

Mayor – Angela Russell  
Recorder – Rhonda Ardemagni  
City Attorney –  
Law Firm--  
City Engineer – CK Civil  
Engineering



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

**Committee of The Whole  
January 6<sup>th</sup>, 2026  
Minutes**

**The Tontitown Committee of the Whole meeting is scheduled for Tuesday, December 6th, 2026, at 6:00 p.m. at the Tontitown City Hall, Tontitown, Arkansas and via Microsoft Teams.**

**Join on your computer, mobile app, or room device.**

[Click here to join the meeting](#)

Meeting ID: 264 068 997 841

Passcode: eKyS39

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1. **Prayer**-Tim Schmidt with Heartland Church
  2. **Meeting Call to Order**
  3. **Roll Call**-  
Larry Ardemagni was absent.
  4. **Pledge of Allegiance**
  5. **Approval of Agenda**

Mike Washkowiak requested the following:

**New Business -**

Add

9E- Select a Committee of the Whole Chairman in accordance with Code section 31.0, at its first calendar meeting.

**Old Business-**

Strick Item 9A

9C-Mike Washkowiak has a supplemental resolution, if the council permits.

Tim Burress motioned to approve the agenda with changes.  
Second by Daniel Montez

Motion Passes Unanimously

**6. Approval of December 2nd, 2025, COW Minutes**

Mike Washkowiak motioned to approve December 2, 2025, Minutes.

Second by Tim Bures

Motion Passes Unanimously

**7. Comments from Citizens**

**Mike Wagner 409 Penzo Ave., Tontitown, AR**

Mr. Wagner submitted to the clerk regarding the Proposed City Attorney Contract for Tyler Farrar and requested it be added to the minutes for record.

- I'm the plaintiff in FOI case number 72CV-25-2686. My understanding is tonight the city council's considering hiring Tyler Farrar as the City Attorney on a contract posted with a special meeting agenda. The contract pays \$300 an hour and includes section 2.2 which allows legal counsel to be hired with only the mayor's approval. In a publicly posted interview, Mr. Farrar says he is very familiar with FOI law. So, my first question is straightforward. If we're hiring this City Attorney at \$300 an hour with FOI expertise, why would the city outsource defense of an FOI lawsuit that appears to be paying twice for the same enterprise or expertise in the enterprise? I want to clear as to what my source of making that statement is. I'm a plaintiff and the information I'm referring to regard communications with plaintiff counsel coming directly from my own attorney in the ordinary course of representation. The concern here isn't theoretical. The WH Taylor firm has been involved in matters related to code enforcement and ADA compliance issues regarding the mayor's property. Retaining the same firm directly or indirectly under section 2.2 two to defend the city and mayor in an FOI lawsuit creates a conflict and recusal risk. If recusal becomes necessary, the city could be forced to hire replacement council midcase at any additional cost. This also is a procurement issue. The city recently issued RFQS for legal services. Two qualified firms submitted statements of qualifications and own file. To my knowledge, the Taylor firm does not have an SOQ on file with the city. Arkansas law 19 11- 801 requires legal services to be selected through a qualification-based process. I offer a constructive solution. If the council is uncomfortable hiring the City Attorney to litigate the FOI case, hire one of the two qualified firms already on file. This complies with the state law, preserves council oversight, and avoids conflict. Finally, I ask one question to be answered on the record. who drafted the proposed city attorney contract as presented in the special meeting agenda particularly mayor only approval language in 2.2. Thank you.

**8. Old Business:**

~~A. A discussion on a resolution for the Mayor to request a report from the DFA on businesses remitting sales tax to the City of Tontitown. Presented by: Mike~~

B. A discussion of a resolution to hire Tyler Farrar as the City Attorney. Presented by: Mayor

Attorney Tyler Farrar was available by phone for discussion.

Mike Washkowiak motioned to approve the contract changes that were agreed upon and move to tonight's Special Meeting for final approval.

Second by Misty Piazza

Motion Passes Unanimously

**C. A discussion of a resolution to appeal resolution #2015-01-505R regarding attorney contact. Presented by: Danny/Mayor**

Both the mayor and Daniel Montez submitted resolutions for discussion.

Amber motioned to **TABLE to the next City Council Meeting.**

Second by Misty Piazza

Amber Ibarra Voted- YES

Daniel Montez Voted- NO

Tim Burress Voted- YES

Mike Washkowiak Voted- YES

Misty Piazza Voted- YES

4 Votes- YES to 1 Vote- No

Motion Passes

**9. New Business:**

**A. A presentation regarding Brush Creek Sewer-CMAR Process. Presented by: Garver**

Garver Engineering provided an overview of the Brush Creek Sewer CMMAR process and addressed all questions from the City Council.

Reference YouTube for the detailed presentation.

**B. A discussion of a water rate increase for 2026. Presented by: James**

Reference YouTube for detailed discussion, also the proposed 2026 Water Rate Increase can be viewed on the city website.

The Shpigler Group delivered a presentation on metering and outlined how the project could ultimately pay for itself.

Mike Washkowiak motioned to **move to the next City Council Meeting.**

Second by Misty Piazza

Misty Piazza Voted- YES

Mike Washkowiak Voted- YES

Daniel Montez Voted- YES

Amber Ibarra- Voted- YES

Tim Burress Voted- NO

4 Votes- YES to 1 Vote- NO

Motion Passes

**C. A discussion of a resolution to add the Arkansas DFA tax remitter report to the city financial report quarterly. Presented by: Danny**

**Alderman Mike Washkowiak provided additional information to Mr. Montez's resolution.**

In section 3 that the report is provided to City Council and Clerk Treasurer in its native format.

Add section 4 to the end of section 5.

Mike Washkowiak motioned to approve changes and **move to the next City Council Meeting.**  
Second by Misty Piazza

Motion Passes Unanimously

**D. A discussion regarding Washington Water Authorities Inspection Fees. Presented by: Tim**

Discussion Only

Reference YouTube for details.

**E. Select a Committee of the Whole Chairman in accordance with Code section 31.0, at its first calendar meeting. Presented by Mike**

Per Amber Ibarra- Larry Ardemagni would like to retain the position with council approval.

Amber Ibarra motioned to approve that Larry Ardemagni will retain the position as Chair for the Committee of the Whole Meeting.  
Second by Tim Burress

Motion Passes Unanimously

**10. Comments from Council Members**

**Mike Washkowiak**

- The resolution that's coming about the tax reports. I know that there's a couple that I'd like to see from the outset is to just for comparative purposes to look at all of 2023 and 2024 just so we can kind of see a trend of what's going on. I know we got the 2025, but just to see what's going forward from the last three years.
- The other thing is I know that we took some flak over the budget and our handling of the budget, but the council really didn't overstep its bounds by voting for the budget in the way that we did the budget. The budget does not have to be laid out in granular detail, but the accounting that's behind the scenes in the budget does need to be granular and there have been some mistakes made on that part and I've discussed this with Mark and I've discussed this with Mrs. Ardemagni and I think there are fixes that are going to happen for this coming up very soon. And it's not my place. I don't

think to announce that. If Mr. Leam wants to address that, he can. But those are legitimate concerns that were brought up in the in the budget that do need to be fixed. And I think we'll get that taken care of.

- I hope we have a good year. I'm trying to be positive, and we do have a lot of good things that are going on in the city. I know a lot of times it seems like the negative smacks us in the face all the time up here, but the city is doing pretty well. We can do better on a lot of things and hopefully we will do better this year. Thank you

#### Tim Burress

- I want to say thanks to the experts we had in the room tonight in particular and thank you to Kyle from Garver, also Mr. Spiegler. I appreciate that very much. Mr. Farrar, if you watch this, please accept my sincerest apologies for putting you in the tight spot we put you in, but thank you for the time you spent on that. To my fellow council members, I so appreciate what happened tonight. We had an opportunity to look at some things, to walk through some things to try to figure some things out. I think that's exactly what the cow is for and I very much appreciate your willingness to do that tonight.
- I'm looking forward to a great 2026 where we can get a lot done here in the city. Hope you all had a great Christmas. Hope your new year is starting off well. And thank you

#### Misty Piazza

- Thank you everyone for coming out tonight. Mark, thank you for always sending out our weekly things. I'm excited for several of the things you've sent out that we're working on this year. I think we've got a lot of great things happening in the city. And I also am continuing to look for the positives and look at ways that we can move forward and make this town the best that it can be. Thank you everyone for coming out tonight.

#### Daniel Montez

- I just want to thank everybody for coming out tonight and looking forward to another year.

#### Amber Ibarra

- I'll just add I'm also looking forward to 2026. Far more positive things happening in Tontitown than negative. Every time I visit with Mr. Latham, he talks about just all the good. There's so much good that we need to be focusing on. And he's right. and by the way, I do appreciate your weekly updates that you send us on just everything that's going on. on the updates on all those. That's super helpful and I appreciate you for doing that for us.

### 11. Comments from Mayor

- Today we had Coffee and Conversation, and I got to speak with a lady named Anna and she is with Forgotten Paws Northwest Arkansas, and they are seeking help with all of the stray animals that's around and that's what we've heard for the last couple of months about. I'm going to be speaking with her more. She talked with me and Chief Jennison today separately. I introduced them. And I'm hoping that we can do something with this program and help it move forward so it could take

a burden off Tontitown with the calls that we get for stray animals. So, I wanted to let everyone know about that.

- I hope everyone had a great Christmas and looking forward to a happy new year.

12. Comments from Attorney- No City Attorney

13. Adjournment- All in Favor

**PASSED AND APPROVED** this \_\_\_ day of \_\_\_\_\_ 2025.

**APPROVED:** \_\_\_\_\_  
**Angela Russell, Mayor**

**ATTEST:** \_\_\_\_\_  
**Rhonda Ardemagni, City Clerk-Treasurer**  
**(SEAL)**

**To:** Mayor and Members of the Tontitown City Council  
**From:** Mick Wagner, Plaintiff in FOIA Case No. 72CV-25-2686  
**Date:** January 6, 2026  
**Re:** Proposed City Attorney Contract (Tyler Farrar), Section 2.2 Outsourcing Authority, SOQ Compliance, and Conflict Risk in Pending FOIA Litigation

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## Purpose

This memorandum requests that the City Council address, on the record, the **governance, procurement, and conflict risks** created by the proposed City Attorney contract anticipated for consideration at the **January 6, 2026 special council meeting**, and to consider corrective action prior to approving the agreement.

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## 1. Proposed City Attorney Contract on the 1/6/2026 Agenda

The City is expected to consider hiring **Tyler Farrar** as City Attorney pursuant to the contract posted on the City's website and included with the special meeting agenda.

Key contract terms include:

- Compensation of **\$300 per hour**, and
  - **Section 2.2**, which authorizes the City Attorney to engage outside legal counsel **with only the Mayor's approval**.
- 

## 2. Section 2.2 Removes City Council Oversight

Section 2.2 effectively allows:

- selection of outside legal counsel,
- creation of new contractual obligations, and
- expenditure of City funds

without City Council approval.

This structure removes Council oversight from decisions that directly affect City finances, litigation strategy, and risk exposure, and is inconsistent with the Council's fiduciary responsibilities.

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### **3. FOIA Expertise vs. Outsourcing FOIA Defense**

In a publicly posted interview, Mr. Farrar states that he is **very familiar with FOIA law**.

If FOIA familiarity is a basis for hiring a City Attorney at \$300 per hour, it is reasonable to ask why the City would outsource defense of **FOIA Case No. 72CV-25-2686** rather than assign that work to the City Attorney—thereby avoiding duplicative legal costs.

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### **4. Conflict and Recusal Risk (WH Taylor Law Firm)**

The conflict concern is concrete, not hypothetical.

The WH Taylor Law Firm has been involved in matters relating to **code enforcement and ADA compliance issues** concerning the Mayor's property. Retaining that firm—either directly or indirectly through Section 2.2—to defend the City and the Mayor in the pending FOIA lawsuit creates a real **risk of conflict and potential recusal**.

If recusal becomes necessary, the City could be forced to substitute counsel mid-case, and the Mayor may need separate personal counsel—resulting in additional cost and disruption.

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### **5. Source of Knowledge Regarding FOIA Communications**

I am the plaintiff in FOIA Case No. 72CV-25-2686. Statements in this memorandum regarding contact between WH Taylor Law Firm and plaintiff's counsel are based on **direct communications with my own attorney of record** in the ordinary course of representation. I am not repeating rumors or hypotheticals and am not waiving attorney-client privilege beyond identifying the source.

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### **6. SOQ / RFQ Compliance Under Arkansas Law**

The City recently issued a **Request for Qualifications (RFQ)** for legal professional services.

- **Two qualified and seasoned law firms submitted Statements of Qualifications (SOQs) and are currently on file.**
- **To my knowledge, WH Taylor Law Firm does not have an SOQ on file.**

Arkansas Code Annotated § 19-11-801 et seq. requires municipalities to procure legal services through a **qualifications-based selection process**. This requirement applies regardless of whether outside counsel is engaged directly by the City or indirectly through the City Attorney.

Allowing Mayor-only approval of outside counsel under Section 2.2—particularly from a firm without an SOQ on file—appears to circumvent both state law and the City’s own RFQ process.

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## **7. Practical, Lawful Alternative**

If the Council is uncomfortable having the City Attorney litigate the FOIA case, a compliant alternative already exists:

- The City has **two experienced law firms with SOQs on file**.
  - Retaining one of those firms would:
    - comply with **ACA § 19-11-801**,
    - preserve Council oversight,
    - avoid conflict and recusal risk, and
    - prevent duplicative legal spending.
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## **8. Suggested Council Action**

The Council should consider amending the City Attorney contract to restore Council approval authority over outside counsel and direct FOIA defense either to the City Attorney or to one of the qualified SOQ firms already on file.

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## **Conclusion**

This is not a personnel issue. It is a governance, procurement, and risk-management issue. Addressing it prior to contract approval protects the City, the Mayor, the Council, and the public.

# PROPOSED COUNCIL MOTION

City of Tontitown, Arkansas  
Special City Council Meeting – January 6, 2026

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## Motion Regarding City Attorney Contract, Outside Counsel Approval, and FOIA Litigation

I move that the City Council amend the proposed City Attorney contract with Tyler Farrar as follows:

1. Amend Section 2.2 of the contract to require that the engagement of any outside legal counsel by the City Attorney be subject to **prior approval of the City Council**, evidenced by a recorded vote or resolution, rather than approval by the Mayor alone; and
2. Require that any engagement of outside legal counsel comply with **Arkansas Code Annotated § 19-11-801 et seq.**, including selection through a qualifications-based process and, where applicable, use of law firms that have submitted **Statements of Qualifications currently on file** in response to the City’s recent Request for Qualifications.

I further move that defense of FOIA Case No. 72CV-25-2686 be handled in one of the following ways:

- **Option A:** Assigned to the City Attorney as part of the approved scope of services; or
- **Option B:** If the Council determines outside counsel is necessary, referred to **one of the qualified law firms with an SOQ on file**, selected by City Council approval.

I further move that no outside legal counsel be retained for FOIA Case No. 72CV-25-2686 unless and until the City Council affirmatively approves such retention in open session and determines that no conflict of interest exists that would require recusal.

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Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Vote:  Approved  Denied

Date: January 6, 2026

# 2026-01-06 WAGNER PUBLIC COMMENT

**Good evening Mayor and Council Members. My name is Mick Wagner, I reside at 409 Penzo in Tontitown], and I am the plaintiff in FOIA Case No. 72CV-25-2686.**

My understanding is that tonight, January 6th, the City is considering hiring Tyler Farrar as City Attorney under the contract posted with the special meeting agenda. That contract pays \$300 an hour and includes Section 2.2, which allows outside legal counsel to be hired with **only the Mayor's approval.**

In a publicly posted interview, Mr. Farrar states he is very familiar with FOIA law. So my first question is straightforward: **if we are hiring a City Attorney at \$300 an hour with FOIA expertise, why would the City outsource defense of a FOIA lawsuit at all?** That appears to be paying twice for the same expertise.

I want to be clear about my source. I am the plaintiff, and the information I'm referencing regarding communications with plaintiff's counsel comes directly from **my own attorney** in the ordinary course of representation.

The concern here isn't theoretical. The WH Taylor firm has been involved in matters related to code enforcement and ADA compliance issues concerning the Mayor's property. Retaining that same firm—directly or indirectly under Section 2.2—to defend the City and the Mayor in a FOIA lawsuit creates a real **conflict and recusal risk**. If recusal becomes necessary, the City could be forced to hire replacement counsel mid-case at additional cost.

This is also a procurement issue. The City recently issued an RFQ for legal services. **Two qualified firms submitted Statements of Qualifications and are on file.** To my knowledge, the Taylor firm does not. Arkansas law—ACA 19-11-801—requires legal services to be selected through a qualifications-based process.

I'll offer a constructive solution. If the Council is uncomfortable having the City Attorney litigate the FOIA case, hire **one of the two qualified firms already on file.** That complies with state law, preserves Council oversight, and avoids conflicts.

Finally, I ask one question to be answered on the record: **who drafted the proposed City Attorney contract as presented on tonight's special meeting agenda, particularly the Mayor-only approval language in Section 2.2?**

Thank you.

Mick Wagner