

Mayor – Angela Russell
Recorder – Rhonda Ardemagni
City Attorney –Tyler R Farrar
City Engineer–CK Civil
Engineering



Ward 1 Position 1 – Vacant
Ward 1 Position 2– Mick Wagner
Ward 2 Position 1–Daniel Montez
Ward 2 Position 2–Larry Ardemagni
Ward 3 Position 1- Mike Washkowiak
Ward 3 Position 2– Tim Burrese

City Council
July 21st, 2026
Minutes

The Tontitown City Council meeting is scheduled for Tuesday, July 21st, 2026, at 6:00 p.m. at
Tontitown City Hall.

Join on your computer, mobile app or room device.

[Click here to join the meeting](#)

Meeting ID: 220 667 057 989 Passcode: Aepw56

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City Council

- 1) **Prayer-** Tim Estes with New life Church
- 2) **Meeting Call to Order**
- 3) **Roll Call-** Daniel Montez was absent
- 4) **Pledge of Allegiance**
- 5) **Approval of Agenda**

Councilman Wagner requested to amend the agenda to add, as the first item under New Business, "Consideration and Action Regarding the Vacant City Council Position."

Mick Wagner motioned to approve the amendment to the agenda by adding, as the first item under New Business, Consideration and Action Regarding the Vacant City Council Position.

Second by Mike Washkowiak

Motion Passes Unanimously

Daniel Montez arrived at this time.

Larry Ardemagni motioned to approve the agenda.

Second by Mike Washkowiak

Mike Washkowiak Voted- YES

Tim Burrese Voted- YES

Larry Ardemagni Voted- YES

Mick Wagner Voted- YES

Daniel Montez Voted- ABSTAIN

4 Votes- YES to 1 Vote- ABSTAIN

Motion Passes



6) Approval of June 16, 2026, City Council Minutes.

Mike Washikowiak motioned to approve the June 16, 2026, City Council Minutes.

Second by Tim Burress

Motion Passes Unanimously

7) Financial Report- Reference the city website for detailed report.

8) Department Reports

A. Museum

The THM Board of Directors met at City Hall on July 6, 2026.

1. New Exhibit Coming: Tontitown Historical Museum is celebrating our 40th anniversary since opening in 1986, we will be honoring this accomplishment with a new exhibit in the city hall display case.

2. Grape Festival: THM is prepping for Grape Festival, we will be taking the Queen Concordia crowns to display inside the museum through the festival.

3. Digitization Project: Currently on hold as we on-board our newest staff member through the summer.

4. Visitors: 28 visitors

5. America250 Block Party: THM was honored to be invited to Shiloh Museum of Ozark History's Block Party on July 11th, Emily and Misty handed out buttons and interacted with hundreds of guests. And Emily spoke on the early history of Tontitown's settlement in NWA.

6. Summer Camp Collaboration: THM staff have been invited to help teach students in Fayetteville how to play Bocce as well as cook Polenta and make mozzarella as part of a two-week summer camp hosted by Washington County Historical Society this month.

7. THM Summer Camp: We wanted to share some photos of the summer camp hosted in June; we had so much fun hosting this group of students. We made polenta and pasta, played bocce and learned about Tontitown through the grapes growing outside city hall, a custom board game and stomping grapes! (Photos are available on the city website)

Regular Museum Hours: Wednesday & Thursday 9am-1pm, Friday & Saturday 1pm-4pm

B. Police

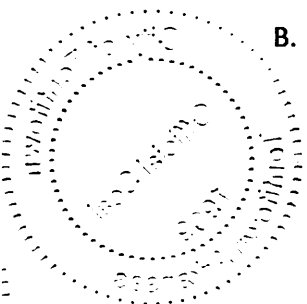
Tontitown Police Monthly Report Month: June 2026

Calls for Service – 867

Accident Reports – 18

Warrants Served – 71

Warrants Outstanding - 1438



Warrants Amount - \$ 1,726,583.88
Training Hours (YTD) – 1613
Citation Total - 145
Speeding Citations - 19
(Other) Traffic Citations - 87
Criminal Citations – 14
Improper Driving (City Ordinance) - 25
Warning Total - 425
Speeding Warnings – 88
(Other) Traffic Warnings – 337

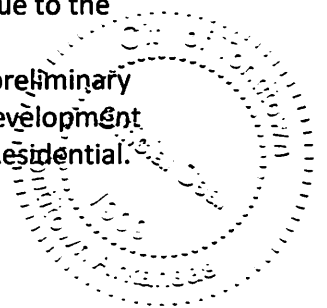
C. Fire

Fire Department Report JUNE 2026
Total Calls: 58
EMS 26
FIRE 2
MVA 7
FALSE ALARM 1
SERVICE CALL 7
ALARMS 15
CANCELED IN ROUTE 0
Calls within city limits of Tontitown
June 2026: 286 calls for service June 2025: 296 calls for service
Decrease of 10 calls to date over 2025
Average response time (Alarm to en route) listed at: 1 minute 17 seconds.
Average on scene/arrival time (Alarm to on scene): 4 minutes 31 seconds.

- D. Public Works/Engineering- Reference the city website for detailed report
- E. Building Report- Reference the city website for detailed report
- F. Community Development

Planning Commission Meeting - July 28th:

1. Arnold Blevins Large Scale Development: Arnold Blevins is requesting approval of a LSD for property located at 500 Jean Mary Drive to allow construction of an additional 8,400 sq foot building on the existing site.
2. Arnold Blevins Sidewalk Waiver: Arnold Blevins is requesting a waiver from the sidewalk requirements of City Code 90.900.2(A). The waiver is requested due to the presence of an open-channel drainage ditch located on the property.
3. Aria Subdivision Preliminary Plat: Northrock is requesting approval of a preliminary plat for Aria Subdivision, proposed to be located on 630 Klenc Road. The development consists of 43 residential lots on approximately 18 acres and is zoned R-3 Residential.
4. Discussion regarding code updates to residential fencing 153.215.



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

Mike Washkowiak motioned to approve to Waive the 3 Reading Rule for All Ordinances on Agenda.

Second by Larry Ardemagni

Motion Passes Unanimously

10) Old Business: NONE

11) New Business:

Consideration and Action Regarding the Vacant City Council Position.

The only Letter of Intent was submitted for the Interim Ward 1 City Council Position was from Mr. Steven Craig Graves.

Mr. Steven Craig Graves introduced himself and shared his background. A lifelong resident of Northwest Arkansas, he described his experience serving in the U.S. Air Force, working in construction and utility contracting, and owning and operating PATH Utility Construction. He highlighted his experience with infrastructure, utilities, easements, zoning, and large-scale projects throughout the region. Mr. Graves stated that he has lived in Tontitown for more than 20 years, is seeking the appointment to serve the community without a personal agenda, and believes his leadership, work ethic, and willingness to listen would make him a valuable Ward 1 City Council member.

Tim Burress motioned to appoint Mr. Graves to the open position in Ward One.
Second by Mick Wagner

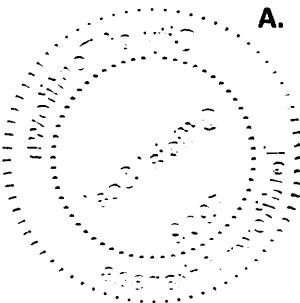
Motion Passes Unanimously

Mr. Steven Craig Graves was sworn into office by Mayor Russell and took his seat on the City Council.

A. A discussion and approval of an ordinance to amend § 30.01(G) of the Tontitown Municipal Code. Sponsored by: Mick

Mick Wagner motioned to approve an ordinance to amend § 30.01(G) of the Tontitown Municipal Code.

Second by Mike Washkowiak



Motion Passes Unanimously

Mike Waskowiak motioned to approve Emergency Clause.
Second by Mick Wagner

Motion Passes Unanimously

B. A discussion and approval of a Resolution approving Waste Management's Request for an Extension. Sponsored by: Mick

Mr. Wagner states that he has prepared a more detailed written position paper explaining his review of the matter. He has provided copies to the city council and the city clerk and has requested that the document be officially included as part of the meeting record.

Mayor Russell asked that an email from Mr. Lovett be entered into the official record. Council members question whether it is appropriate to include comments from someone who does not live in the city and where such comments belong in the agenda. The city attorney advises that the email can be included as part of the public comment section of the meeting record, and the council agrees.

Councilman Burrell asks that his concern be noted "for the record," stating that he does not believe the mayor is being fair to the council members. He acknowledges that the mayor has the authority to run the meeting but expresses his belief that the mayor has exceeded her authority or gone beyond appropriate limits. Councilman Burrell indicates disagreement while accepting the mayor's decision. Noted for the record that the mayor is not being fair and overstepping her bounds.

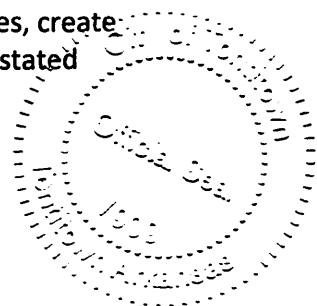
Mick Wagner motioned to approve a Resolution approving Waste Management's Request for an Extension.
Second by Mike Washkowiak

Motion Passes Unanimously

C. An approval of a Resolution establishing a Landfill Road Access Recovery Fee. Sponsored by: Mike/Mark

Councilman Washkowiak moved to table the matter indefinitely, stating that his decision was based on legal concerns outlined by the City Attorney. He cited the attorney's opinion that proceeding despite identified legal deficiencies could expose the City to litigation, weaken its legal position, and, in certain circumstances, create potential personal liability for council members. Councilman Washkowiak stated that he was not willing to assume those risks.

Mike Washkowiak motioned to Table Indefinitely.



Second by Mick Wagner

Motion Passes Unanimously

D. An approval of a resolution to enter into an agreement with Civic Plus for Agenda Management Software. Sponsored by: Mick/Brad

Mick Wagner motioned to approve resolution to enter into an agreement with Civic Plus for Agenda Management Software.

Second by Daniel Montez

Motion Passes Unanimously

E. An approval of an Ordinance to establish standing committees. Sponsored by: Mick

One change is that the effective date begins September 1,2026.

Mick Wagner motioned to approve an Ordinance to establish standing committees and the that the effective date begins September 1,2026.

Second by Mike Washkowiak

Motion Passes Unanimously

F. An approval of an Ordinance abolishing the Committee of the Whole Meeting and creating two City Council meetings. Sponsored by: Mick

Mick Wagner motioned to approve an Ordinance abolishing the Committee of the Whole Meeting and creating two City Council meetings.

Second by Mike Washkowiak

Motion Passes Unanimously

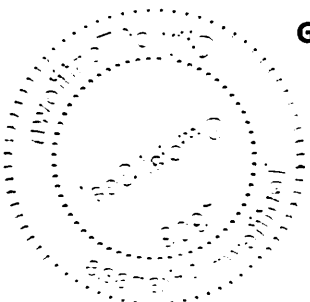
Larry Ardemagni motioned to approve the Emergency Clause.

Second by Daniel Montez

Motion Passes Unanimously

G. An approval of an Ordinance to amend sections §30.05 and §30.06 of the Tontitown Municipal Code. Sponsored by: Mick

Mick Wagner motioned to approve an Ordinance to amend sections §30.05 and §30.06 of the Tontitown Municipal Code.



Second by Mike Washkowiak

Motion Passes Unanimously

H. A approval of a Resolution authorizing an RFQ for Professional Grant Administration Services. Sponsored by: Mick/James

Mick Wagner motioned to approve a Resolution authorizing an RFQ for Professional Grant Administration Services.

Second by Daniel Montez

Motion Passes Unanimously

I. An approval of an Ordinance Vacation Right-of-Way for PAM Trucking. Sponsored by: Mick/Brad

Mick Wagner motioned to an Ordinance Vacation Right-of-Way for PAM Trucking.

Second by Daniel Montez

Motion Passes Unanimously

J. An approval of a Resolution accepting the Final Plat for Renley Rae Phase II. Sponsored by: Mick/Brad

Mick Wagner motioned to approve a Resolution accepting the Final Plat for Renley Rae Phase II.

Second by Mike Washkowiak

Steven Graves Voted- YES

Mike Washkowiak Voted- YES

Daniel Montez Voted- YES

Mick Wagner Voted- YES

Tim Burress Voted- NO

Larry Ardemagni Voted- NO

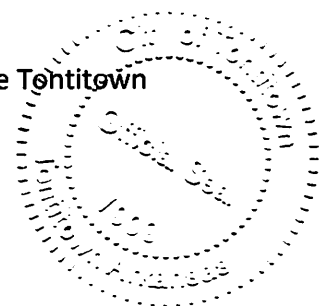
4 Votes- YES to 2 Votes- NO

Motion Passes

K. An approval of an Ordinance amending section §30.52 of the Tontitown Municipal Code. Sponsored by: Mick

Mick Wagner motioned to an Ordinance amending section §30.52 of the Tontitown Municipal Code.

Second by Daniel Montez



Motion Passes Unanimously

L. A discussion and approval of a Resolution to remove the Tunnel from the 412/Barrington Project. Sponsored by: Mick

Mick Wagner motioned to approve a Resolution to remove the Tunnel from the 412/Barrington Project.

Second by Mike Washkowiak

Motion Passes Unanimously

12) Public Comments

Wendy Howerton 3739 N. Steele Blvd., Fayetteville, AR

Ms. Wendy Howerton introduced herself as a candidate for Circuit Judge serving Washington and Madison Counties. She shared that she had advanced to the runoff election, highlighted her nearly 22 years of legal experience in Northwest Arkansas and her experience handling the types of cases heard by the court, and encouraged residents to learn about the candidates and vote in the upcoming election.

Mark Calcagni 12642 Arbor Acres Rd., Tontitown, AR

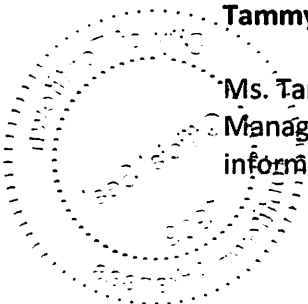
Mr. Calcagni addressed the Council regarding landfill-related environmental concerns. He expressed concerns about untreated leachate entering the City's lift station, referenced wastewater testing results and other environmental issues he attributed to the landfill, and urged the Council to prioritize public health and safety. Mr. Calcagni also encouraged the City to require the leachate to be transported by tanker rather than discharged into the City's wastewater system and referenced the petition opposing the landfill expansion.

Kristen Pawlik- No address given

Ms. Pawlik introduced herself as a candidate for Circuit Judge, Division 2, and shared that she was participating in the upcoming runoff election. She spoke about her lifelong ties to Northwest Arkansas, her commitment to public service, and the importance of judicial temperament, sound judgment, and ethical character. Ms. Pawlik thanked the Council for its service and encouraged residents to learn about the candidates and vote in the upcoming election.

Tammy Graham 1984 S. Pianalto Rd., Tontitown, AR

Ms. Tammy Graham addressed the Council regarding the landfill lift station and Waste Management's request for an extension. She encouraged the Council to use the information provided by Waste Management to establish deadlines and accountability for



resolving outstanding issues. Ms. Graham expressed concerns about transporting leachate by tanker, citing potential environmental risks, and urged the City to work collaboratively with Waste Management to address odor and operational issues. She also expressed support for forming citizen subcommittees and requested to participate in one.

Kenneth Lovett – Resides part time on Hwy. 71B in Springdale and lives in Prairie Grove, AR. the rest of the time.

Mr. Kenneth Lovett addressed the Council regarding concerns about landfill operations and their impact on nearby residents. During his comments, a point of order was raised concerning the relevance and tone of his remarks.

Following a point of order,

Tim Burress motioned to allow Mr. Lovett to continue his comments.
Second by Mick Wagner

Steven Graves Voted- ABSTAIN

Mike Washkowiak Voted- YES (Provided he stay on topic)

Daniel Montez Voted- NO

Mick Wagner Voted- YES

Tim Burress Voted- YES

Larry Ardemagni Voted- YES

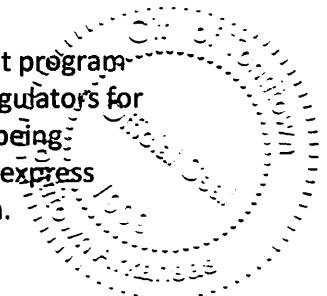
4 Votes- YES to 1 Vote- NO with 1 Vote- ABSTAIN

Motion Passes

Following a vote of the Council, Mr. Lovett was permitted to continue speaking.

Mr. Lovett argues that the wastewater issues could be resolved quickly by hiring specialized contractors to clean the tanks rather than relying on engineers and delaying action. He questions why the blame is being directed at Tontitown, noting that James Vernon reportedly said the city would not be worked with while litigation was ongoing, even though Waste Management was not legally prevented from continuing pretreatment efforts during that time.

Mr. Lovett calls for documentation explaining why the 2021–2022 pretreatment program was halted and criticizes both Waste Management and State Environmental Regulators for failing to protect nearby residents. He claims people outside the city limits are being exposed to harmful pollutants, including ammonia, benzene, and acrolein, and express concern that environmental protections are being prioritized over public health.



Mr. Lovett strongly defends the mayor, criticizes individuals he believes are unfairly targeting city leadership, and says the council meeting lacked order. He also rejected claims that he should not speak because he doesn't live within the city limits, arguing that pollution affects the broader community. He concluded by accusing those responsible of failing to protect public health and warning that continued inaction is putting people's lives at risk.

13) Comments from Alderman

Mike Washkowiak

Thanked everyone for staying through the lengthy meeting. He acknowledges attendees affiliated with St. Joseph and Fayetteville, mentions that he previously taught there many years ago, recognizes Ms. Pawlik's connection to Ozark Catholic, and expresses his appreciation for their attendance.

Tim Burress

Welcomed Mr. Graves to the council, thanking him for stepping up to serve and expressing confidence that he will be a valuable addition. He describes the meeting as eventful and comments that Robert's Rules of Order may not have been followed perfectly but believes everyone was doing their best. He thanks the judicial candidates for attending, appreciates the public comments, and recognizes the efforts of the police, planning, water, and sewer departments. He concludes by wishing everyone well and expressing hope that Mr. Latham will return soon.

Larry Ardemagni

Thanked the city's staff for their work and expresses appreciation to the young women who attended the meeting and shared their input. He also congratulated Mr. Graves on joining the council, joking that it could be viewed as either congratulations or condolences. He closes by wishing everyone a good evening.

Daniel Montez

Thanked everyone for attending the meeting, with special recognition for Tammy Graham, Mr. Calcagni, and Nina Brown. He apologizes on behalf of the city for how events unfolded in 2022 and acknowledges the resilience of residents who have continued to speak up about their concerns. He thanks them for their persistence and respectful participation in the public process. He also welcomed Mr. Graves to the council, congratulated him on his appointment, and says he looks forward to hearing his perspective as the council moves forward.

Steven Graves

Thanked the council for its confidence in him and jokes that he wishes he had waited a week before joining, drawing a lighthearted close to the meeting. He concludes by thanking everyone.

Mick Wagner

Mr. Wagner addresses the two judicial candidates, thanking them for seeking office and acknowledging the lively discussion at the meeting. He expresses hope that the ongoing disputes between Tontitown and Waste Management will not end up in court, stating that litigation should be a last resort. He says the city should rely more on common sense, civility, and professional communication to resolve conflicts and pledges to support that approach moving forward. He concludes by again thanking the judicial candidates for their willingness to serve.

14) Comments from Mayor

The mayor begins by congratulating Mr. Graves on joining the council.

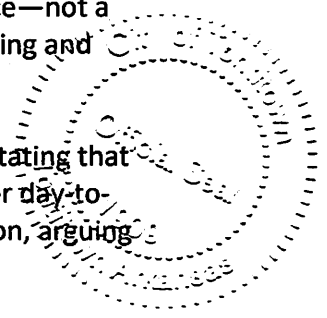
She then addresses questions about approving the administrative assistant's attendance at the International Institute of Municipal Clerks (IIMC) annual conference in Reno.

She explains that the issue is not about a single employee or conference but about following the city's established policies and respecting the mayor's administrative authority. According to the city's personnel handbook, employee training must be approved by the department head and/or the mayor, and she states that the conference was properly requested, reviewed, and approved in compliance with policy.

The mayor says the trip was funded through the council-approved administration training and travel budget, with the conference registration covered by a scholarship and an additional reimbursement expected to reduce the city's costs by about \$700. She states that the remaining expenses were within the approved budget and were an appropriate administrative expense.

Addressing concerns about the conference's relevance, the mayor says the training was directly related to the administrative assistant's job duties. She cites support from the Arkansas Municipal League, the Arkansas Certified Clerks and Records Treasurers Association (ACCRTA), and the International Institute of Municipal Clerks, all of which affirmed that the conference provides education and certification relevant to municipal administration. She emphasizes that it was a professional educational conference—not a motivational event—and notes that participants were required to complete testing and certification requirements.

The mayor also references a previous email from Council Member Tim Burress stating that the city council serves as the legislative branch while the mayor is responsible for day-to-day administration and employee supervision. She agrees with that interpretation, arguing



that while the council sets policy and appropriates funds, the mayor has the authority to approve employee training within existing policies and budgets. She adds that if the council wishes to change training policies, it can do so legislatively, but administrative decisions made under current policies should be respected.

Finally, the mayor notes that this level of scrutiny has not been applied to other departments' training requests and argues that any new standards should apply consistently across all departments rather than targeting a single employee or conference. She reiterates that the conference was approved through the Arkansas Municipal League, shares that she personally received a recommendation for the program from the president of the organization during one of her own conferences, thanks Council Member Burress for his email, and concludes the meeting by wishing everyone a good evening.

15) Comments from City Attorney

Mr. Farrar thanks the mayor and city council and apologizes for attending the meeting remotely via Zoom. He explains that he is spending time with his young nieces during one of the few weeks each year he gets to see them and appreciates the council's patience with his remote participation. He adds that this should be the last time he attends remotely this year and wishes everyone a good evening.

16) Adjournment- All in Favor

PASSED AND APPROVED this 3 day of Aug 2021.

APPROVED: Angela Russell
Angela Russell, Mayor

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

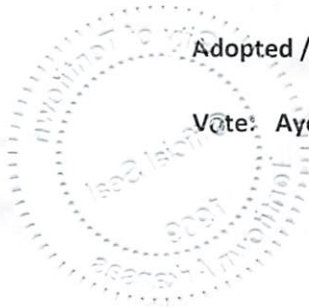
Sponsor (Initiated By): _____

Motion to Introduce Made By: Tim Burress

Seconded By: Mike Washkowiak

Adopted / Passed: _____

Vote: Ayes 10 Nays _____ Abstain _____ Absent _____



Letter of Intent

Application for Interim Ward 1 City Council Position

Dear Mayor and Members of the City Council,

My name is Steven Craig Graves, and I am honored to submit my letter of intent for the interim Ward 1 City Council position.

I have proudly called Tontitown home for the past 20 years. While my wife and I recently sold our home at 305 Forza Lane, we remain committed to our community and are currently remodeling our new residence just 800 feet away at 824 Taldo Loop. I moved back and started working on the property last May. Tontitown has been our home for two decades, and we look forward to continuing to invest in its future.

I am deeply committed to the growth, preservation, and long-term prosperity of our city. My background in construction, utility infrastructure, zoning, and business management has provided me with the knowledge and experience to make informed, fair, and objective decisions that serve the best interests of Tontitown's residents.

For more than 11 years, I owned and operated Path Utility Construction, one of the largest utility contractors in Northwest Arkansas, headquartered here in Tontitown. Through that experience, I worked closely with city departments, developers, engineers, and public utilities, giving me firsthand knowledge of the opportunities and challenges associated with our city's growth and infrastructure. I believe this perspective would be a valuable asset as our community continues to grow while preserving the character that makes Tontitown such a special place.

If selected, I will approach this position with integrity, transparency, and a commitment to listening to the citizens of Ward 1. My goal is to work collaboratively with the Mayor, City Council, city staff, and residents to make thoughtful decisions that strengthen our community today and for future generations.

I am seeking this appointment not for personal recognition, but because I believe my experience and commitment to Tontitown will allow me to serve our community effectively during this transition.

Thank you for your time, consideration, and your continued service to the City of Tontitown. I appreciate the opportunity to be considered for this appointment and would be happy to provide any additional information you may need.

Respectfully,

Steven Craig Graves



PRELIMINARY POSITION STATEMENT

Eco-Vista Landfill Leachate Pretreatment and Proposed Limited Extension

To: Mayor and Members of the Tontitown City Council

From: Alderman Mick Wagner

Date: July 21, 2026

Re: Proposed Resolution Granting Eco-Vista Landfill, LLC Additional Time to Supplement its Pretreatment Compliance Plan

Mayor and Fellow Council Members:

Prior to consideration of the proposed resolution granting Eco-Vista Landfill, LLC additional time to supplement its compliance plan concerning industrial wastewater pretreatment, I believe it is important that the Council consider the complete historical record that has brought this issue before us.

After reviewing engineering documents dating from 2020 through 2022, more recent correspondence concerning Eco-Vista's industrial wastewater discharge, NACA surcharge reports covering January 2025 through May 2026, and a published KNWA timeline concerning the City's broader history with Eco-Vista, I believe there is a reasonable basis for granting a limited and clearly defined extension of time.

My support for additional time is based substantially upon the history of this matter and the need to avoid repeating what appears to have occurred several years ago: significant technical study and engineering of a pretreatment solution without ultimately reaching implementation.

HISTORICAL PRETREATMENT EFFORT

The record indicates that concerns regarding the characteristics of Eco-Vista landfill leachate are not new.

Sampling conducted in 2020 identified elevated ammonia concentrations. Waste Management subsequently retained engineering consultants and undertook pilot-scale testing during 2021 to evaluate ammonia stripping as a potential pretreatment technology.

By March and April 2022, that effort had progressed substantially. Detailed engineering documents had been developed for a pretreatment facility incorporating storage and equalization, chemical treatment, pH adjustment, clarification, sludge handling, and dual ammonia stripping towers.

The engineering narrative indicates that alternative treatment technologies were considered and that ammonia stripping was selected, in part, because it could reduce ammonia loading without converting ammonia into nitrate and thereby creating additional downstream treatment concerns.

Most significantly from the City's perspective, on April 27, 2022, then-Public Works Director James Clark reviewed Waste Management's proposed pretreatment approach and stated: "This looks good and will be sufficient to meet the requirement for pre-treatment."

Waste Management subsequently transmitted additional pretreatment design materials to the City in May 2022.

The historical record therefore raises a legitimate question: If Waste Management developed an engineered pretreatment solution in 2021–2022, and City staff indicated that the proposed approach would satisfy the pretreatment requirement, why was that pretreatment program not ultimately carried through to implementation?

I do not presently know the answer, and I do not believe the available record is sufficient to assign responsibility to Waste Management, prior or current City officials, NACA, ADEQ, or any other party. Nevertheless, that history is directly relevant to the decision presently before this Council.

SUBSEQUENT SHIFT IN THE CITY'S FOCUS

The broader historical timeline also deserves consideration.

According to a timeline published by KNWA concerning the Eco-Vista controversy, the City's policy and legal focus increasingly shifted toward opposition to expansion of the landfill beginning in late 2022.

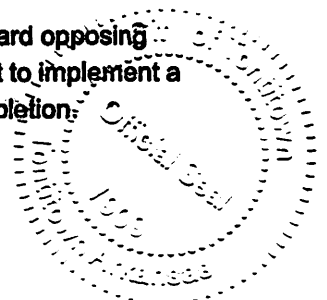
The timeline reports that the City Council unanimously adopted a resolution in November 2022 withdrawing or revoking the City's prior permission for landfill expansion pending action on environmental concerns. Another unanimous resolution opposing expansion followed in January 2023.

ADEQ subsequently approved the Class 4 expansion in March 2023. The City appealed that decision in May 2023. After ADEQ approved a Class 1 expansion in July 2023, the City also appealed that decision. The Class 4 dispute continued through administrative and judicial proceedings into 2024.

The City's decisions to oppose landfill expansion and pursue available administrative or judicial remedies may have involved legitimate environmental and public-policy considerations. I do not raise this history to question the City's legal right to pursue those remedies.

However, when viewed alongside the separate pretreatment history, the chronology raises an important policy question.

During roughly the same general period in which the City's attention increasingly turned toward opposing landfill expansion through resolutions, administrative appeals, and litigation, the earlier effort to implement a technically engineered wastewater pretreatment solution apparently did not proceed to completion.



I believe the Council should understand why.

The issue is not whether the City should have pursued litigation instead of environmental protection. Litigation itself may have been viewed as a means of protecting the community.

The question is whether the City's substantial focus on opposing expansion was accompanied by equal attention to a practical environmental issue over which the City potentially had more direct control: the pretreatment of Eco-Vista's industrial wastewater before it entered Tontitown's sewer system.

Those two approaches were not necessarily mutually exclusive.

The City could oppose expansion while simultaneously pursuing implementation of an appropriate industrial wastewater pretreatment program.

Understanding why the latter apparently did not occur is important as we now consider another pretreatment deadline.

CHANGES IN THE WASTEWATER PROFILE

The more recent NACA surcharge reports add another important dimension.

I have reviewed monthly NACA surcharge reports for Tontitown covering January 2025 through May 2026. Because Eco-Vista is, to my understanding, the City's only industrial wastewater discharge user, changes in the City's industrial discharge profile reasonably warrant consideration when evaluating Eco-Vista's pretreatment requirements, although the City's engineers should confirm the degree to which individual pollutant loads are attributable to that discharge.

The data demonstrate substantial changes and fluctuations in the pollutants contributing to Tontitown's surcharge exposure.

Total Nitrogen averaged approximately 834.5 mg/L in January 2025, compared with approximately 245.35 mg/L in May 2026, although concentrations varied considerably during the intervening period.

During the same period, BOD increased from approximately 597.15 mg/L to 972.30 mg/L, reaching approximately 1,256.25 mg/L in September 2025.

Total Suspended Solids likewise demonstrated substantial variability, including an average concentration of approximately 705 mg/L in April 2026.

These data appear to indicate that the relative composition of the pollutants contributing to Tontitown's NACA surcharge exposure has changed over time.

SIGNIFICANCE TO THE ORIGINAL AMMONIA-STRIPPING PROPOSAL

This changing pollutant profile is directly relevant to the pretreatment decision before us.

The 2021–2022 engineering effort focused substantially upon ammonia and nitrogen removal through ammonia stripping. Based upon conditions known at that time, that may have represented an appropriate engineering solution.

However, several years have now passed.

If current data demonstrate that BOD, suspended solids, nitrogen, or some combination of pollutants now represent the principal treatment burden, it may not be technically or economically appropriate simply to require construction of the exact pretreatment system designed in 2022 without determining whether that system adequately addresses current conditions.

This does not diminish the importance of the earlier pretreatment effort. It reinforces the need to get the solution right this time.

BASIS FOR SUPPORTING A LIMITED EXTENSION

For these reasons, I believe there is a reasonable basis for granting Waste Management a limited and clearly defined extension.

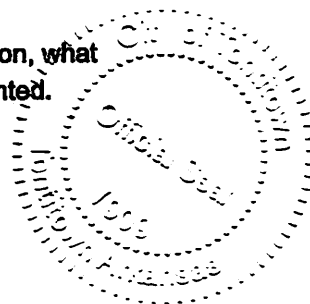
My support should not be interpreted as an abandonment or waiver of pretreatment requirements, nor should it become another indefinite postponement.

Rather, I believe the extension should provide an opportunity to reconcile four elements of this history:

1. The pollutant characteristics that resulted in the original 2021–2022 ammonia-stripping proposal.
2. The City's apparent acceptance of that proposed pretreatment approach and the reasons it was never implemented.
3. The City's subsequent policy and legal focus on opposing landfill expansion while the pretreatment issue apparently remained unresolved.
4. Current wastewater data identifying the pollutants and loading conditions that should determine today's appropriate pretreatment requirements.

The objective should be to determine, based upon current and defensible engineering information, what pretreatment is actually necessary today and then ensure that the selected solution is implemented.

EXPECTATIONS DURING THE EXTENSION



If the Council grants this extension, I believe the extension period should result in specific and measurable outcomes.

Waste Management should be expected to provide sufficient current engineering and technical information to identify a proposed pretreatment solution or compliance pathway based upon current waste-stream characteristics.

The City should concurrently establish and document the technical and regulatory basis for the treatment objectives Waste Management is expected to meet.

The Council should ultimately receive answers regarding:

- what pretreatment requirements existed in 2021–2022;
- the extent and significance of ADEQ's review or approval of the earlier proposal;
- why the previously proposed ammonia-stripping system was not implemented;
- whether the City, NACA, ADEQ, or another entity subsequently changed applicable requirements;
- how industrial wastewater characteristics have changed since the original studies;
- whether ammonia stripping remains technically appropriate;
- whether additional or alternative treatment is necessary to address BOD, suspended solids, nitrogen, or other pollutants;
- what specific performance standards Waste Management must meet; and
- what enforceable schedule will govern final engineering, permitting, construction, testing, and implementation.

CONCLUSION

As legislators, we have a fiduciary responsibility to understand not only the request presently before us, but also the history that gave rise to it.

The record indicates that the pretreatment issue was recognized several years ago, that Waste Management undertook substantial engineering work to address it, and that City staff indicated in 2022 that the proposed approach would be sufficient to meet the pretreatment requirement.

For reasons that remain unclear, that process apparently did not result in implementation.

The historical record further indicates that the City's focus subsequently turned substantially toward opposing landfill expansion through legislative resolutions, administrative appeals, and litigation. Those actions may have been undertaken for legitimate reasons, but they do not answer the separate question of why an available pretreatment initiative apparently was not pursued to implementation.

Meanwhile, more recent NACA data indicate that the nature and relative magnitude of the pollutants contributing to Tontitown's wastewater treatment burden may have evolved.

Taken together, I believe these circumstances support granting Waste Management a reasonable but limited period of additional time to develop a current, technically supported pretreatment proposal.

This extension should not represent another delay without resolution.

It should instead provide the opportunity to do what apparently did not occur following the 2021–2022 engineering effort: identify the appropriate solution, establish clear requirements, set an enforceable implementation schedule, and follow the process through to completion.

The objective should not be to revisit past decisions merely to assign blame. The objective should be to understand those decisions sufficiently to avoid repeating the same outcome.

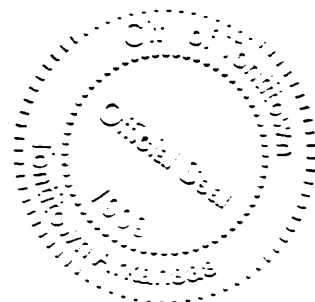
In my view, this approach provides Waste Management a reasonable opportunity to develop the correct technical solution while preserving the City's regulatory authority, protecting NACA's wastewater treatment system, and establishing accountability for bringing a longstanding pretreatment issue to a final resolution.

Respectfully,

Mick Wagner

Alderman, Ward 1

City of Tontitown



WHAT THE POSITION PAPER OMITS

Rebuttal to the Preliminary Position Statement Supporting a Limited Extension for Eco-Vista Pretreatment Compliance

The Preliminary Position Statement presented to the Tontitown City Council provides a detailed history of the 2021–2022 pretreatment engineering process and the City's subsequent opposition to landfill expansion. However, the paper does not appear to address a critical piece of information that may materially change the Council's understanding of why the original pretreatment effort was never completed.

The position paper states that the reason the previously proposed pretreatment system was never implemented is unclear. It states that the available record is insufficient to assign responsibility to Waste Management, prior or current City officials, NACA, ADEQ, or any other party.

That conclusion should not be accepted without first addressing information provided by Jamie Vernon that Waste Management did not continue working with the City of Tontitown on the pretreatment issue while litigation between Waste Management and the City was pending.

If that statement is accurate, it directly challenges one of the fundamental assumptions underlying the position paper.

The Council should therefore ask why this information is not addressed in the position paper and whether the historical record actually supports the conclusion that the reason for the failure to implement pretreatment is unknown.

1. THE POSITION PAPER DOES NOT ADDRESS WASTE MANAGEMENT'S REPORTED DECISION TO STOP WORKING WITH THE CITY

The position paper devotes considerable attention to the City's opposition to landfill expansion, administrative appeals, and litigation. It suggests that the City's focus shifted toward opposing expansion while the pretreatment issue remained unresolved.

However, the paper does not appear to address whether Waste Management itself chose to discontinue or suspend cooperation with the City because litigation was pending.

This omission is significant.

If Waste Management made a decision not to continue working with the City during litigation, then the lack of implementation cannot fairly be described simply as an unexplained failure of the parties to follow through.

The Council needs to know whether the pretreatment process stopped because:

- Waste Management chose to discontinue discussions;
- The City refused to continue discussions;
- The parties reached an impasse;
- Regulatory requirements changed;
- The proposed technology was determined to be inadequate;
- Litigation prevented or discouraged further cooperation; or
- Some combination of these factors occurred.

Without answering these questions, the Council does not have a complete historical record upon which to base an extension.

2. THE PAPER EMPHASIZES CITY LITIGATION BUT DOES NOT FULLY ADDRESS THE SEPARATE OBLIGATION OF WASTE MANAGEMENT

The position paper carefully explains the City's decision to oppose landfill expansion and pursue legal remedies. It acknowledges that the City had legitimate reasons for doing so.

However, the paper does not adequately address the fact that Waste Management's obligations concerning wastewater pretreatment existed independently of the landfill expansion litigation.

The City's decision to pursue legal remedies did not eliminate Waste Management's responsibility to comply with applicable wastewater requirements.

Likewise, the existence of litigation did not prevent Waste Management from continuing to pursue engineering, permitting, treatment design, or other compliance measures unless Waste Management itself chose not to do so.

The two issues were separate.

The City could challenge landfill expansion while continuing to address wastewater pretreatment.

Waste Management could defend its interests in litigation while continuing to address wastewater pretreatment.

Therefore, the Council should not automatically accept the premise that the City's litigation explains why pretreatment was not implemented.

The Council should determine whether Waste Management's decision to discontinue cooperation during litigation was itself a contributing factor.

3. THE PAPER DOES NOT EXPLAIN WHY A PROPOSED SOLUTION THAT WAS CONSIDERED SUFFICIENT WAS NOT IMPLEMENTED

The position paper states that Waste Management invested substantial resources in developing a pretreatment solution.



It further states that on April 27, 2022, Public Works Director James Clark reviewed the proposal and stated:

“This looks good and will be sufficient to meet the requirement for pre-treatment.”

Waste Management then reportedly submitted additional pretreatment design materials in May 2022.

This raises a fundamental question.

If Waste Management had already developed an engineered solution, and City staff had indicated that the approach would be sufficient to satisfy the pretreatment requirement, **what specifically prevented the project from moving forward?**

The position paper does not provide a definitive answer.

Instead, it concludes that the reason is unknown.

That conclusion may be premature if there is evidence that Waste Management subsequently chose not to continue working with the City because litigation was pending.

The Council should resolve that factual issue before determining whether Waste Management deserves additional time.

4. THE PAPER DOES NOT DISTINGUISH BETWEEN A TECHNICAL FAILURE AND A FAILURE TO PROCEED

There is an important difference between saying:

“The proposed pretreatment system was technically inadequate.”

and saying:

“The proposed pretreatment system was not implemented because the process did not continue.”

Those are not the same thing.

The position paper documents significant engineering work and indicates that City staff believed the proposed system would satisfy the pretreatment requirement.

The Council therefore needs to know whether the system failed because it was technically inadequate or whether the system simply never proceeded to construction and implementation.

If the latter is true, then the Council must determine why.



5. THE POSITION PAPER MAY PLACE TOO MUCH EMPHASIS ON THE CITY'S LITIGATION

The position paper argues that the City could have simultaneously opposed landfill expansion and pursued pretreatment.

That is a reasonable observation.

However, the same reasoning must be applied equally to Waste Management.

The fact that litigation existed did not prevent Waste Management from pursuing pretreatment.

If Waste Management decided that it would not continue working with the City while litigation was pending, then that decision must be included in the historical analysis.

The Council should not be presented with a narrative in which the City's litigation is identified as a contributing historical factor while Waste Management's reported response to that litigation is omitted.

A complete historical record requires both sides of the equation.

6. THE POSITION PAPER DOES NOT ESTABLISH THAT THE CITY WAS RESPONSIBLE FOR THE DELAY

The position paper suggests that the City focused on landfill expansion litigation while pretreatment apparently remained unresolved.

However, the paper does not establish that the City refused to continue working with Waste Management on pretreatment.

Nor does it establish that the City prevented Waste Management from proceeding with engineering, permitting, or construction.

Those are important distinctions.

Before granting an extension, the Council should require evidence showing precisely what actions—or inactions—by the City prevented implementation.

If no such evidence exists, the Council should be cautious about allowing the City's litigation strategy to become the implied explanation for the failure to implement pretreatment.

7. THE CURRENT EXTENSION SHOULD NOT REWARD PAST DELAY

The Council is now being asked to provide Waste Management additional time.



However, the Council should first determine whether the delay was caused by circumstances beyond Waste Management's control or whether Waste Management contributed to the delay by discontinuing cooperation with the City.

An extension should not become a mechanism for rewarding delay.

If Waste Management had an opportunity to continue working with the City and chose not to do so because litigation was pending, then the Council should require a compelling explanation for why that decision now justifies additional time.

8. THE COUNCIL SHOULD REQUIRE A COMPLETE RECORD BEFORE VOTING

The position paper appropriately calls for answers regarding the history of the pretreatment requirements, the original proposal, regulatory changes, current wastewater characteristics, and future compliance deadlines.

However, the Council should add another critical question:

What role did Waste Management's decision to discontinue working with the City during litigation play in the failure to implement the 2021–2022 pretreatment program?

That question must be answered before the Council can reasonably conclude that the cause of the delay is unknown.

CONCLUSION OF REBUTTAL

The position paper presents an important historical timeline, but it does not appear to present the entire history.

The omission of Waste Management's reported decision not to continue working with the City while litigation was pending is significant because it may directly explain why the previously developed pretreatment solution was never implemented.

The Council should not assign blame without evidence. However, the Council should also not grant an extension based upon an incomplete record.

Before granting additional time, the Council should determine:

1. Whether Waste Management declined to continue working with the City because litigation was pending;
2. When that decision was made;
3. Who made the decision;
4. Whether the City attempted to continue pretreatment discussions;
5. Whether Waste Management could have continued engineering and compliance work independently of the litigation;
6. Whether the original pretreatment proposal remained acceptable;
7. Whether regulatory requirements changed;
8. Whether Waste Management was given a clear path to proceed;

9. What specifically caused the original program to stop; and

10. Why Waste Management should receive additional time if its own decision contributed to the delay.

The Council should not allow the history of landfill expansion litigation to obscure the separate issue of wastewater pretreatment.

The City had a right to challenge landfill expansion.

Waste Management had a responsibility to address wastewater pretreatment.

Those responsibilities existed simultaneously.

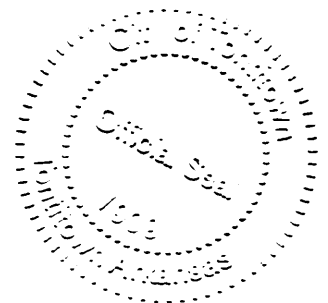
If Waste Management chose not to continue working with the City because litigation was pending, that fact should be openly acknowledged and considered before the Council grants an extension.

Until that issue is resolved, the Council does not have a complete factual record upon which to conclude that additional time is warranted.

The appropriate action is therefore to **deny the proposed extension due to the breakdown of the 2021-2022 pretreatment process.**

Respectfully,

KENNETH LOVETT



THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

WATER RESOURCES DIVISION
SALT LAKE CITY, UTAH
FEDERAL BUREAU OF INVESTIGATION
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