civic and commercial uses	
Retail/service up to 10,000 sq. ft.	P
Retail/service greater than 10,000 sq. ft.	P
Safety services	P
School, elementary/middle/high	P
Service station	P
Signs	*
Storage, outdoor (yard)	C
Utility, major	C
Utility, minor	P
Vehicle and equipment sales	P
Vehicle repair, general	P
Vehicle repair, limited	P
Vocational school	P
Warehouse, residential (mini) self- storage	P
*The placements of all shall be in accordance with city code	
Industrial, manufacturing, and extractive uses	
Asphalt or concrete plant	NP
Auto wrecking or salvage yard	NP
Basic industry	NP
Freight terminal	C
Manufacturing, general	NP
Manufacturing, limited	NP
Mining or quarrying	NP
Soil borrowing	NP
Research services	C
Warehousing primary	NP
Warehousing ancillary	C
Welding or machine shop	C
Agricultural uses	
Agriculture, animal	C
Agriculture, crop	C
Agriculture, farmers' market	P
Agriculture, product sales	C
Animal, farm	NP
Chicken, hobby	NP
Exclusive uses	
Sanitary landfill	NP

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing in person or via Zoom.
2. Express your opinion in writing to The Planning Commission by checking the appropriate box at the bottom of this form and writing your opinion. You can submit your opinion via the following:

   Mail to: City of Tontitown Planning Department, P.O. Box 305, Tontitown, AR 72770

   Email to: planning@tontitownar.gov

   Hand-deliver to: Planning Department at 235 E. Henri de Tonti Blvd (Tontitown City Hall)

For more information, you may call the Planning Department at (479) 361-2700.

( ) I/we have no objections to the rezoning.
(✓) I/we object to the rezoning because:

PROPERTY ZONING SHULD STAY AS IS. 1ST 300' FROM 412 IS COMMERCIAL THEN RESIDENTIAL

Signature

Signature

479-422-8060
OPTIONAL: email/phone number

CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **June 28, 2023**
Project: **Vapor Maven Rezoning**
Planner: Kevin M. Gambrill, Garver

PUBLIC HEARING AND PLANNING COMMISSION AGENDA ITEM

PH 4, PC 3

CONDITIONAL USE PERMIT REQUEST

To allow ancillary warehouse uses within a C2 zoning district

516 W. Henri De Tonti Blvd.
Part of Parcel # 830-37654-000

This project was unanimously recommended for City Council approval at the June 27, 2023 Planning Commission meeting.

This project must be reviewed and approved by the City Council before it is officially approved

SUMMARY: The applicant is requesting to allow an ancillary warehouse use within a C-2 zoning district.
CURRENT ZONING: R-3 – Single Family Residential (9,600 min. lot size) and **C-2 – General Commercial**
CONCURRENTLY REQUESTED ZONING: C-2 – General Commercial for 10.53 acres
FUTURE LAND USE CATEGORY: RC-N- Residential Commercial Neighborhood
CITY WARD: 2- Daniel Montez and Larry Ardemagni
INFRASTRUCTURE SERVICE AREAS (not a guarantee of service availability)**:**

Water: Washington Water Authority
Electric: Ozarks Electric
Sewer/Septic: Septic
Phone: AT&T
Natural Gas: Source Gas
Cable: Cox Communications

PROJECT SYNOPSIS:

The applicant (owner representative) for this project is Mr. Steve Lisle, on behalf of owner, Mr. Hermin Thind / MWA Maven Properties, LLC. The property is located on the north side of Hwy. 412 (Principal Arterial), extending northward to its frontage along the south side of Sbanotto Avenue (Collector).

The owners wish to develop the site for retail and ancillary warehousing uses. To implement the project as proposed on concept plans submitted, the applicants are seeking to rezone part of the northern half of the property from R-3 to C-2. Ancillary warehouse uses are not permitted 'by-right' in the C-2 zoning district. Therefore, concurrently, with the application for rezoning (from R-3 to C-2), the applicant is also seeking a Conditional Use Permit (CUP) in association with a concept / sketch plan for development.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for RC-N- Residential Commercial Neighborhood 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.

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.

(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, this use would be allowed by CUP in C2 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: Yes (*Pending approval for C-2 zoning*)

(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: Yes, the access will be taken from Hwy. 412, infrastructure is available for connection.

(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: A reasonable buffer exists between the north side of the C-2 district and the south side of the R-3 district along the Sbanotto Avenue corridor. Increasing the land use intensity at this particular location would not appear to change the overall character of the surrounding area. The actual land uses surrounding the site are a mix of low-density, residential estate and semi-rural to rural uses from its center to Sbanotto, with commercial / retail uses adjacent to the site from the central portion south to Hwy. 412.

(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: Yes

(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: Generally, the site sketch appears to adhere; Staff will fully evaluate the technical request if this project advances to the Large-Scale Development phase.

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

STAFF ANALYSIS: This appears to be addressed in the site sketch; Staff will fully evaluate the technical request is the project advances to the Large-Scale Development phase.

(8) *Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.*

STAFF ANALYSIS: Generally, this requested use should not have excessive noise, dust or odor; Staff will fully evaluate the technical request if this project advances to the Large-Scale Development phase. All lighting should be "cut off" type lighting that will not contribute significantly to light pollution. The applicant will be required to provide a lighting cut sheet and diagram to show how the light is designed to remain on the site.

TECHNICAL INFORMATION:

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

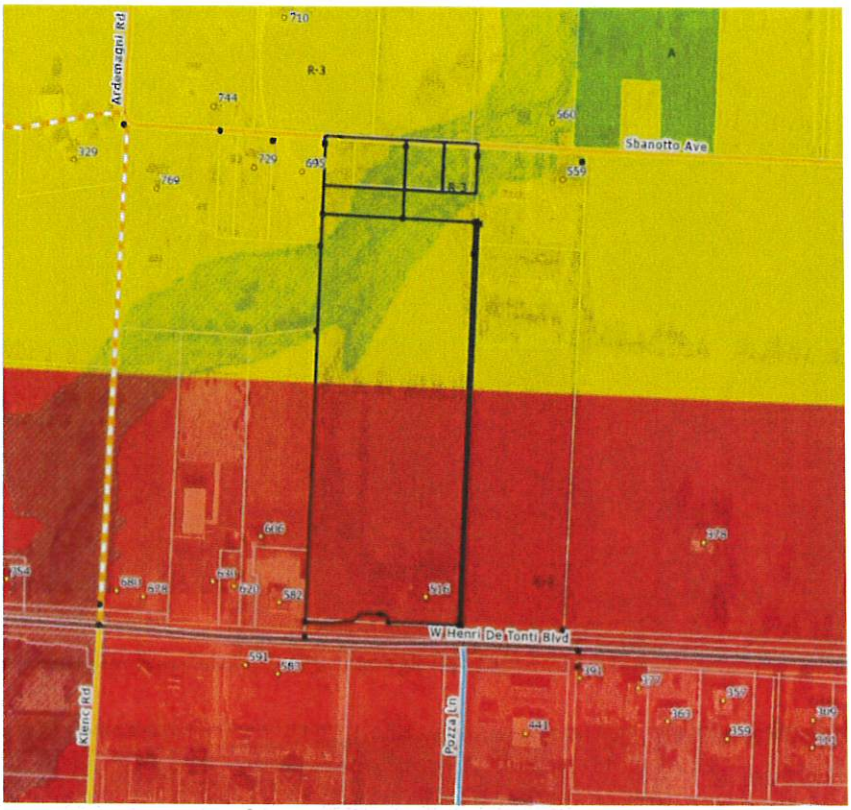
NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received one (1) written comment in opposition of the concurrently requested CUP / rezoning.

STAFF RECOMMENDATION: Based on the current proposal which shows the development to be well buffered from the residential character along Sbanotto Ave., the availability of infrastructure to service this requested use, staff recommends approval of the Vapor Maven Conditional Use Permit Request to allow an Ancillary Warehouse use within C-2 zoning.

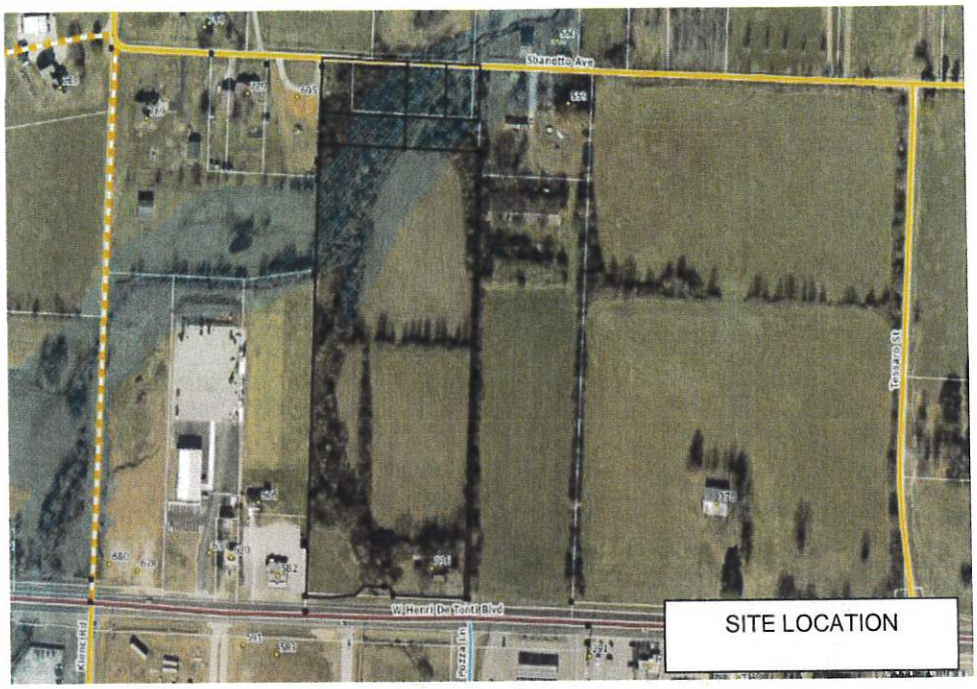
PROCESS NOTES:

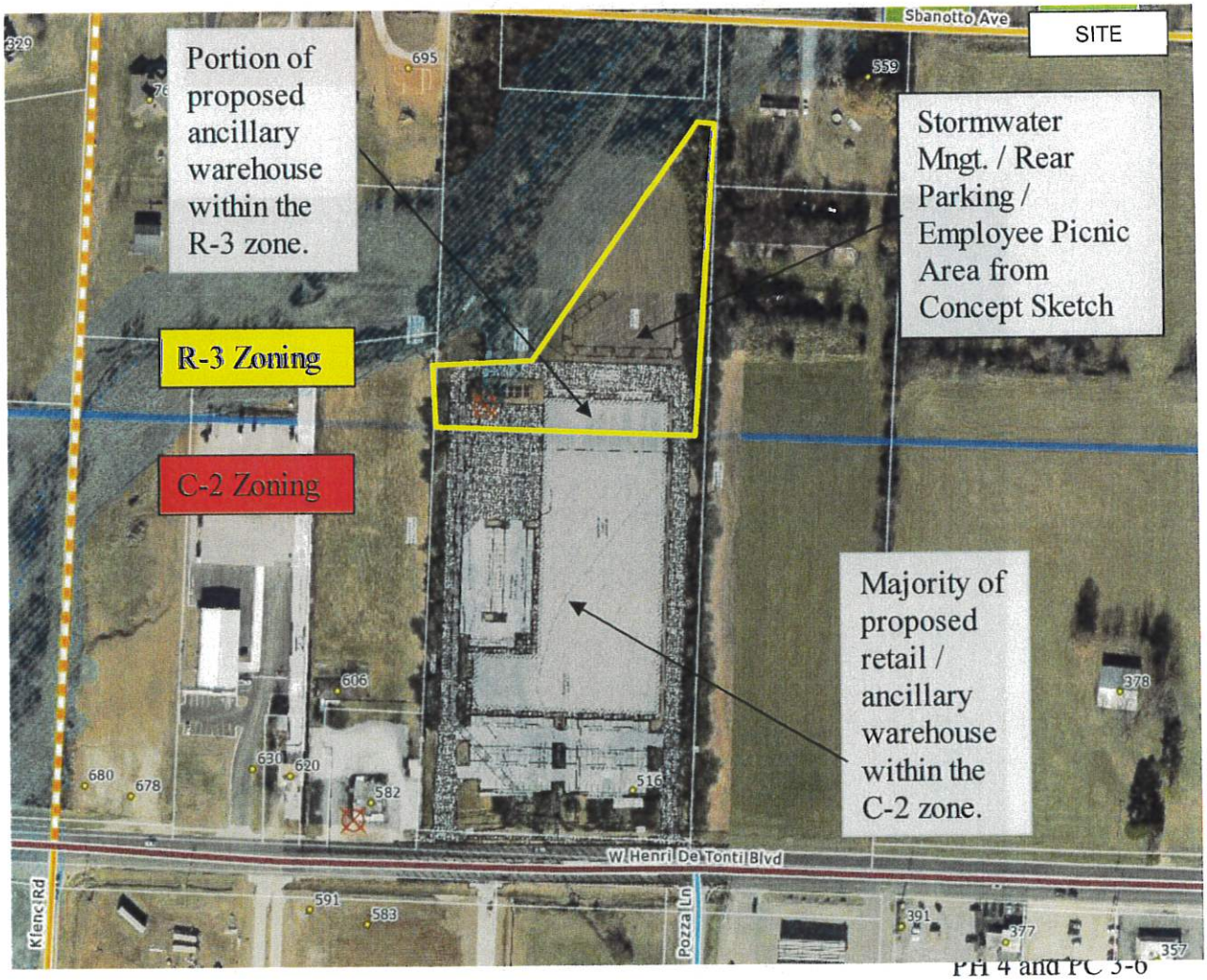
1. If approved by the Planning Commission, this rezoning would proceed to the City Council for their consideration.
2. This project must proceed through the Large-Scale Development process, and address all technical information.
3. Compatibility, connectivity, and adequate landscaping shall be required to meet the Conditional Use Permit standards.
4. This project shall develop generally as is stated in the applicant's letter and presented in the plans.

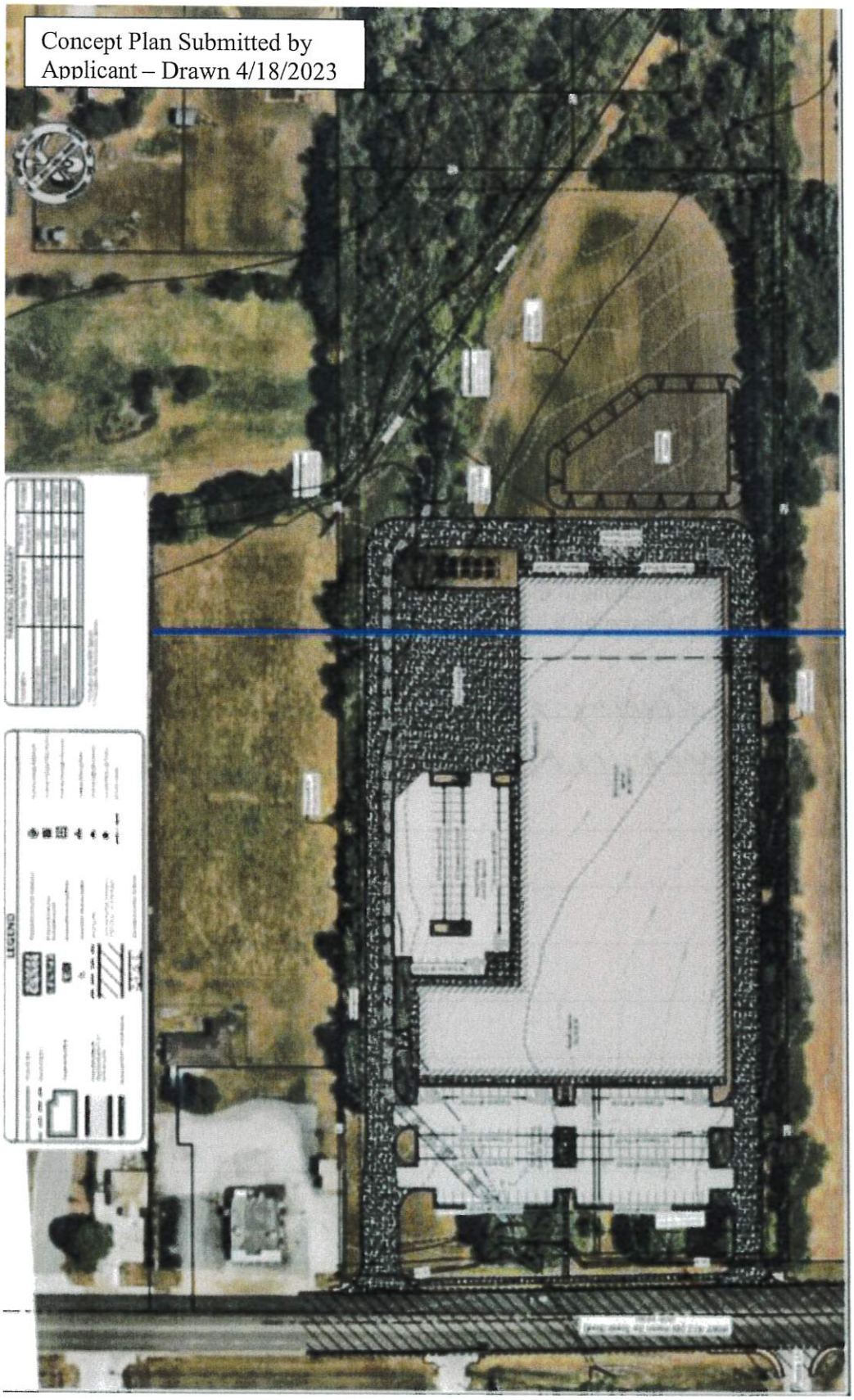
ZONING



FUTURE LAND USE


Sbanotto Ave
W Henri De Tonti Blvd
Klenc Rd
Pozza Ln
SITE LOCATION


Sbanotto Ave
SITE
Portion of proposed ancillary warehouse within the R-3 zone.
Stormwater Mngt. / Rear Parking / Employee Picnic Area from Concept Sketch
R-3 Zoning
C-2 Zoning
Majority of proposed retail / ancillary warehouse within the C-2 zone.
W Henri De Tonti Blvd
Klenc Rd
Pozza Ln
695
539
606
630
620
582
516
680
678
591
583
391
377
357
378


Concept Plan Submitted by
Applicant – Drawn 4/18/2023
LEGEND

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing in person or via Zoom.
2. Express your opinion in writing to The Planning Commission by checking the appropriate box at the bottom of this form and writing your opinion. You can submit your opinion via the following:

   Mail to: City of Tontitown Planning Department, P.O. Box 305, Tontitown, AR 72770

   Email to: planning@tontitownar.gov

   Hand-deliver to: Planning Department at 235 E. Henri de Tonti Blvd (Tontitown City Hall)

For more information, you may call the Planning Department at (479) 361-2700.

( ) I/we have no objections to the rezoning.
(✓) I/we object to the rezoning because:

PROPERTY ZONING SHOULD STAY AS IS. 125
300' FROM 412 IS COMMERCIAL THAN RESIDENTIAL

Signature

Signature

479-422-8062
OPTIONAL: email/phone number

ORDINANCE NO. 2023-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 10.99 GENERAL PENALTY OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Tontitown has adopted regulations to establish land usage fees within the City which are codified in Section 10.99 General Penalty of the Tontitown Municipal Code; and

WHEREAS, it has become apparent to the City Council of Tontitown that a need exists to amend Section 10.99 General Penalty in order to provide updated regulations pertaining to general penalties for ordinance or code violations in the City of Tontitown; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that it is in the best interest and benefit to the Tontitown community to amend Section 10.99 General Penalty of the Tontitown Municipal Code, as set forth in the attached Exhibit "A".

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

Section 1. That Section 10.99 General Penalty of the Tontitown Municipal Code is hereby amended, 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 10.99 General Penalty of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to general penalties of ordinances or code violations in the City of Tontitown. 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 July 2023.

APPROVED:

_____

Angela Russell, Mayor

ATTEST:

_____

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

EXHIBIT

A

§ 10.99 GENERAL PENALTY.

(A) *General penalty established.* If an ordinance or code does not specifically provide for the penalty for violating that ordinance or code, then this section along with the below-mentioned fines will encompass those violations. This section is not designated to supersede any ordinance or code in which penalties have already been established. Any conflict between the penalties stated below and any other ordinance or code violations will be resolved by deference to the more specific ordinance or code violation.

(B) *Maximum penalties permitted.*

(1) The city shall not inflict any fine or penalty, by ordinance or otherwise, to a greater sum than $1,000 for any one specified offense or violation of a bylaw or ordinance, or double that sum for each repetition of such offense or violation.

(2) If a thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the bylaw or ordinance, shall not exceed $500 for each day that it may be unlawfully continued.

(3) If any bylaw or ordinance provides for any greater fine, penalty, or forfeiture than is provided in this section, it shall and may be lawful, in any suit or prosecution for the recovery thereof, to reduce it to such amount as shall be deemed reasonable and proper and to permit a recovery or render a judgment for such amount as authorized. (Ark. Code Ann. § 14-55-504)

(C) *Imprisonment to enforce fine.*

(1) When a fine has been imposed for the violation of any of the ordinances of the city and is not paid, the party convicted shall, by order of the Washington County District Judge who has jurisdiction to hear the matter, including the Springdale District Court or other proper authority or on process issued for the purpose, be committed until the fine and costs of prosecution shall be paid, or the party discharged by due course of law.

(2) Any person convicted of a repeated and willful violation of any ordinance, who shall refuse or neglect to pay the fine imposed and the cost of prosecution, by like order or process, shall be imprisoned and kept in confinement for any term not exceeding 30 days.

(3) All persons imprisoned in the County Jail shall be under the charge of the County Sheriff. The County Sheriff shall receive and discharge the person in such manner as shall be prescribed by the ordinances of the city and state statutes by due course of law.

(D) *Working out of fines.* Fines imposed for violation of ordinances may be discharged by the offender voluntarily working out the fine upon the streets or facilities of the city. The County Sheriff shall give credit to such offenders at rates no less than those in Ark.Code Ann. § 16-90-108.

(E) *Suit for recovery of fines and the like.*

(1) Fines, penalties, and forfeitures, in all cases and in addition to any other mode provided, may be recovered by suit or action before any court of competent jurisdiction, in the name of this city and for its use.

(2) In all cases of violation of any of its ordinances, this city, in addition to any other provided by law, shall have the right to recover in a civil action the amount of the lowest penalty or fines provided in the ordinance for each violation or, where the offense is in its nature continuous in respect to time, for each day's violation thereof, and also the

amount of any license which the person guilty of the violations was required by any such ordinance to take out.

(F) *Disposition of fines.* All fines and penalties imposed by the city, sheriff's office, or district court regarding the above-mentioned violations in this city shall be paid into the City Treasury.

(G) *Additional fine to defray incarceration costs.* An additional fine, not to exceed $10 for each conviction, is levied for each plea of guilty or nolo contendere or each bond forfeiture in all non-traffic misdemeanors or violations of city ordinance or state law, or traffic offenses which are misdemeanors or violations under state law or city ordinances which are committed within the corporate limits of the City of Tontitown.

(1) The Court Clerk of the Washington County District Court, Elm Springs Department, or such Court Clerk of a District Court who serves the City of Tontitown in the future until this division is no longer in effect, shall collect the fine from each defendant as set forth in division (G) above.

(2) All funds collected pursuant to this additional fine shall be paid to the City Treasury and deposited into a fund to be used exclusively to help pay for the costs of incarcerating municipal prisoners as set forth in Ark. Code Ann. § 16-17-129.

(3) This additional fine shall be reviewed from time to time by the appropriate city officials, and as needed may be adjusted by the City Council so as not to collect inadequate or surplus funds.

§ 10.99 GENERAL PENALTY.

(A) *General penalty established.* If an ordinance or code does not specifically provide for the penalty for violating that ordinance or code, then this section along with the below-mentioned fines will encompass those violations. This section is not designated to supersede any ordinance or code in which penalties have already been established. Any conflict between the penalties stated below and any other ordinance or code violations will be resolved by deference to the more specific ordinance or code violation.

(B) *Maximum penalties permitted.*

(1) The city shall not inflict any fine or penalty, by ordinance or otherwise, to a greater sum than $1,000~~500~~ for any one specified offense or violation of a bylaw or ordinance, or double that sum for each repetition of such offense or violation.

(2) If a thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the bylaw or ordinance, shall not exceed $500~~250~~ for each day that it may be unlawfully continued.

(3) If any bylaw or ordinance provides for any greater fine, penalty, or forfeiture than is provided in this section, it shall and may be lawful, in any suit or prosecution for the recovery thereof, to reduce it to such amount as shall be deemed reasonable and proper and to permit a recovery or render a judgment for such amount as authorized. (Ark~~.C~~. Code Ann. § 14-55-504)

(C) *Imprisonment to enforce fine.*

(1) When a fine has been imposed for the violation of any of the ordinances of the city and is not paid, the party convicted shall, by order of the Washington County District Judge who has jurisdiction to hear the matter, including the Springdale District Court or other proper authority or on process issued for the purpose, be committed until the fine and costs of prosecution shall be paid, or the party discharged by due course of law.

(2) Any person convicted of a repeated and willful violation of any ordinance, who shall refuse or neglect to pay the fine imposed and the cost of prosecution, by like order or process, shall be imprisoned and kept in confinement for any term not exceeding 30 days.

(3) All persons imprisoned in the County Jail shall be under the charge of the County Sheriff. The County Sheriff shall receive and discharge the person in such manner as shall be prescribed by the ordinances of the city and state statutes by due course of law.

(D) *Working out of fines.* Fines imposed for violation of ordinances may be discharged by the offender voluntarily working out the fine upon the streets or facilities of the city. The County Sheriff shall give credit to such offenders at rates no less than those in Ark.Code ~~.~~Ann. § 16-90-108.

(E) *Suit for recovery of fines and the like.*

(1) Fines, penalties, and forfeitures, in all cases and in addition to any other mode provided, may be recovered by suit or action before any court of competent jurisdiction, in the name of this city and for its use.

(2) In all cases of violation of any of its ordinances, this city, in addition to any other provided by law, shall have the right to recover in a civil action the amount of the lowest penalty or fines provided in the ordinance for each violation or, where the offense is in its nature continuous in respect to time, for each day's violation thereof, and also the

amount of any license which the person guilty of the violations was required by any such ordinance to take out.

(F) *Disposition of fines.* All fines and penalties imposed by the city, sheriff's office, or district court regarding the above-mentioned violations in this city shall be paid into the City Treasury.

(G) *Additional fine to defray incarceration costs.* An additional fine, not to exceed $10 for each conviction, is levied for each plea of guilty or nolo contendere or each bond forfeiture in all non-traffic misdemeanors or violations of city ordinance or state law, or traffic offenses which are misdemeanors or violations under state law or city ordinances which are committed within the corporate limits of the City of Tontitown.

(1) The Court Clerk of the Washington County District Court, Elm Springs Department, or such Court Clerk of a District Court who serves the City of Tontitown in the future until this division is no longer in effect, shall collect the fine from each defendant as set forth in division (G) above.

(2) All funds collected pursuant to this additional fine shall be paid to the City Treasury and deposited into a fund to be used exclusively to help pay for the costs of incarcerating municipal prisoners as set forth in Ark. Code Ann~~C~~. § 16-17-129.

(3) This additional fine shall be reviewed from time to time by the appropriate city officials, and as needed may be adjusted by the City Council so as not to collect inadequate or surplus funds.

ORDINANCE NO. 2023-___

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO AMEND SECTION 51.04: WATER SERVICE RATES OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of Tontitown has adopted regulations for water rates and fees which are codified in Section 51.04 Water Service Rates of the Tontitown Municipal Code;

WHEREAS, the City Council of the City of Tontitown now finds it to be in the best interest of the citizens of the City of Tontitown to amend Section 51.04 Water Service Rates of the Tontitown Municipal Code to adjust the water tap fees in order to adequately finance the cost of initiating or installing water services in the City of Tontitown, as required by Arkansas Law; and

WHEREAS, having reviewed the proposed amendment, the Tontitown City Council has determined that it is in the best interest and benefit to the community to amend Section 51.04 Water Service Rates of the Tontitown Municipal Code, as incorporated in the attached Exhibit "A".

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

Section 1. Section 51.04 Water Service Rates of the Tontitown Municipal Code is hereby amended, 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 51.04 Water Service Rates of the Tontitown Municipal Code should be immediately amended in its entirety to adjust the water tap fees in order to adequately finance the cost of initiating or installing water services in the City of Tontitown. 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 July 2023.

APPROVED:

_____

Angela Russell, Mayor

ATTEST:

_____

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

EXHIBIT

A

§ 51.04 WATER SERVICE RATES.

The following water rates are hereby fixed for the services to be rendered by the Tontitown Municipal Water System for consumers within the corporate limits of the city and for consumers living outside the corporate limits of the city:

TONTITOWN WATER SERVICE RATES - Effective January 20, 2022				
Inside City Minimum Bill			***Outside City Minimum Bill***	
TONTITOWN WATER SERVICE RATES - Effective January 20, 2022				
Inside City Minimum Bill			***Outside City Minimum Bill***	
Meter 5/8" Residential	$17.00		Meter 5/8" Residential	$24.44
Meter 5/8" Comm., Ind., Irrigation	$18.80		Meter 5/8" Comm., Ind., Irrigation	$24.44
Meter fee	$1.50		Meter fee	$1.50
Health Fee	$0.40		Health Fee	$0.40
Local, County, and State Taxes			Local, County, and State Taxes	
Inside City Rates	***Per 1,000 Gal.***		***Outside City Rates***	***Per 1,000 Gal.***
Residential	$5.07		Residential	$6.42
Commercial	$5.54		Commercial	$7.03
Industrial	$6.04		Industrial	$7.70

WATER FEES					
Monthly meter base rates	***5/8"***	***1"***	***2"***	***3"***	***4"***
Inside city	$17.00	$48.07	$319.03	$864.91	$1,152.90
Outside city	$22.64	$62.49	$414.74	$1,124.38	$1,498.77
Tap fees	**5/8"**	**1"**	**2"**	**3"**	**4"**
Current	~~$950.00~~	~~$1,150.00~~	~~$4,000.00~~	~~$4,500.00~~	~~$5,000.00~~
Updated Tap Fees	1750.00	2000.00	5550.00	At Cost	At Cost
Tap Fees > 150 psi	2200.00	2900.00	6300.00	At Cost	At Cost
The cost of all road bores shall be paid by the customer. Bores and encasements must comply with TWU Standard Specifications.					

METER DEPOSIT FEES	
Residential	$50.00
Commercial	$80.00
Hydrant meter – 2" – 5/8 "	$900.00 $200.00

Notes:

1. A 10% late charge will be assessed to all bills that are not paid by the due date, as shown on bill.
2. All accounts not paid by the shut off date, as shown on late notice, will have a $25 reconnection fee if connected during normal business hours.
3. All accounts not paid by the shut off date, as shown on late notice, will have a $100 reconnection fee if connected after normal business hours.
4. Penalty for returned check or bank draft is $25, plus any bank service charges.
5. An annual fee of $90 will be charged to verify working condition of cross connection devices. Repairs are the responsibility of the customer.
6. The service charge to test meters or change meter sizes is $50 plus applicable tap charge if needed.

(Ord. 2015-10-548, passed 10-6-15; Am. Ord. 2015-12-560, passed 12-1-15; Am. Ord. 2016-08-593, passed 8-3-16; Am. Ord. 2017-01-613, passed 1-3-17; Am. Ord. 2019-01-826, passed 1-2-19; Am. Ord. 2019-07-850, passed 7-2-19; Am. Ord. 2020-02-877, passed 2-4-20; Am. Ord. 2022-01-973, passed 1-4-2022)

EXHIBIT A

§ 51.04 WATER SERVICE RATES.

The following water rates are hereby fixed for the services to be rendered by the Tontitown Municipal Water System for consumers within the corporate limits of the city and for consumers living outside the corporate limits of the city:

TONTITOWN WATER SERVICE RATES - Effective January 20, 2022				
Inside City Minimum Bill			***Outside City Minimum Bill***	
TONTITOWN WATER SERVICE RATES - Effective January 20, 2022				
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Meter 5/8" Comm., Ind., Irrigation	$18.80		Meter 5/8" Comm., Ind., Irrigation	$24.44
Meter fee	$1.50		Meter fee	$1.50
Health Fee	$0.40		Health Fee	$0.40
Local, County, and State Taxes			Local, County, and State Taxes	
Inside City Rates	***Per 1,000 Gal.***		***Outside City Rates***	***Per 1,000 Gal.***
Residential	$4.81		Residential	$6.09
Commercial	$5.25		Commercial	$6.67
Industrial	$5.73		Industrial	$7.30

WATER FEES

Monthly meter base rates	5/8"	1"	2"	3"	4"
Inside city	$17.00	$48.07	$319.03	$864.91	$1,152.90
Outside city	$22.64	$62.49	$414.74	$1,124.38	$1,498.77

Tap fees	5/8"	1"	2"	3"	4"
Current	~~$950.00~~	~~$1,150.00~~	~~$4,000.00~~	~~$4,500.00~~	~~$5,000.00~~
Updated Tap Fees	1750.00	2000.00	5550.00	At Cost	At Cost
Tap Fees > 150 psi	2200.00	2900.00	6300.00	At Cost	At Cost

The cost of all road bores shall be paid by the customer.
Bores and encasements must comply with TWU Standard Specifications.

[illegible] FEES FOR APARTMENTS, TOWNHOUSES, AND OTHER MULTI-FAMILY AND RESIDENTIAL SUBDIVISION DEVEL[illegible]MENT

All developments sh[illegible]vide one water meter per residential unit. Master meters for multiple units or buildings will n[illegible] allowed. In order to receive the reduced tap fee rat[illegible] calculated, non- refundable fee for the entire project must be paid in full pri[illegible] the issuance of building permits.

This reduced fee option is only available for dev[illegible]ment projects in which the entire cost of [illegible]ruction of water and sewer utilities within the project are paid for and installed by the developer. Wate[illegible]ities shall include: wate[illegible]es, valves, valve boxes, fire hydrants, tapping saddles, corporation stops, service lines, meter yokes, meter boxes and lids. [illegible]er uti[illegible]es shall include: sewer pipes, manholes, manhole rings and lids, tracer ports, pumps, controls and other necessary appurtenances to [illegible]sport [illegible]age from the new development to an existing sewer main of adequate size to accept the increased flow. All materials [illegible] in the construction of w[illegible] and sewer utilities must conform with the City of Tontitown Standard Specifications.

MULTI-FAMILY TAP FEE RAT[illegible]

Number of units	0 - 50	51 - 100	101 - 150	151 - 200	Over 200
Tap fee per [illegible] $1500.00	~~$1,250.00~~	~~$1,000.00~~	~~$750.00~~	~~$500.00~~	~~$250.00~~
T[illegible] fee per unit $2700.00					~~1[illegible]~~

METER DEPOSIT FEES	
Residential	$50.00
Commercial	$80.00
Hydrant meter - 2" - 5/8"	$900.00 $200.00

Notes:

1. A 10% late charge will be assessed to all bills that are not paid by the due date, as shown on bill.
2. All accounts not paid by the shut off date, as shown on late notice, will have a $25 reconnection fee if connected during normal business hours.
3. All accounts not paid by the shut off date, as shown on late notice, will have a $100 reconnection fee if connected after normal business hours.
4. Penalty for returned check or bank draft is $25, plus any bank service charges.
5. An annual fee of $90 will be charged to verify working condition of cross connection devices. Repairs are the responsibility of the customer.

6. The service charge to test meters or change meter sizes is $50 plus applicable tap charge if needed.

(Ord. 2015-10-548, passed 10-6-15; Am. Ord. 2015-12-560, passed 12-1-15; Am. Ord. 2016-08-593, passed 8-3-16; Am. Ord. 2017-01-613, passed 1-3-17; Am. Ord. 2019-01-826, passed 1-2-19; Am. Ord. 2019-07-850, passed 7-2-19; Am. Ord. 2020-02-877, passed 2-4-20; Am. Ord. 2022-01-973, passed 1-4-2022)

RESOLUTION NO. 2023-___

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION TO AUTHORIZE THE MAYOR TO NEGOTIATE AND EXECUTE A CONTRACT WITH TRI-STAR CONTRACTORS, LLC FOR THE S. PIANALTO SEWER LINE EXTENSION IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, as required by law, the City of Tontitown received bids for the above-described project; and

WHEREAS, after review of the quotes submitted, the City Council finds Tri-Star Contractors, LLC to be the lowest responsible bidder; and

WHEREAS, the City Council has determined that it is in the best interest and benefit of the community to authorize the Mayor to negotiate and execute a contract with Tri-Star Contractors, LLC in the amount of approximately $999,100.19, attached hereto as Exhibit "A", for the S. Pianalto Road sewer line extension.

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

Section 1. The Mayor is hereby authorized to negotiate and execute a contract with Tri-Star Contractors, LLC in the amount of approximately $999,100.19, attached hereto as Exhibit "A", for the S. Pianalto Road sewer line extension.

Section 2. The Mayor and her designee are hereby authorized to take all such action as necessary in connection therewith.

PASSED AND APPROVED this ___ day of July 2023.

APPROVED:

_____

Angela Russell, Mayor

ATTEST:

_____

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

EXHIBIT

A

Bid Tabulation

South Pianalto Sewer Extension
City of Tontitown, Arkansas
Bids Opened July 12, 2023, 2:00 p.m.

Item No.	Bid Qty	Unit	Description	Boyles Construction, Inc. (Paron, AR)		Brothers Construction Inc. (Van Buren, AR)		Goins Enterprises, Inc. (Joplin, MO)		Privcon Developments, Inc. (Jacksonville, AR)		Tri Star Contractors, LLC (Siloam Springs, AR)	
				Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price
1	1	LS	Erosion Control	$6,400.00	$6,400.00	$140,000.00	$140,000.00	$5,000.00	$5,000.00	$12,588.53	$12,588.53	$20,000.00	$20,000.00
2	1	LS	Traffic Control	$10,000.00	$10,000.00	$25,000.00	$25,000.00	$10,000.00	$10,000.00	$22,500.00	$22,500.00	$15,000.00	$15,000.00
3	1	LS	Mobilization (Not to Exceed 5 Percent)	$52,000.00	$52,000.00	$75,000.00	$75,000.00	$80,000.00	$80,000.00	$88,000.00	$88,000.00	$47,623.00	$47,623.00
4	1	LS	Trench Excavation Safety	$8,000.00	$8,000.00	$50,000.00	$50,000.00	$12,000.00	$12,000.00	$54,200.00	$54,200.00	$5,000.00	$5,000.00
5	1	LS	Construction Staking	$12,800.00	$12,800.00	$63,000.00	$63,000.00	$20,000.00	$20,000.00	$18,500.00	$18,500.00	$12,000.00	$12,000.00
6	1	LS	Bonds and Insurance	$20,000.00	$20,000.00	$28,000.00	$28,000.00	$32,000.00	$32,000.00	$100,000.00	$100,000.00	$26,362.69	$26,362.69
7	1	LS	Material and Acceptance Testing	$19,200.00	$19,200.00	$35,000.00	$35,000.00	$8,000.00	$8,000.00	$12,762.50	$12,762.50	$20,000.00	$20,000.00
8	1	LS	Clearing and Grubbing (Tree Removal)	$12,800.00	$12,800.00	$30,000.00	$30,000.00	$5,000.00	$5,000.00	$21,050.00	$21,050.00	$40,000.00	$40,000.00
9	1	LS	Dewatering	$6,500.00	$6,500.00	$65,000.00	$65,000.00	$3,000.00	$3,000.00	$17,500.00	$17,500.00	$10,000.00	$10,000.00
10	6	EA	Groundwater Mitigation Dam	$1,000.00	$6,000.00	$1,200.00	$7,200.00	$500.00	$3,000.00	$3,000.00	$18,000.00	$2,500.00	$15,000.00
11	1640	LF	8" PVC SDR-26 Gravity Sewer **(*See Below)**	$98.00	$160,720.00	$425.00	$697,000.00	$77.00	$126,280.00	$287.30	$471,172.00	$55.00	$90,200.00
12	505	LF	12" PVC SDR-26 Gravity Sewer **(*See Below)**	$104.00	$52,520.00	$425.00	$214,625.00	$85.00	$42,925.00	$377.78	$190,778.90	$65.00	$32,825.00
13	82	LF	8" DI Pipe (Water)	$132.00	$10,824.00	$425.00	$34,850.00	$135.00	$11,070.00	$246.65	$20,225.30	$150.00	$12,300.00
14	1110	LF	8" DI Special Thickness Class 50 with Protecto 401 Interior Epoxy **(*See Below)**	$110.00	$122,100.00	$425.00	$471,750.00	$205.00	$227,550.00	$287.30	$318,903.00	$150.00	$166,500.00
15	300	CY	Compacted Class 7 Aggregate Base Course	$68.60	$20,580.00	$85.00	$25,500.00	$60.00	$18,000.00	$30.98	$9,294.00	$55.00	$16,500.00
16	1	EA	Core Drill and Connect to Existing 4' ID Manhole	$2,000.00	$2,000.00	$5,000.00	$5,000.00	$6,800.00	$6,800.00	$53,315.00	$53,315.00	$4,000.00	$4,000.00
17	16	EA	4' ID Manhole, 0' to 6' Depth **(*See Below)**	$7,260.00	$116,160.00	$7,500.00	$120,000.00	$9,500.00	$152,000.00	$7,433.25	$118,932.00	$5,500.00	$88,000.00
18	111	VF	4' ID Manhole, Additional Depth, Over 6'	$700.00	$77,700.00	$325.00	$36,075.00	$1,200.00	$133,200.00	$446.75	$49,589.25	$185.00	$20,535.00
19	16	EA	4" Stub with Cap and T-Post	$950.00	$15,200.00	$900.00	$14,400.00	$3,500.00	$56,000.00	$297.37	$4,757.92	$200.00	$3,200.00
20	1	EA	Fire Hydrant Assembly	$7,260.00	$7,260.00	$9,500.00	$9,500.00	$8,200.00	$8,200.00	$11,630.00	$11,630.00	$9,614.00	$9,614.00
21	350	LB	Ductile Iron Fittings (excluding weight of restraint glands)	$15.50	$5,425.00	$25.00	$8,750.00	$28.00	$9,800.00	$35.79	$12,526.50	$35.00	$12,250.00
22	3	EA	8" Tapping Sleeve and Valve	$7,830.00	$23,490.00	$12,000.00	$36,000.00	$4,800.00	$14,400.00	$8,996.72	$26,990.16	$9,463.50	$28,390.50
23	10	LF	16" Steel Encasement	$390.00	$3,900.00	$600.00	$6,000.00	$240.00	$2,400.00	$702.14	$7,021.40	$600.00	$6,000.00
24	2	EA	8" Cap	$2,740.00	$5,480.00	$100.00	$200.00	$4,200.00	$8,400.00	$2,276.00	$4,552.00	$1,200.00	$2,400.00
25	1	LS	Remove and Dispose of Abandoned Above Ground Water Infrastructure	$3,840.00	$3,840.00	$1,400.00	$1,400.00	$15,000.00	$15,000.00	$12,652.00	$12,652.00	$18,500.00	$18,500.00
26	3	EA	Cut and Cap 8" Water Line	$5,470.00	$16,410.00	$3,500.00	$10,500.00	$4,200.00	$12,600.00	$8,047.00	$24,141.00	$4,000.00	$12,000.00
27	1	LS	Remove and Replace Existing Fence	$4,000.00	$4,000.00	$16,000.00	$16,000.00	$16,000.00	$16,000.00	$32,100.00	$32,100.00	$20,000.00	$20,000.00
28	62	SY	Concrete Pavement Repair	$120.00	$7,440.00	$115.00	$7,130.00	$145.00	$8,990.00	$283.38	$17,569.56	$200.00	$12,400.00
29	1	LS	Concrete Channel Repair	$1,500.00	$1,500.00	$6,000.00	$6,000.00	$8,000.00	$8,000.00	$3,860.00	$3,860.00	$5,000.00	$5,000.00
30	5,300	SY	Solid Sodding (not to exceed 15 feet wide)	$20.50	$108,650.00	$7.00	$37,100.00	$16.00	$84,800.00	$9.74	$51,622.00	$5.00	$26,500.00
31	600	CY	Undercut and Backfill	$65.00	$39,000.00	$38.00	$22,800.00	$65.00	$39,000.00	$13.00	$7,800.00	$35.00	$21,000.00
32	4,000	CY	Rock Excavation	$67.00	$268,000.00	$100.00	$400,000.00	$250.00	$1,000,000.00	$0.50	$2,000.00	$45.00	$180,000.00
			Total Base Bid Price		**$1,225,899.00**		**$2,698,780.00**		**$2,179,415.00**		**$1,816,533.02**		**$999,100.19**

RESOLUTION NO. 2023-___

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION TO AUTHORIZE THE MAYOR TO NEGOTIATE AND EXECUTE A CONTRACT WITH TRI-STAR CONSTRUCTION FOR THE KLENC ROAD SEWER LINE EXTENSION IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, as required by law, the City of Tontitown received bids for the above-described project; and

WHEREAS, after review of the quotes submitted, the City Council finds Tri-Star Construction to be the lowest responsible bidder; and

WHEREAS, the City Council has determined that it is in the best interest and benefit of the community to authorize the Mayor to negotiate and execute a contract with Tri-Star Construction in the amount of approximately $1,181,663.56, attached hereto as Exhibit "A", for the Klenc Road sewer line extension.

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

Section 1. The Mayor is hereby authorized to execute a contract with Tri-Star Construction in the amount of approximately $1,181,663.56, attached hereto as Exhibit "A", for the Klenc Road sewer line extension.

Section 2. The Mayor and her designee are hereby authorized to take all such action as necessary in connection therewith.

PASSED AND APPROVED this ___ day of _____ 2023.

APPROVED:

_____

Angela Russell, Mayor

ATTEST:

_____

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

GARVER

EXHIBIT A

CITY OF TONTITOWN

Bid Tabulation

Klenc Road Sewer Extension
City of Tontitown, Arkansas
Bids Opened July 14, 2023, 11:00 a.m.

Item No.	Unit	Bid Qty		Tri-Star		Privicon		Boyles Construction		Goins		Brothers Construction	
				Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price
1	LS	1	Erosion Control	$20,000.00	$20,000.00	$16,050.00	$16,050.00	$32,000.00	$32,000.00	$5,000.00	$5,000.00	$62,500.00	$62,500.00
2	LS	1	Traffic Control	$15,000.00	$15,000.00	$4,500.00	$4,500.00	$12,000.00	$12,000.00	$10,000.00	$10,000.00	$7,150.00	$7,150.00
3	LS	1	Mobilization (Not to Exceed 5 Percent)	$54,706.00	$54,706.00	$56,000.00	$56,000.00	$65,000.00	$65,000.00	$86,000.00	$86,000.00	$42,000.00	$42,000.00
4	LS	1	Trench Excavation Safety	$5,000.00	$5,000.00	$9,525.00	$9,525.00	$12,000.00	$12,000.00	$27,000.00	$27,000.00	$18,000.00	$18,000.00
5	LS	1	Construction Staking	$12,000.00	$12,000.00	$7,525.00	$7,525.00	$30,000.00	$30,000.00	$20,000.00	$20,000.00	$25,500.00	$25,500.00
6	LS	1	Bonds and Insurance	$32,824.00	$32,824.00	$53,050.00	$53,050.00	$27,000.00	$27,000.00	$30,000.00	$30,000.00	$22,000.00	$22,000.00
7	LS	1	Material and Acceptance Testing	$20,000.00	$20,000.00	$3,762.50	$3,762.50	$51,200.00	$51,200.00	$15,000.00	$15,000.00	$21,500.00	$21,500.00
8	LS	1	Clearing and Grubbing (Tree Removal)	$40,000.00	$40,000.00	$10,525.00	$10,525.00	$40,000.00	$40,000.00	$5,000.00	$5,000.00	$40,000.00	$40,000.00
9	LF	4000	8" PVC Sewer Line	$55.00	$220,000.00	$99.25	$397,000.00	$80.00	$320,000.00	$77.00	$308,000.00	$90.00	$360,000.00
10	LF	4000	12" PVC Sewer Line	$65.00	$260,000.00	$103.27	$413,080.00	$85.00	$340,000.00	$85.00	$340,000.00	$90.00	$360,000.00
11	EA	10	Groundwater Mitigation Dam	$2,500.00	$25,000.00	$752.50	$7,525.00	$1,025.00	$10,250.00	$500.00	$5,000.00	$900.00	$9,000.00
12	LS	1	Dewatering	$10,000.00	$10,000.00	$11,450.00	$11,450.00	$7,000.00	$7,000.00	$3,000.00	$3,000.00	$20,000.00	$20,000.00
13	EA	3	Hinged Watertight Manhole Lid & Frame	$1,874.52	$5,623.56	$200.00	$600.00	$855.00	$2,565.00	$1,800.00	$5,400.00	$1,500.00	$4,500.00
14	EA	30	Tee Post	$20.00	$600.00	$18.84	$565.20	$100.00	$3,000.00	$50.00	$1,500.00	$11.00	$330.00
15	EA	30	Stub Outs/Services	$922.00	$27,660.00	$393.38	$11,801.40	$1,000.00	$30,000.00	$1,500.00	$45,000.00	$1,400.00	$42,000.00
16	LF	200	Flowable Fill	$200.00	$40,000.00	$21.05	$4,210.00	$115.00	$23,000.00	$16.00	$3,200.00	$111.00	$22,200.00
17	EA	31	4' ID Manhole (0'-6' Depth)	$5,500.00	$170,500.00	$5,000.00	$155,000.00	$4,040.00	$125,240.00	$9,500.00	$294,500.00	$7,100.00	$220,100.00
18	VF	50	4' ID Manhole Additional Depth	$185.00	$9,250.00	$2,354.00	$117,700.00	$480.00	$24,000.00	$1,200.00	$60,000.00	$300.00	$15,000.00
19	EA	1	Connect to Existing Manhole	$4,000.00	$4,000.00	$5,657.00	$5,657.00	$4,000.00	$4,000.00	$6,500.00	$6,500.00	$4,650.00	$4,650.00
20	LS	1	Fence and Gate Removal and Replacement	$20,000.00	$20,000.00	$10,735.00	$10,735.00	$12,000.00	$12,000.00	$30,000.00	$30,000.00	$28,500.00	$28,500.00
21	SY	100	Concrete Pavement Repair	$200.00	$20,000.00	$3.00	$300.00	$120.00	$12,000.00	$145.00	$14,500.00	$128.00	$12,800.00
22	SY	100	Asphalt Pavement Repair	$150.00	$15,000.00	$3.00	$300.00	$120.00	$12,000.00	$160.00	$16,000.00	$160.00	$16,000.00
23	CY	200	Class 7 Backfill	$55.00	$11,000.00	$37.68	$7,536.00	$65.00	$13,000.00	$60.00	$12,000.00	$160.00	$32,000.00
24	LS	1	Vegetative Surface Restoration	$20,000.00	$20,000.00	$8,525.00	$8,525.00	$40,000.00	$40,000.00	$36,800.00	$36,800.00	$90,000.00	$90,000.00
25	CY	100	Undercut and Backfill	$35.00	$3,500.00	$1.00	$100.00	$75.00	$7,500.00	$65.00	$6,500.00	$45.00	$4,500.00
26	CY	1,500	Rock Excavation	$45.00	$67,500.00	$0.02	$30.00	$75.00	$112,500.00	$250.00	$375,000.00	$260.00	$390,000.00
27	LF	70	24" Bored and Open Cut Steel Encasement for Klenc Road Crossing within Future Road Limits as required to maintain two way traffic at all times	$750.00	$52,500.00	$823.50	$57,645.00	$1,440.00	$100,800.00	$725.00	$50,750.00	$1,650.00	$115,500.00
			Total Base Bid Price		**$1,181,663.56**		**$1,370,697.10**		**$1,468,055.00**		**$1,811,650.00**		**$1,985,730.00**

18048025

RESOLUTION NO. 2023-___

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR OF THE CITY OF TONTITOWN TO ENTER INTO A CONTRACT WITH DUNCAN ASSOCIATES FOR THE CAPITAL PLAN AND IMPACT FEE STUDY FOR THE CITY OF TONTITOWN TRANSPORTATION AND PUBLIC SAFETY FACILITIES.

WHEREAS, the City of Tontitown has received a proposal from Duncan Associates for the capital plan and impact fee study for the City of Tontitown transportation and public safety facilities for the proposed amount of $45,000.00; and

WHEREAS, the City Council of the City of Tontitown has received the proposal attached hereto as Exhibit "A" and believes it would be in the best interests of the City of Tontitown; and

WHEREAS, the City Council for the City of Tontitown has determined that it is in the best interest and benefit of the community to authorize the Mayor to enter into a Contract with Duncan Associates for the scope of services for a Capital Plan and Impact Fee Study for the City of Tontitown transportation and public safety facilities, as set forth in the attached Exhibit "A".

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

Section 1. The Mayor is hereby authorized to enter into a Contract with Duncan Associates on behalf of the City of Tontitown, Arkansas for the scope of services for a Capital Plan and Impact Fee Study for the City of Tontitown transportation and public safety, as set forth in the attached Exhibit "A", in order to ensure an adequate provision of public safety and transportation facility needs within the City of Tontitown and to take all other action required hereto.

Section 2. The Mayor or her designee are hereby authorized to take all such action as necessary in connection therewith.

PASSED and **APPROVED** this _____ day of July 2023.

APPROVED:

_____
Angela Russell, Mayor

ATTEST:

_____
Rhonda Ardemagni, City Clerk-Treasurer

(SEAL)

EXHIBIT

A

PROFESSIONAL SERVICE AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of Tontitown, Arkansas, whose address is 235 E. Henri De Tonti Boulevard, Tontitown, AR 72770, hereinafter referred to as the "City," and James Duncan and Associates, Inc., dba Duncan Associates, whose address is 17409 Rush Pea Circle, Austin, TX 78738, hereinafter referred to as the "Consultant."

1. Independent Contractor. Consultant is an independent contractor and is not an employee or agent of the City. Consultant shall furnish services to the City as set forth in Exhibit "A," which is attached hereto and incorporated herein by reference.

2. Period of Service. The Consultant shall begin its services after receipt of an executed copy of this Agreement and will complete the services pursuant to the schedule set forth in Exhibit "A." Times for performance shall be extended for reasonable periods of delay resulting from circumstances over which the Consultant has no control.

3. Compensation. As consideration for services provided by the Consultant as mutually agreed upon, the City shall compensate the Consultant as set forth in Exhibit "A."

4. Payment Schedule. The Consultant shall bill the City monthly based upon the percentage of completion of each task, in accordance with Exhibit "A." Payment of each such invoice shall be due to the Consultant within 30 days of receipt by the City.

5. Changes and Extra Work. The City may, at any time, request changes in the work to be performed hereunder. All such changes, including any resulting increase or decrease in Consultant compensation or performance schedule, must be mutually agreed upon by and between the City and the Consultant, and shall be incorporated in a mutually signed written addenda to this Agreement.

6. Governing Law. This agreement shall be subject to the laws of the State of Arkansas.

7. Indemnification. Consultant shall indemnify and hold harmless the City, its agents, and employees against any claim, demand or cause of action arising in whole or in part out of the negligent or intentional act, error or omission of the Consultant.

8. Termination. All work required hereunder shall be performed in a good and workmanlike manner. The obligation to provide services under this Agreement may be terminated by either party upon 30 days written notice with or without cause. In the event of any termination, the consultant will be paid for all services satisfactorily rendered to the date of such termination and the City will be provided with all work products prepared up through the date of termination.

9. Ownership of Documents. All documents prepared in the performance of this Agreement shall be the property of City and shall be delivered to the City before final payment is made to the Consultant.

IN WITNESS WHEREOF, the City and Consultant have caused this instrument to be signed by their respective duly authorized officers. It will be effective on the date of execution by the City.

CITY.	DUNCAN ASSOCIATES
Signature:_____	Signature: Clancy Mullen
Print Name:_____	Print Name: Clancy Mullen
Title:_____	Title: President
Date:_____	Date: 7/10/2023

Exhibit List:
Exhibit A

Exhibit A

SCOPE OF SERVICES

Task 1: Data Needs

This task will involve data collection for the development of transportation and public safety impact fees. Necessary components for the impact fee study include the number of residential units by housing type; the amount of existing nonresidential building floor area by land use type; an inventory of existing major roads with segment descriptions, functional classifications, lengths, and recent volumes; an inventory of existing public safety (fire and police) facilities, land, firefighting apparatus, other vehicles, and other capital equipment, outstanding debt on existing major roadway and public safety facilities and equipment; a list of planned improvements with cost estimates; and anticipated future state/federal funding that will be available to pay for some of the growth-related improvement costs. Consultant will compile available data from other sources and provide a list of data that needs to be provided by the City.

Deliverables: *Data Needs List*

Task 2: Review Draft

This task entails the preparation of an initial draft of the fee study for internal review. The study will be based on review of levels of service, land use trends and policies, master plans, planned capital improvements, growth projections, financial data, and other relevant information. It will include all the elements mandated by impact fee case law, including compliance with the dual rational nexus test. These elements will include an inventory of existing major facilities; the cost of improvements required to remedy any existing service deficiencies; the proportionate share of the cost of improvements required to accommodate increased service demands; and appropriate revenue credits to ensure that new development is not charged more than its proportionate share of the cost of new facilities. It will include a table that establishes the demand associated with different land use types. The study will culminate with a net cost schedule that represents the maximum impact fees that could be charged based on the data, methodology, and analysis used in the study.

Deliverable: *Review Draft Study*

Task 3: Final/ Report/Draft Ordinance

Following receipt of comments from City staff on the review draft, the consultant will make appropriate modifications if necessary to the impact fee study and prepare the final report. Concurrently with the final draft of the study, the consultant will provide a draft ordinance that would include the adoption of the impact fee rates along with other provisions required for an impact fee program to be administered in a manner consistent with state law and best practices.

Deliverables: *Final Report and Supporting Spreadsheet*
Draft Ordinance

Task 4: Public Meetings

The consultant will be available to participate in public meetings as desired by the City. The consultant will prepare presentation materials and attend meetings to explain the impact fee study and proposed ordinance. Meeting participation will be remote via audio/video link. For the purposes of the proposed fixed-fee budget, remote attendance at two public meeting is included.

Deliverables: *Meetings/Presentations*

TIMELINE

Assuming that all required data can be acquired during the first six weeks, the consultant would deliver an initial draft within approximately three months of the notice to proceed. The remainder of the schedule will be determined largely by the time required for comments to be provided, the extent of changes requested, the amount of public participation desired, and the scheduling of meetings.

Task	Months from Notice to Proceed				
	1	2	3	4	5
1. Data Needs					
2. Review Draft					
3. Final Report/Draft Ord.					
4. Public Meetings					TBD

BUDGET

The fixed-fee costs for the tasks included in the scope of services total $45,000, as summarized below. Public meeting attendance would be billed at $2,000 per meeting for remote attendance. The proposed public meeting budget would accommodate remote participation at two meetings. The City will be billed monthly based on percentage completion of tasks.

Task	Amount
1. Data Collection	$5,000
2. Review Draft	$27,500
3. Final Report/Draft Ordinance	$8,500
4. Public Meetings (2)	$4,000
Total	$45,000

Additional meeting attendance will be provided at a fixed-fee rate of $2,000 per meeting for remote participation. Other additional services would be provided as may be negotiated or on a time plus expense basis. Duncan Associates' standard billing rate is $175 per hour.