

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



Ward 1 Position 1-Gene McCartney
Ward 1 Position 2– Amber Ibarra
Ward 2 Position 1—Arthur Penzo
Ward 2 Position 2—Larry Ardemagni
Ward 3 Position 1—Penny Baskin
Ward 3 Position 2—Tim Burress

Committee of The Whole

July 19, 2022

Agenda

The Tontitown Committee of the Whole meeting is scheduled for **Tuesday July 19, 2022**, at 6:00 p.m. at the Tontitown City Hall, Tontitown, Arkansas and via Zoom and YouTube visit <https://zoom.us/j/95097016958>

Meeting ID: **950 9701 6958** or join by phone at +1 (312) 626-6799. When prompted for Meeting ID: **950 9701 6958#**
If you do not have a Participant Number: press #

If you wish to watch Online without interactively participating, you can stream the meeting online via YouTube, from our YouTube Channel:

- By PC, Mac, iOS (iPhone), or Android: Navigate to the “Tontitown City Hall” channel:

<https://www.youtube.com/channel/UClbUv481CeNFF2JNwoOsrNQ>

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1. Meeting Call to Order
 2. Roll Call
 3. Pledge of Allegiance
 4. Approval of Agenda
 5. Approval of **June 23, 2022** COW Minutes
 6. Monthly Financials
 7. Comments from Citizens
 8. Department Reports
 - a) Police Department – Chief Corey Jenison
 - b) Fire Department—Interim Operations Chief Mark Ramsey
 - c) Public Works Department – James Clark
 - d) New Build Permit Report – James Clark
 - e) Planning Department – Planning
 - f) Tontitown Museum Board – Misty Piazza
 9. Old Business:
 - A. Discussion of an Ordinance establishing standards for small wireless facilities within the City of Tontitown, Arkansas; declaring an emergency and for other purposes – Gene
 10. New Business:
 - A. Acknowledgement of the City of Tontitown Water and Sewer audit – Angie
 - B. Discussion of an Ordinance to amend chapter 110 General Licensing Provisions in the Tontitown Municipal Code: Declaring emergency and for other purposes – Angie
 - C. Discussion of the City of Tontitown Police Department entering into a contract with First Capital Equipment Leasing Corp for “lease to own” on 6 New Dodge Durango PPV’s with Law Enforcement upfits and equipment – Chief Jenison

- D. Discussion of an Ordinance to amend chapter 111: Sale of Fireworks in order to include and define regulations for the use of Fireworks in the Tontitown Municipal Code – Angie
- E. Discussion of a Resolution authorizing the Mayor to negotiate and enter into an agreement to see approximately 3,400 square feet of property owned by the City of Tontitown, Arkansas – Angie

- 11. Comments from Council Members
- 12. Comments from Mayor
- 13. Comments from Attorney
- 14. Adjournment

Committee of the Whole
July 18, 2023
Agenda

The Tontitown Committee of the Whole meeting is scheduled for Tuesday, July 18, 2023, at 6:00 pm at the Tontitown City Hall, Tontitown, Arkansas and is open to the public via YouTube live stream at <https://www.youtube.com/watch?v=95813388>

Meeting for 6:00 PM on July 18, 2023 or join by phone at +1 (817) 624-6739. When prompted, dial 100 8764 6739. If you do not have a YouTube account, please call 100 8764 6739.

If you wish to watch Online without interacting, you can stream the meeting online via YouTube from the YouTube Channel:

• by PC: <https://www.youtube.com/watch?v=95813388> or Android: <https://www.youtube.com/watch?v=95813388> or iOS: <https://www.youtube.com/watch?v=95813388>

1. Opening Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of July 18, 2023 COM Minutes
6. Monthly Financials
7. Comments from Citizens
8. Department Reports
 - a) Finance Department – Chief Deputy, Tontitown
 - b) Fire Department – Station Chief, Tontitown Fire Station
 - c) Police Department – Station Chief, Tontitown Police
 - d) New Tontitown Station – Station Chief
 - e) Planning Department – Planning
 - f) Tontitown Municipal Board – Mayor, Tontitown
9. Old Business
 - A. Discussion of an Ordinance establishing standards for fireworks sold in the City of Tontitown, Arkansas, including an emergency and for other purposes – Angie
10. New Business
 - A. Acknowledgment of the City of Tontitown Police and Sheriff's Office – Angie
 - B. Discussion of an Ordinance to amend chapter 110 General Licensing Provisions in the Tontitown Municipal Code, including emergency and for other purposes – Angie
 - C. Discussion of the City of Tontitown Police Department entering into a contract with the Tontitown Police Department for "see to use" on a new badge design with law enforcement officials and a grant – Tontitown

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



Ward 1 Position 1—Gene McCartney
Ward 1 Position 2— Amber Ibarra
Ward 2 Position 1—Arthur Penzo
Ward 2 Position 2—Larry Ardemagni
Ward 3 Position 1—Penny Baskin
Ward 3 Position 2—Tim Burress

Committee of The Whole

June 23, 2022

Minutes

The Tontitown Committee of the Whole meeting is scheduled for **Thursday June 23, 2022, at 6:00 p.m. at the Tontitown City Hall, Tontitown, Arkansas and via Zoom and YouTube visit** Error! Hyperlink reference not valid.

Meeting ID: **950 9701 6958** or join by phone at +1 (312) 626-6799. When prompted for Meeting ID: **950 9701 6958#**

If you do not have a Participant Number: press #

If you wish to watch Online without interactively participating, you can stream the meeting online via YouTube, from our YouTube Channel:

- By PC, Mac, iOS (iPhone), or Android: Navigate to the “Tontitown City Hall” channel:

<https://www.youtube.com/channel/UClbUv481CeNFF2JNwoOsrNQ>

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1. Meeting Call to Order
 2. Roll Call
All in attendance
 3. Pledge of Allegiance
 4. Approval of Agenda
Gene McCartney asked that the cell tower discussion be moved to the next Committee of the Whole meeting so that the City Attorney can be present.

Larry Ardemagni motioned to approve
Second by Arthur Penzo
Motion passes unanimously
 5. Approval of **May 17, 2022** COW Minutes
Penny Baskin motioned to approve
Second by Amber Ibarra
Motion Passes Unanimously
 6. Monthly Financials
Reference the city website for detailed report
 7. Comments from Citizens- None
 8. Department Reports
 - a) **Police Department – Chief Corey Jenison**
Tontitown Police Monthly Report
Month: May 2022
Calls for Service – 797

Accident Reports – 25
Warrants Served – 91
Warrants Outstanding - 1045
Warrants Amount - \$ 1,444,887.50
Training Hours (YTD) - 528
Citation Total - 257
Speeding Citations - 9
(Other) Traffic Citations - 129
Criminal Citations – 43
Improper Driving (City Ordinance) - 76
Warning Total - 603
Speeding Warnings – 190
(Other) Traffic Warnings – 413

b) Fire Department—Interim Operations Chief Mark Ramsey

Fire Department Report

May 2022

City Calls 45

Rural Calls 11

Call Type City Rural

EMS 23 6

Fire 1 1

MVA 7 1

False Alarm 6 0

Service Call 3

Total 45 11

Note-Firefighters completed 315.5 hours of training for the month.

Cody Tucker and Fernando Cordova completed Firefighter I and II.

Steven Sporer completed Youth Fire Setter's course in Jacksonville, AR.

May 2022 is up 13 calls compared to May 2021.

Call volume is up by 46 calls year to date (May 31st)

c) Public Works Department – James Clark

Monthly Report June 2022 Public Works Department

STREETS/PARKS:

As promised, North Barrington Road was opened June 15th. The contractor is still working on the Arlington Way culvert crossing. In addition, we had approximately \$35,000 left after making final payment to Fillmore Utilities. We decided to continue clearing and widening the creek channel to the south as far as the funds will allow.

Also on North Barrington, a culvert crossing north of the winery developed a hole in the asphalt. Upon inspection we found that the culvert(s) had collapsed, and water has eroded a void under the pavement. We placed a steel plate over the opening until we could repair properly. I contracted with Action Asphalt to make the emergency repairs and install a new culvert and headwalls. By the time of this meeting, this should be completed.

We were finally able to plant all the trees that were donated to the city. Most of them in the park and a few were used along Bushy Creek to help stabilize the slope along the channel.

Interim Mayor McCartney contracted with Charles Ward to assist with the clean-up of flooding gravel and debris. Mr. Ward has begun work on this project starting with Reed Valley Road and Steele Road. At this time, he has pulled off to perform clearing of Bushy Creek. Once those funds are depleted, he will return to flood clean up and repairs.

Another small project in the works is the widening and paving of North Ardemagni Road. An estimate from APAC for the dirt work, base and paving was approximately \$150,000. The breakdown was roughly \$60,000 for dirt work and \$90,000 for base and paving. A quote was obtained from Charles Ward for the dirt work portion for less than \$20,000. The plan is to allow Mr. Ward to perform the dirt and rough grading work and then let the paving out to bid.

In addition to the street projects, we have also contracted with a local tree service to trim overhanging limbs on some of our roads. Beginning Monday, June 20th, they will be working on Reed Valley Road. If time allows, they may also work on Steele Road. There will be traffic

control and flaggers, but still be cautious when traveling these roads next week.

WATER/SEWER:

As I mentioned last month, we had to replace a pump and perform some emergency repairs to the Barrington Lift Station. That work was completed, and the station is back in full working order. The next sewer project will be an upgrade to S. Pianalto lift station. Due to the growth south of 412 and west of Klenc Road, the existing pumps, electric service and generator will need to be upsized in order to handle the additional flow. More information to come in the following months.

James presented to the council a quote to purchase a Kubota Skid Steer but will discuss at the next City Council Meeting.

d) **New Build Permit Report – James Clark**

Reference the city website for detailed report

e) **Planning Department – Planning**

The Planning agenda for June 28, 2022 @ 6:00 PM, is available on the city website.

Rocky Clinton with the Tontitown City Planning Commission was asked by council member Tim Burress to come back to the May Committee of the whole Meeting to discuss the Master Street Plan and Future Land Use Map, but Mr. Clinton was unable to attend the May meeting and that is why he is here tonight. Mr. Clinton explained the process and requirements of having a Master Street Plan and Future Land Use Map. The State of Arkansas also requires the city to have a Master Street Plan and Future Land Use Map, and to update every five years. Mr. Clinton also spoke about the responsibilities of the Planning Commission and City Council on this subject. Reference YouTube for details.

f) **Tontitown Museum Board – Beverly Cortiana or Katherine Karras**

Tontitown Historical Museum (THM) Report for the COW Meeting Tuesday, June 21, 2022 The THM Board of Directors met in-person on Monday, June 6th.

1. Tontitown Heritage Day Recap: The main discussion of our meeting was recapping our Tontitown Heritage Day that took place on Saturday, June 4th from 11-1 pm in the Arthur Penzo Pavilion. First, a huge thank you to our sponsors: Centennial Bank, McKee Foods, and Tontitown Winery. We also want to thank: Danielle DeLille for her wonderful help as The Tontitown Market partner; Fire Department crew Mark Ramsey and Todd Witzigman for their help with tables and chairs; Araiza Bakery, Mama Z's Café, and Village Inn for donating beautiful baked goods for our auction; Michael Pianalto for providing awesome music; and Schari Montez at Ranalli Farms Produce for their delicious cookies. We were blessed with amazing team support for a successful event and great weather. Everyone had a super time!

2. Thank you: We would like to thank City Council Member Penny Baskin for joining our June Board Meeting. We hope this is the start of a deeper partnership with our City Council members as our city continues to grow. City Council members are always welcome to join our monthly meetings.

3. Visitors: We had 13 visitors in May and 45 on the day of our Tontitown Heritage Day. This is a significant increase from previous events.

4. Board Member Resignation: Our President, Katherine Karras, is resigning as President as she has accepted a new job in Colorado. June was her last board meeting with us. We are very sad to see her leave, yet excited for her new career opportunity. We are deeply grateful to Katherine for her many contributions to the Museum. Starting July 1st, Misty Piazza will take over as President and Jennifer De Martino will be Vice President. No other changes to our board at this time.

5. Upcoming Event: The 123rd Tontitown Grape Festival is August 2nd – 6th. The museum will have extended open hours during the festival, and we invite everyone to visit.

Regular Museum Hours: Friday, Saturday, and Sunday 1pm – 4pm Due to the July 4th holiday, the next THM Board of Directors meeting is scheduled for Monday, July 11, 2022, at 6pm in City Hall.

9. Old Business:

A. **Discussion of a resolution approving a change order for architectural and design services to the fire station project within the city of Tontitown, Arkansas – Gene**

Larry Ardemagni motioned to approve and move to the following special meeting

Second by Penny Baskin

Motion Passes Unanimously

- B. Discussion of the Verizon Wireless Tower – Gene
This Item was Tabled until the next Committee of the Whole.

10. New Business:

- A. Discussion of a resolution to authorize a change order 001 and the appropriation of additional funds for the State Aid Street Project within the City of Tontitown, Arkansas – James
Amber Ibarra motioned to approve and move to the following special meeting.
Second by Arthur Penzo

Motion Passes Unanimously

- 11. Comments from Council Members- None
- 12. Comments from Mayor- None
- 13. Comments from Attorney
- 14. Adjournment- Penny Baskin motioned to adjourn All in Favor



City of Tontitown
Financial Snapshot
June 30, 2022

Balance Sheet	2022	2021	\$ Change from Previous Year
833 Fire Restricted Fund Balance	\$91,276.58	\$72,658.52	\$18,618.06
988 Police Restricted Fund Balance	\$93,927.26	\$64,437.15	\$29,490.11
UnderCover Drug Fund	\$15,822.46	\$4,459.00	\$11,363.46
City General Fund Balance	\$4,863,780.07	\$4,476,882.35	\$386,897.72
<i>City General Bond Restricted Accts</i>	<i>\$ 5,672,381.43</i>		
Water Sewer Fund Balance	\$6,190,562.85	\$4,152,063.22	\$2,038,499.63
<i>Water Sewer Bond Restricted Accts</i>	<i>\$ 7,840,120.91</i>	<i>\$ 1,332,807.69</i>	
Street Fund Balance	\$425,485.61	\$630,642.60	(\$205,156.99)

Income Expense	2022 Current Month	2022 Year to Date	2021 Budget & % To Budget	2021 Year to Date	Change from Previous Year
833 Fire Restricted Income & Expenses			\$ 15,000		
Income	\$3.75	\$9,257.66	61.72%	\$8,396.16	
Expenses			0.00%		
Net Transfers					
Net Change in Fund Balance	\$3.75	\$9,257.66		\$8,396.16	\$861.50
988 Police Restricted Income & Expenses			\$ 45,000		
Income	\$4,303.94	\$27,930.88	62.07%	\$30,476.17	
Expenses	\$3,359.28	\$18,789.36	41.75%	\$11,326.70	
Net Transfers					
Net Change in Fund Balance	\$944.66	\$9,141.52		\$19,149.47	(\$10,007.95)
City General Income & Expenses			\$ 3,647,700		
Income	\$283,250.02	\$2,486,111.63	68.16%	\$1,915,122.11	
Expenses	\$331,980.54	\$1,922,344.03	52.70%	\$1,648,870.53	
Net Transfers	(\$98,615.27)	(\$138,035.37)		(\$2,960.73)	
Restricted SUT - 2022A&B SUT	\$163,291.43	\$943,100.23			
Net Change in Fund Balance	\$15,945.64	\$1,368,832.46		\$263,290.85	\$1,105,541.61
Operating Income/(Expense)	(\$48,730.52)	\$563,767.60		\$266,251.58	\$297,516.02
Water Sewer Income & Expenses			\$ 3,925,000		
Operating Income	\$374,952.01	\$2,335,959.12	59.51%	\$2,066,132.76	
Operating Expenses	\$274,643.50	\$1,643,068.03	41.86%	\$1,849,667.86	
Restricted SUT - UMB 3/4% Bond	\$0.00	\$0.00		\$172,345.06	
Restricted SUT - F&M 3/4% Bond	\$122,468.56	\$707,325.16		\$524,196.55	
Net Transfers	\$1,723.59	\$2,807,723.91		\$5,613.57	
Net Change in Fund Balance	\$224,500.66	\$4,207,940.16		\$918,620.08	\$3,289,320.08
Net Operating Income/(Expense)	\$100,308.51	\$692,891.09		\$216,464.90	\$476,426.19
Street Income & Expenses			\$ 357,600		
Income	\$52,453.93	\$328,027.47	91.73%	\$230,848.06	
Expenses	\$139,123.42	\$291,749.67	81.59%	\$192,551.53	
Net Transfers					
Net Change in Fund Balance	(\$86,669.49)	\$36,277.80		\$38,296.53	(\$2,019.73)
Operating Income/(Expense)	(\$86,669.49)	\$36,277.80		\$38,296.53	\$0.00

See Attached Detail

Large Monthly Income / Expenses

Admin	Contracts: Hazard Mitigation Expenses	(\$79,752.36)
Fire	Fixed Assets: Midwest Fire	(\$30,263.00)
Sewer	Capitol Const Mgmt	(19,800.00)
Street	Apac Central-Fletcher Road	(20,594.37)
Street	Action Asphalt Sealcoat	(19,710.00)
Street	AR Dept of Trans	(70,627.77)

Act 833 Fund-Fire Restricted
Balance Sheet-Act 833 Fire Restricted
For Period Ending 6/30/2022

	Book Value Jun 2022 Actual	Book Value Jun 2021 Actual
Assets		
Current Assets		
Cash		
7025-833 Fire Fund Restrict-DDA	91,276.58	72,658.52
Total Current Assets	\$91,276.58	\$72,658.52
Total Assets	\$91,276.58	\$72,658.52
Fund Balance		
Accumulated Surplus (Deficit)		
Fund Balance	91,276.58	72,658.52
Total Fund Balance	\$91,276.58	\$72,658.52
Total Liabilities and Equity	\$91,276.58	\$72,658.52

Act 833 Fire

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-
		Jun 2022	Jan 2022		Dec 2022	Date
		Actual	Actual	Dec 2022	Percent of Budget	Jan 2021
						Actual
Revenue & Expenditures						
Revenue						
4552	Act 833 Fund-Fire Restricted		9,236.35	15,000.00	61.58%	8,365.63
4650	Interest Income	3.75	21.31	0.00	0.00%	30.53
	Revenue	\$3.75	\$9,257.66	\$15,000.00		\$8,396.16
	Gross Profit	\$3.75	\$9,257.66	\$15,000.00		\$8,396.16
	Revenue Less Expenditures	\$3.75	\$9,257.66	\$15,000.00		\$8,396.16
Other Expenses						
5998	Transfer Out		0.00	15,000.00	0.00%	
	Other Expenses		\$0.00	\$15,000.00		
	Net Change in Fund Balance	\$3.75	\$9,257.66	\$0.00		\$8,396.16
Fund Balances						
	Beginning Fund Balance	91,272.83	82,018.92	0.00	0.00%	64,262.36
	Net Change in Fund Balance	3.75	9,257.66	0.00	0.00%	8,396.16
	Ending Fund Balance	91,276.58	91,276.58	0.00	0.00%	72,658.52

Report Options

Fund: Act 833 Fund-Fire Restricted

Period: 6/1/2022 to 6/30/2022

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 6/30/2022

	Book Value Jun 2022 Actual	Book Value Jun 2021 Actual
Assets		
Current Assets		
Cash		
7033-988 Police Fund-DDA	93,927.26	64,437.15
Total Current Assets	<u>\$93,927.26</u>	<u>\$64,437.15</u>
Total Assets	<u>\$93,927.26</u>	<u>\$64,437.15</u>
Fund Balance		
Accumulated Surplus (Deficit)		
Fund Balance	93,927.26	64,437.15
Total Fund Balance	<u>\$93,927.26</u>	<u>\$64,437.15</u>
Total Liabilities and Equity	<u>\$93,927.26</u>	<u>\$64,437.15</u>

Act 988 Fund-Police Restricted
Statement of Revenue and Expenditures

Acct		Current Period Jun 2022 Jun 2022 Actual	Year-To-Date Jan 2022 Jun 2022 Actual	Annual Budget Jan 2022 Dec 2022	Jan 2022 Dec 2022 Percent of Budget	Prior Year-To- Date Jan 2021 Jun 2021 Actual
Revenue & Expenditures						
Revenue						
4550	Act 988 Fund-Police Restricted	4,300.00	27,909.08	45,000.00	62.02%	30,454.00
4650	Interest Income	3.94	21.80	0.00	0.00%	22.17
	Revenue	\$4,303.94	\$27,930.88	\$45,000.00		\$30,476.17
	Gross Profit	\$4,303.94	\$27,930.88	\$45,000.00		\$30,476.17
Expenses						
5025	Automobile Expense	3,359.28	18,789.36	25,000.00	75.16%	11,326.70
	Expenses	\$3,359.28	\$18,789.36	\$25,000.00		\$11,326.70
	Revenue Less Expenditures	\$944.66	\$9,141.52	\$20,000.00		\$19,149.47
Other Expenses						
5998	Transfer Out		0.00	20,000.00	0.00%	
	Other Expenses		\$0.00	\$20,000.00		
	Net Change in Fund Balance	\$944.66	\$9,141.52	\$0.00		\$19,149.47
Fund Balances						
	Beginning Fund Balance	92,982.60	84,785.74	0.00	0.00%	45,287.68
	Net Change in Fund Balance	944.66	9,141.52	0.00	0.00%	19,149.47
	Ending Fund Balance	93,927.26	93,927.26	0.00	0.00%	64,437.15

Undercover Drug Fund
Balance Sheet-Undercover Drug Fund
For Period Ending 6/30/2022

	Book Value Jun 2022 Actual	Book Value Jun 2021 Actual
Assets		
Current Assets		
Cash		
6476-Undercover Drug Fund-DDA	15,822.46	4,459.00
Total Current Assets	<u>\$15,822.46</u>	<u>\$4,459.00</u>
Total Assets	<u>\$15,822.46</u>	<u>\$4,459.00</u>
Fund Balance		
Accumulated Surplus (Deficit)		
Fund Balance	15,822.46	4,459.00
Total Fund Balance	<u>\$15,822.46</u>	<u>\$4,459.00</u>
Total Liabilities and Equity	<u>\$15,822.46</u>	<u>\$4,459.00</u>

Undercover Drug Fund
Statement of Revenue and Expenditures

Account Number		Current Period	Year-To-Date	Prior Year-To-	
		Jun 2022	Jan 2022 Annual Budget	Jan 2022	Date
		Jun 2022	Jun 2022	Dec 2022	Jan 2021
		Actual	Actual	Percent of	Jun 2021
		Actual	Dec 2022	Budget	Actual
Revenue & Expenditures					
Revenue					
General Dept					
4020	Miscellaneous Inco	0.00	3,986.08	0.00%	
General Dept Totals		\$0.00	\$3,986.08		
Revenue		\$0.00	\$3,986.08		
Gross Profit		\$0.00	\$3,986.08		
Revenue Less Expenditures		\$0.00	\$3,986.08		
Other Revenue					
Police Dept					
4990	Transfer In	0.00	0.00	0.00%	4,459.00
Police Dept Totals		\$0.00	\$0.00		\$4,459.00
Other Revenue		\$0.00	\$0.00		\$4,459.00
Net Change in Fund Balance		\$0.00	\$3,986.08		\$4,459.00
Fund Balances					
Beginning Fund Bal		15,822.46	11,836.38	0.00%	
Net Change in Fun		0.00	3,986.08	0.00%	4,459.00
Ending Fund Balanc		15,822.46	15,822.46	0.00%	4,459.00

Report Options

Fund: Undercover Drug Fund

Period: 6/1/2022 to 6/30/2022

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 6/30/2022

Account Number		Book Value Jun 2022 Actual	Book Value Jun 2021 Actual
Assets			
Current Assets			
Cash			
1010	0170-City Gen Operating-DDA	565,415.59	471,577.85
1014	2136-City ARPA Fund-GSB-MMS	379,453.63	0.00
1012	7469-City Museum Sav	248,639.35	239,418.31
1004	7598-Parks and Trails Dev MMS	120,433.27	120,283.46
1003	7882-General - MMS	3,549,838.23	3,645,602.73
1035	RC-5961-2022A&B Revenue fund	0.23	0.00
1037	RC-5962-2022A&B Bond Fund	388,757.61	0.00
1045	RC-5964-2022A&B Debt Service	416,902.20	0.00
1046	RC-5965-2022A Fire Constr Fund	4,866,721.39	0.00
	Total Current Assets	\$10,536,161.50	\$4,476,882.35
Other Assets			
Other Assets			
1782	CIP-2022A-SUT-Fire Constr	154,500.00	0.00
	Total Other Assets	\$154,500.00	\$0.00
	Total Assets	\$10,690,661.50	\$4,476,882.35
Liabilities			
Long Term Liabilities			
Long Term Debt			
2610	2022A-SUT-Fire Constr Fund	5,016,702.43	0.00
	Total Long Term Liabilities	\$5,016,702.43	\$0.00
	Total Liabilities	\$5,016,702.43	\$0.00
Fund Balance			
Accumulated Surplus (Deficit)			
3000	Fund Balance	5,673,959.07	4,476,882.35
	Total Fund Balance	\$5,673,959.07	\$4,476,882.35
	Total Liabilities and Equity	\$10,690,661.50	\$4,476,882.35

City of Tontitown
General Fund
Statement of Revenue and Expenditures

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-Date	
	Jun 2022	Jan 2022	Jan 2022	Dec 2022	Jan 2021	
	Jun 2022 Actual	Jun 2022 Actual	Jan 2022 Dec 2022	Percent of Budget	Jun 2021 Actual	
Revenue & Expenditures						
Revenue						
General Dept						
4995	2022A&B Bond Cost of Issue	79,002.08	0.00	0.0%		
4363	Bocce Sponsor & Entry Fee	0.00	500.00	0.0%		
4040	Business License	18,360.00	21,930.00	25,000.00	87.7%	22,065.00
4057	Convenience Fee Income	257.87	1,077.24	1,500.00	71.8%	1,025.30
4086	Farmers Market-Grant & Donati	400.00	1,280.00	0.00	0.0%	1,828.00
4586	Fire Donations		1,000.00	1,000.00	100.0%	1,000.00
4085	Fire-Grant		4,145.82	0.00	0.0%	6,800.00
4000	Franchise Tax Income	5,339.71	203,112.72	200,000.00	101.6%	153,550.06
4081	Grant Income		0.00	72,400.00	0.0%	
4010	Hosting Fees		273,249.66	300,000.00	91.1%	168,885.48
4595	Insurance Claims		3,690.72	0.00	0.0%	26,644.14
4650	Interest Income	505.65	2,651.53	3,000.00	88.4%	4,431.63
4651	Interest Income 2022A&B	3,135.27	5,114.14	0.00	0.0%	
4020	Miscellaneous Income		0.00	500.00	0.0%	265.65
4100	Museum Income	654.00	8,896.00	5,000.00	177.9%	5,003.25
4185	Park and Trail Development		0.00	30,000.00	0.0%	30,000.00
4180	Park Income	230.00	1,385.00	2,500.00	55.4%	2,555.00
4200	Permits-Income	17,308.29	279,884.54	505,000.00	55.4%	275,971.08
4542	Police Donations		6,000.00	6,000.00	100.0%	4,000.00
4080	Police Grant	8,917.40	20,017.07	15,000.00	133.4%	13,402.23
4540	Police Income	30,218.50	153,702.12	300,000.00	51.2%	190,140.82
4560	Property Tax	21,629.95	331,459.45	600,000.00	55.2%	261,860.76
4570	Sales Tax- County SUT	86,170.25	505,471.89	555,000.00	91.1%	308,661.06
4580	Sales Tax-City SUT 2005 Series	85,974.86	553,860.14	992,300.00	55.8%	419,357.22
4645	State Turnback-City & Muni A	4,148.27	29,181.51	33,000.00	88.4%	17,675.43
	General Dept Totals	\$283,250.02	\$2,486,111.63	\$3,647,700.00		\$1,915,122.11
	Revenue	\$283,250.02	\$2,486,111.63	\$3,647,700.00		\$1,915,122.11
	Gross Profit	\$283,250.02	\$2,486,111.63	\$3,647,700.00		\$1,915,122.11
Expenses						
Administration						
5030	Bank Service Charges	255.12	1,097.17	2,000.00	54.9%	1,007.13
5351	Bond Trustee Fees		5,250.00	0.00	0.0%	

City of Tontitown

General Fund

Statement of Revenue and Expenditures

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-Date
	Jun 2022	Jan 2022	Jan 2022	Dec 2022	Jan 2021
	Jun 2022 Actual	Jun 2022 Actual	Jan 2022 Dec 2022	Percent of Budget	Jun 2021 Actual
Revenue & Expenditures					
Expenses					
Building Dept					
5170 Taxes-Construction Surcharge		0.00	0.00	0.0%	1,426.42
5500 Utilities		0.00	0.00	0.0%	680.94
Building Dept Totals		\$0.00	\$0.00		\$63,973.97
Community Dev					
5025 Automobile Expense		854.00	1,500.00	56.9%	
5035 Computer Software & Support	45.00	2,721.36	9,000.00	30.2%	2,921.50
5590 Contracts	751.86	3,759.30	7,500.00	50.1%	1,251.35
5040 Dues and Subscriptions		447.09	12,000.00	3.7%	
5370 Engineering		26,338.56	50,000.00	52.7%	39,388.40
5047 Fuel	406.11	1,825.12	5,000.00	36.5%	
5150 Insurance, Vehicles & Property		0.00	1,000.00	0.0%	
5380 Legal Fees		98.80	1,000.00	9.9%	100.00
5060 Materials and Supplies	2,969.70	4,448.70	5,000.00	89.0%	
5341 Meetings Training and Travel		130.00	5,000.00	2.6%	600.00
5090 Office Expenses	252.27	584.18	3,000.00	19.5%	1,579.27
5630 Payroll w/Benefits	12,072.76	97,456.57	216,000.00	45.1%	38,181.78
5633 Payroll-Municipal Workers		243.30	1,000.00	24.3%	
5634 Payroll-Planning	2,242.65	9,676.50	26,500.00	36.5%	8,848.95
5110 Printing and Reproduction		1,278.18	0.00	0.0%	
5170 Taxes-Construction Surcharge	274.66	4,588.21	7,500.00	61.2%	
5597 Uniform Expense		332.64	1,000.00	33.3%	
5500 Utilities	156.91	1,078.58	2,500.00	43.1%	212.43
Community Dev Totals	\$19,171.92	\$155,861.09	\$354,500.00		\$93,083.68
Fire Dept					
5025 Automobile Expense		654.32	7,000.00	9.3%	5,338.03
5035 Computer Software & Support		2,353.00	3,500.00	67.2%	
5590 Contracts	751.86	3,759.30	5,000.00	75.2%	2,430.15
5592 Contract-TAFD	16,746.66	100,479.96	215,000.00	46.7%	100,479.96
5040 Dues and Subscriptions		456.69	5,500.00	8.3%	1,078.69
5050 Fixed Assets Purchases	30,263.00	80,305.15	50,000.00	160.6%	8,421.00
5047 Fuel	707.31	3,060.74	6,500.00	47.1%	1,777.53
5150 Insurance, Vehicles & Property		0.00	7,500.00	0.0%	

City of Tontitown
General Fund

Statement of Revenue and Expenditures

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-Date
	Jun 2022	Jan 2022	Jan 2022	Dec 2022	Jan 2021
	Jun 2022	Jun 2022	Jan 2022	Percent of	Jun 2021
	Actual	Actual	Dec 2022	Budget	Actual
Revenue & Expenditures					
Expenses					
Park Dept					
5150		0.00	2,500.00	0.0%	
5060	601.46	7,710.05	5,000.00	154.2%	868.46
5340		0.00	1,000.00	0.0%	440.98
5090	113.04	299.67	500.00	59.9%	
5073		0.00	0.00	0.0%	6,800.00
5630	3,035.85	17,451.28	38,500.00	45.3%	13,064.18
5633		480.00	0.00	0.0%	
5420		0.00	10,000.00	0.0%	8,314.15
5500	354.62	1,738.85	4,000.00	43.5%	1,814.56
Park Dept Totals	\$7,193.38	\$34,251.60	\$133,000.00		\$45,132.67
Police Dept					
5020		(180.00)	0.00	0.0%	
5025	10,451.82	54,888.98	55,000.00	99.8%	32,113.66
5281		1,746.00	0.00	0.0%	
5035		1,811.75	5,000.00	36.2%	3,650.89
5590	1,565.46	7,827.30	25,000.00	31.3%	11,782.24
5027		65,770.69	45,000.00	146.2%	22,935.70
5040	1,038.40	7,872.91	25,000.00	31.5%	9,189.47
5050		74,210.00	200,000.00	37.1%	94,144.00
5047	7,290.85	35,326.73	55,000.00	64.2%	24,081.72
5150		1,949.65	10,000.00	19.5%	1,472.04
5380	1,400.00	8,200.00	15,000.00	54.7%	7,200.00
5060	1,140.55	6,443.42	10,000.00	64.4%	5,610.35
5341	1,062.05	3,342.29	8,000.00	41.8%	1,426.70
5090	559.20	3,200.26	3,500.00	91.4%	1,316.27
5630	76,856.88	494,604.07	1,120,000.00	44.2%	344,088.44
5633		8,340.64	15,000.00	55.6%	6,557.44
5350		1,001.00	0.00	0.0%	
5420		2,978.36	0.00	0.0%	270.00
5597	990.22	15,052.07	20,000.00	75.3%	6,237.04
5500	2,167.16	12,388.20	25,000.00	49.6%	7,865.75
5562		0.00	12,000.00	0.0%	4,555.20

City of Tontitown

Balance Sheet - Water/Sewer Fund

For Period Ending 6/30/2022

	Acct #	Acct	Book Value Jun 2022 Actual	Book Value Jun 2021 Actual
Assets				
Current Assets				
	1050	0605-Water Meter Deposit-DDA		
	1040	0613-Water Depreciation-MMS	128,110.99	111,372.74
	1030	0621-W&S Tap-Cap Impr-MMS	387,913.82	348,734.11
	1081	1081 Cash in Transit-SoftWater	1,174,137.18	626,974.58
	1080	5484-Water Oper Fund-DDA	1,793.13	552.70
	1070	5492-W/S Excess Funds DDA+	708,731.36	328,509.79
	1095	7122-Water NACA Restricted-DDA	3,428,978.68	2,375,470.51
	1021	RC-141831.1-UMB-Principal Acct	360,897.69	360,448.79
	1022	RC-141831.2-UMB-Reserve Acct	0.00	172,568.24
	1023	RC-141831.4-UMB-Bond Acct	0.00	171,494.82
	1024	RC-141831.6-UMB Interest Acct	0.00	15,750.00
	1027	RC-5698-Regions Bond Fund	0.00	28,459.84
	1048	RC-5966-2022B Water Constr Fun	1,830.34	2,328.03
	1049	RC-5967-2022B Sewer Constructi	3,356,437.06	0.00
	1044	RC-6521-Grand Savings MMS	3,355,841.21	0.00
	1028	RC-8513-3-01-F&M AR SUT Bd Fd	202,500.32	202,153.34
	1029	RC-8514-3-01-F&M-AR Debt Serv	709,523.18	526,135.75
		Total Current Assets	\$14,030,683.76	\$5,484,870.91
Fixed Assets				
	1510	GIS System	284,099.11	284,099.11
	1520	Vehicles	135,479.75	135,479.75
	1800	Accumulated Depreciation	(6,149,112.66)	(6,149,112.66)
		Total Fixed Assets	(\$5,729,533.80)	(\$5,729,533.80)
Other Assets				
	1200	Accounts Receivable	207,294.14	207,294.14
	1581	Buildings & Improvements	572,604.18	572,604.18
	1783	CIP-2022B-SUT Water Constr	735,005.99	0.00
	1784	CIP-2022B-Sut-Sewer Constr	829,905.28	0.00
	1762	CIP-412 Bypass Sewerline	(393,938.00)	(393,938.00)
	1767	CIP-Water Tank	84,054.82	84,054.82
	1400	Inventory	66,789.29	66,789.29
	1505	Land	66,789.29	66,789.29
	1530	Machinery & Equipment	361,913.73	361,913.73
	1534	Machinery & Equipment	(27,348.72)	(27,348.72)
	1515	Office Furniture & Equipment	336,925.19	336,925.19
	1300	Prepaid Expenses	64,648.57	64,648.57
	1150	Sales Tax Receivable	11,861.10	11,861.10
	1600	Water & Sewer Systems	240,220.85	240,220.85
		Total Other Assets	\$29,448,173.04	\$27,883,261.77
		Total Assets	\$37,749,323.00	\$27,638,598.88
Liabilities				
Current Liabilities				
	2000	Accounts Payable	88,972.77	88,972.77
	2410	Accrued Bond Interest Payable	73,993.66	73,993.66
	2089	Arkansas Health Fee Payable	6,886.31	6,436.20
	2045	Franchise Tax Payable	866.88	559.88
	2490	Meter Deposits	134,950.53	108,250.90
	2040	Sales Tax Payable	248.22	(4,969.34)

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

Acct		Current Period	Year-To-Date	Annual Budget Jan 2022 Dec 2022	Jan 2022	Prior Year-To-
		Jun 2022	Jan 2022		Dec 2022	Date
		Jun 2022 Actual	Jun 2022 Actual		Percent of Budget	Jan 2021 Jun 2021 Actual
Revenue & Expenditures						
Revenue						
Sewer Dept						
Revenue						
4650	Interest Income		8.86	0.00	0.0%	40.62
4651	Interest Income 2022A&B	1,866.16	3,222.78	0.00	0.0%	
4591	Sales Tax-1999 Umb Excess		0.00	433,000.00	0.0%	526,583.66
4051	Sewer Sales	74,923.29	401,104.09	760,000.00	52.8%	341,778.40
4069	Sewer Tapping Fees		82,150.00	200,000.00	41.1%	45,000.00
4032	Waste Management Sewer		132,321.06	275,000.00	48.1%	138,739.62
	Total Revenue	\$76,789.45	\$618,806.79	\$1,668,000.00		\$1,052,142.30
	Sewer Dept Totals	\$76,789.45	\$618,806.79	\$1,668,000.00		\$1,052,142.30
Solid Waste Dept						
Revenue						
4053	Billing & Meter Fee Income	931.68	5,560.06	7,500.00	74.1%	5,076.76
4055	Recycling Fee Income	1,237.45	7,566.13	12,500.00	60.5%	6,648.25
4031	Sanitation SW Billing	20,673.36	122,284.55	275,000.00	44.5%	108,381.86
4056	Yellow Bag Sales	307.26	1,712.12	0.00	0.0%	1,740.14
	Total Revenue	\$23,149.75	\$137,122.86	\$295,000.00		\$121,847.01
	Solid Waste Dept Totals	\$23,149.75	\$137,122.86	\$295,000.00		\$121,847.01
Water Dept						
Revenue						
4053	Billing & Meter Fee Income	3,175.68	18,725.95	30,000.00	62.4%	17,311.55
4057	Convenience Fee Income	200.88	1,109.37	3,000.00	37.0%	1,706.84
4595	Insurance Claims	3,051.06	3,051.06	0.00	0.0%	
4650	Interest Income	732.42	3,266.78	7,500.00	43.6%	5,364.16
4651	Interest Income 2022A&B	1,986.48	3,362.26	0.00	0.0%	
4052	Late Fee Income	2,352.43	8,552.67	25,000.00	34.2%	16,690.91
4020	Miscellaneous Income		362.96	500.00	72.6%	
4060	Overpayment of Water Sales	2,893.42	21,350.19	35,000.00	61.0%	21,057.92
4058	Reconnection Fee	68.34	325.11	2,000.00	16.3%	1,068.06
4299	Returned Checks Fees	93.00	583.61	1,000.00	58.4%	477.50
4594	Sales Tax-2022A&B Excess	98,615.27	555,043.27	0.00	0.0%	
4580	Sales Tax-City SUT 2005 Series	57,987.43	291,930.07	458,000.00	63.7%	209,678.62

City of Tontitown

Water / Sewer Fund

Statement of Revenue and Expenditures

Acct	Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-
	Jun 2022	Jan 2022		Dec 2022	Date
	Jun 2022	Jun 2022	Jan 2022	Percent of	Jun 2021
	Actual	Actual	Dec 2022	Budget	Actual
Revenue & Expenditures					
Expenses					
Sewer Dept					
Other Expense					
5110	Printing and Reproduction		0.00	1,000.00	0.0%
5350	Professional Fees	22.50	934.50	10,000.00	9.3%
5202	Scada		3,864.46	10,000.00	38.6%
5011	Sewer Service Purchase	88,652.59	574,071.06	1,000,000.00	57.4%
5287	Sewer System Construction		0.00	0.00	0.0%
5283	Sewer System Repairs	28,898.06	29,698.06	50,000.00	59.4%
5530	Tools and Equipment	35.36	660.27	2,500.00	26.4%
5597	Uniform Expense	411.95	1,048.44	1,500.00	69.9%
5500	Utilities	4,935.63	15,052.44	30,000.00	50.2%
5536	Water and Sewer Billing	3,000.00	7,083.00	9,000.00	78.7%
	Total Other Expense	\$141,237.74	\$867,999.14	\$1,811,000.00	\$891,383.88
	Sewer Dept Totals	\$141,237.74	\$867,999.14	\$1,811,000.00	\$891,383.88
Solid Waste Dept					
Other Expense					
5040	Dues and Subscriptions	537.63	1,612.89	1,500.00	107.5%
5012	Sanitation Expense-W/mgmt	24,010.00	143,315.28	275,000.00	52.1%
5675	Yellow Bag Purchases		1,848.00	2,500.00	73.9%
	Total Other Expense	\$24,547.63	\$146,776.17	\$279,000.00	\$120,518.18
	Solid Waste Dept Totals	\$24,547.63	\$146,776.17	\$279,000.00	\$120,518.18
Water Dept					
Other Expense					
5022	Audit Expense		2,500.00	4,500.00	55.6%
5025	Automobile Expense	667.58	2,157.40	2,500.00	86.3%
5030	Bank Service Charges	450.72	1,350.14	3,000.00	45.0%
5201	Bond Expense-Grand Savings B		12,060.82	55,000.00	21.9%
5199	Bond Expense-Regions	9,670.00	10,170.00	20,000.00	50.9%
5200	Bond Interest Expense-R&M		97,484.40	200,000.00	48.7%
5351	Bond Trustee Fees		2,280.50	6,000.00	38.0%
5281	Building Repairs		0.00	2,500.00	0.0%
5035	Computer Software & Support	312.00	312.00	2,500.00	12.5%
					150.68

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

Acct	Current Period Jun 2022 Jun 2022 Actual	Year-To-Date Jan 2022 Jun 2022 Actual	Annual Budget Jan 2022 Dec 2022	Jan 2022 Dec 2022 Percent of Budget	Prior Year-To- Date Jan 2021 Jun 2021 Actual
Revenue & Expenditures					
Expenses	\$274,643.50	\$1,643,068.03	\$3,925,000.00		\$1,849,667.86
Revenue Less Expenditures	\$100,308.51	\$692,891.09	\$0.00		\$216,464.90
Other Revenue					
Sewer Dept					
Transfer Revenue					
4990 Transfer In		2,800,516.19	0.00	0.0%	
Total Transfer Revenue		\$2,800,516.19	\$0.00		
Extraordinary Income					
4593 Sales Tax-1999 UMB 3/4% Rest		0.00	0.00	0.0%	172,345.06
Total Extraordinary Income		\$0.00	\$0.00		\$172,345.06
Sewer Dept Totals		\$2,800,516.19	\$0.00		\$172,345.06
Water Dept					
Transfer Revenue					
4990 Transfer In	6,211.80	332,721.13	0.00	0.0%	229,316.19
Total Transfer Revenue	\$6,211.80	\$332,721.13	\$0.00		\$229,316.19
Extraordinary Income					
4588 Sales Tax-2017-F & M Restrict	122,468.56	707,325.16	0.00	0.0%	524,196.55
Total Extraordinary Income	\$122,468.56	\$707,325.16	\$0.00		\$524,196.55
Water Dept Totals	\$128,680.36	\$1,040,046.29	\$0.00		\$753,512.74
Other Revenue	\$128,680.36	\$3,840,562.48	\$0.00		\$925,857.80
Other Expenses					
Water Dept					
Transfer Expense					
5998 Transfer Out	4,488.21	325,513.41	0.00	0.0%	223,702.62
Total Transfer Expense	\$4,488.21	\$325,513.41	\$0.00		\$223,702.62
Water Dept Totals	\$4,488.21	\$325,513.41	\$0.00		\$223,702.62
Other Expenses	\$4,488.21	\$325,513.41	\$0.00		\$223,702.62
Net Change in Fund Balance	\$224,500.66	\$4,207,940.16	\$0.00		\$918,620.08
Fund Balances					
Beginning Fund Balance	21,175,829.89	17,130,571.95	0.00	0.0%	14,746,933.35
Net Change in Fund Balance	224,500.66	4,207,940.16	0.00	0.0%	918,620.08

City of Tontitown Balance Sheet - Street Fund For Period Ending 6/30/2022

	Account Number		Book Value Jun 2022 Actual	Book Value Jun 2021 Actual
Assets				
Current Assets				
Cash				
	1020	0188-Street Fund Operating-DDA	357,340.23	262,626.36
	1131	6041-Street Excess Funds-DDA	68,145.38	368,016.24
		Total Current Assets	\$425,485.61	\$630,642.60
		Total Assets	\$425,485.61	\$630,642.60
Fund Balance				
Accumulated Surplus (Deficit)				
	3000	Fund Balance	425,485.61	630,642.60
		Total Fund Balance	\$425,485.61	\$630,642.60
		Total Liabilities and Equity	\$425,485.61	\$630,642.60

City of Tontitown
Street Fund
Statement of Revenue and Expenditures

Acct		Current Period	Year-To-Date	Annual Budget	Jan 2022	Prior Year-To-
		Jun 2022	Jan 2022	Jan 2022	Dec 2022	Date
		Actual	Actual	Dec 2022	Percent of Budget	Jan 2021 Actual
Revenue & Expenditures						
Revenue						
4650	Interest Income	25.00	130.88	500.00	26.2%	508.64
4200	Permits-Income			0.00	0.0%	20,000.00
4560	Property Tax	3,399.92	52,236.88	75,000.00	69.6%	40,545.02
4580	Sales Tax-City SUT 2005 Series	19,329.14	97,310.02	140,000.00	69.5%	69,892.88
4645	State Turnback-City & Muni A	29,699.87	178,349.69	142,100.00	125.5%	99,901.52
	Revenue	\$52,453.93	\$328,027.47	\$357,600.00		\$230,848.06
	Gross Profit	\$52,453.93	\$328,027.47	\$357,600.00		\$230,848.06
Expenses						
5025	Automobile Expense		2,897.83	2,500.00	115.9%	984.26
5030	Bank Service Charges			0.00	0.0%	29.00
5590	Contracts	101.70	508.50	1,500.00	33.9%	589.41
5040	Dues and Subscriptions	168.61	500.86	2,500.00	20.0%	1,273.63
5370	Engineering		53,309.25	25,000.00	213.2%	8,200.00
5470	Equipment Repairs	742.43	4,964.15	15,000.00	33.1%	2,903.37
5050	Fixed Assets Purchases		11,469.77	100,000.00	11.5%	4,247.26
5052	Fletcher Road Project	20,594.37	32,505.03	0.00	0.0%	98,431.52
5047	Fuel	1,323.46	4,933.66	5,000.00	98.7%	2,143.33
5150	Insurance, Vehicles & Property			5,000.00	0.0%	
5380	Legal Fees			1,000.00	0.0%	
5060	Materials and Supplies	5,878.48	11,817.43	20,000.00	59.1%	10,339.00
5090	Office Expenses	21.50	21.50	100.00	21.5%	26.95
5630	Payroll w/Benefits	7,428.82	34,075.45	58,000.00	58.8%	23,610.53
5633	Payroll-Municipal Workers		522.89	2,000.00	26.1%	1,116.16
5420	Repairs & Maintenance	27,510.00	29,523.16	10,000.00	295.2%	4,003.10
5461	Street Improvements	71,727.77	77,819.49	60,000.00	129.7%	12,000.00
5462	Street Signage	808.85	11,545.60	20,000.00	57.7%	8,523.38
5597	Uniform Expense		114.99	0.00	0.0%	
5500	Utilities	2,817.43	15,220.11	30,000.00	50.7%	14,130.63
	Expenses	\$139,123.42	\$291,749.67	\$357,600.00		\$192,551.53
	Revenue Less Expenditures	(\$86,669.49)	\$36,277.80	\$0.00		\$38,296.53
	Net Change in Fund Balance	(\$86,669.49)	\$36,277.80	\$0.00		\$38,296.53
Fund Balances						
	Beginning Fund Balance	512,155.10	389,207.81	0.00	0.0%	592,346.07
	Net Change in Fund Balance	(86,669.49)	36,277.80	0.00	0.0%	38,296.53
	Ending Fund Balance	425,485.61	425,485.61	0.00	0.0%	630,642.60



Tontitown Police Monthly Report

Month: June 2022

Calls for Service – 805

Accident Reports – 18

Warrants Served – 85

Warrants Outstanding - 1033

Warrants Amount - \$ 1,388,269.50

Training Hours (YTD) - 580

Citation Total - 276

Speeding Citations - 11

(Other) Traffic Citations - 143

Criminal Citations – 46

Improper Driving (City Ordinance) - 76

Warning Total - 343

Speeding Warnings – 179

(Other) Traffic Warnings – 164

	Citation	Warning	Warrant
ACCOMPLICES	1	0	0
CARELESS AND PROHIBITED DRIVING	1	4	0
CHECKED ON WELFARE OF MOTORIST	0	0	0
CITY OF TONTITOWN - IMPROPER DRIVING	76	5	0
CITY OF TONTITOWN - VIOLATION OF REGULATION: MAX WEIGHT LIMIT ON CITY ROADWAY/ LAND FILL TRAFFIC	1	0	0
CONTEMPT OF COURT	0	0	1
CONTEMPT OF COURT FOR FAILURE TO PAY FINES (FTP)	0	0	15
DRIVER OF MOTOR VEHICLE FAILURE TO REGISTER 1ST OFFENSE	12	9	0
DRIVING DWI SUSPENDED LICENSE	2	0	0
DRIVING LEFT OF CENTER	2	6	0
DRIVING ON SUSPENDED LICENSE	26	1	0
DRIVING VEHICLE IMPROPER WINDOW TINTING	1	0	0
DRIVING VEHICLE WITHOUT TAGS	0	1	0
DRIVING WHILE INTOXICATED - DWI 1ST	5	0	0
FAIL PRESENT DRIVER LICENSE	0	1	0
FAIL TO APPEAR ON CLASS A MISDEMEANOR (FTA)	0	0	12
FAIL TO APPEAR ON CLASS B MISDEMEANOR (FTA)	0	0	39
FAIL TO APPEAR ON CLASS C MISDEMEANOR (FTA)	0	0	9
FAIL TO APPEAR ON VIOLATION (FTA)	0	0	6
FAIL TO OBEY STOP SIGN	0	6	0
FAIL TO OBEY TRAFFIC CONTROL DEVICE	0	2	0
FAIL TO PAY FINE OR COSTS (FTP/TP)	0	0	3
FAIL TO PRESENT PROOF OF INSURANCE (NO PROOF)	2	6	0
FAIL TO STOP AT RED LIGHT	1	1	0
FAIL TO STOP OR YIELD	1	2	0
FAIL TO TRANSFER TO AR DRIVERS LICENSE	0	1	0
FAIL TO YIELD RIGHT OF WAY	1	1	0
FAIL TO YIELD TO EMERGENCY VEHICLE	0	2	0
FICTITIOUS LICENSE STICKER	1	0	0
FICTITIOUS TAGS	3	3	0
FLEEING - ON FOOT	3	0	0
FLEEING - VEHICLE OR CONVEYANCE	1	0	0
FOLLOWING TOO CLOSELY	0	5	0
ILLEGAL DISPOSAL OF SOLID WASTE	1	0	0
IMPEDING TRAFFIC - DRIVING CONTINUOUSLY IN LEFT LANE	0	6	0

IMPLIED CONSENT	1	0	0
IMPROPER LANE CHANGE/USAGE	1	6	0
IMPROPER MUFFLER OR EXHAUST	1	0	0
IMPROPER TURN SIGNAL	0	3	0
IMPROPER USE OF CENTER LEFT-TURN LANES	0	1	0
MISDEMEANOR CRIMINAL TRESPASS	3	0	0
MOTORCYCLE - RIDING WITHOUT OPERATORS LICENSE	1	0	0
NO CHILD PASSENGER RESTRAINT	3	1	0
NO DRIVER LICENSE OR LICENSE EXPIRED	24	4	0
NO LIABILITY INSURANCE	22	2	0
NO LIABILITY INSURANCE 2ND	2	0	0
NO SEATBELT	3	2	0
OBSTRUCTING GOVERNMENTAL OPERATIONS	2	0	0
OFFENSES INVOLVING A MOTOR VEHICLE EQUIPPED WITH AN IGNITION INTERLOCK DEVICE.	2	0	0
OPEN CONTAINER CONTAINING ALCOHOL IN MOTOR VEHICLE	3	1	0
OWNER FAIL TO REGISTER VEHICLE - EXPIRED TAGS	25	49	0
OWNER FAIL TO REGISTER VEHICLE 2ND - EXPIRED TAGS	2	0	0
PASSING AUTHORIZED VEHICLE STOPPED ON HIGHWAY	1	1	0
POSSESS CONTROLLED SUBSTANCE SCHED VI < 4 OZ	5	2	0
POSSESS DRUG PARAPHERNALIA	5	1	0
POSSESS DRUG PARAPHERNALIA METH COCAINE	2	0	0
POSSESS INSTRUMENT OF CRIME	3	0	0
PUBLIC INTOXICATION	2	0	0
PURCHASE OR POSSESSION OF ALCOHOL BY MINOR	2	0	0
RECKLESS DRIVING	2	0	0
REFUSAL TO SUBMIT TO CHEMICAL TEST	2	0	0
RESISTING ARREST	2	0	0
SPEEDING - 1 TO 15 MPH OVER LIMIT	1	0	0
SPEEDING - MORE THAN 15 MPH OVER LIMIT	5	130	0
THEFT OF SCRAP METAL	6	49	0
UNLOCK VEHICLE	2	0	0
UNSAFE VEHICLE	0	0	0
USE WIRELESS PHONE FOR INTERACTIVE COMMUNICATION WHILE DRIVING 1ST OFFENSE	0	1	0
USE WIRELESS PHONE FOR INTERACTIVE COMMUNICATION WHILE DRIVING INVOLVING COLLISION OR ACCIDENT	2	2	0
VEH LIGHTS - DEFECTIVE/IMPROPER HEAD LAMPS	0	1	0
VEH LIGHTS - DEFECTIVE/IMPROPER SIGNAL LAMPS AND SIGNAL DEVICES	0	4	0
	0	2	0



Department of Transportation
Traffic Safety
Annual Report

Fire Department Report
June 2022

VEH LIGHTS - DEFECTIVE/IMPROPER TAIL LAMPS AND REFLECTORS	0	16	0
VEH LIGHTS - MULTIPLE-BEAM ROAD LIGHTING EQUIPMENT	0	1	0
VEH LIGHTS - NUMBER OF DRIVING LAMPS REQ OR PERM	0	1	0
VIOLATION OF DRIVERS LICENSE RESTRICTIONS	0	1	0
Totals	276	343	85

Code	Count	Description
101	1	...
102	2	...
103	3	...
104	4	...
105	5	...
106	6	...
107	7	...
108	8	...
109	9	...
110	10	...
111	11	...
112	12	...
113	13	...
114	14	...
115	15	...
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170	70	...
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172	72	...
173	73	...
174	74	...
175	75	...
176	76	...
177	77	...
178	78	...
179	79	...
180	80	...
181	81	...
182	82	...
183	83	...
184	84	...
185	85	...



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

Fire Department Report

June 2022

City Calls 39
Rural Calls 12

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

Firefighters completed 296 hours of training for the month.

Firefighter Cody Tucker was hired part-time.

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

Honored the retirement of Operations Chief Todd Witzigman.

Volunteer Brandon Carmean completed a Wildland and First Responder class.

STREETS/PARKS:

Beginning Monday, July 18th, our tree trimming contractor will complete trimming on Reed Valley Road. After finishing at that site, they will move to South Barrington Rd. I ask again, please be considerate of workers in the road. Not just the tree trimming contractor, but our own water, sewer and street crews as well.

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

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

WATER/SEWER:

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

Tontitown Building Activity Report

Commercial Valuation				
	2022 Project Valuation	2021 Project Valuation	2020 Project Valuation	2019 Project Valuation
January	\$1,576,430	\$821,133	\$7,584,609	\$709,061
February	\$5,305,753	\$0	\$2,266,105	\$1,394,019
March	\$364,084	\$1,497,008	\$335,300	\$84,087
April	\$1,678,371	\$308,019	\$568,376	\$309,900
May	\$578,233	\$1,433,803	\$6,624,879	\$341,970
June	\$265,300	\$501,074	\$14,201,590	\$4,183,488
July		\$30,725	\$95,340	\$13,770,131
August		\$888,031	\$313,000	\$15,157,189
September		\$2,574,086	\$149,658	\$662,540
October		\$385,818	\$2,666,997	\$194,393
November		\$803,371	\$16,836,388	\$18,648,023
December		\$156,525	\$1,273,741	\$2,993,436
	\$9,788,171	\$9,399,593	\$52,915,983	\$58,448,237

Commercial Building Fees			
2022 Project Fee's Assessed	2021 Project Fee's Assessed	2020 Project Fee's Assessed	2019 Project Fee's Assessed
\$10,145	\$7,464	\$38,946	\$2,010
\$26,381	\$0	\$5,789	\$7,347
\$3,167	\$6,484	\$159	\$582
\$7,952	\$146	\$270	\$1,367
\$4,219	\$7,846	\$28,832	\$1,492
\$669	\$2,776	\$72,815	\$20,567
	\$258	\$45	\$62,286
	\$5,769	\$149	\$67,534
	\$16,440	\$520	\$913
	\$3,086	\$11,653	\$188
	\$5,200	\$57,956	\$97,171
	\$1,053	\$605	\$17,765
	\$52,533	\$56,522	\$217,738
			\$279,220

Comm Permits			
2022 #	2021 #	2020 #	2019 #
14	19	17	9
11	2	27	8
15	6	37	5
5	4	1	8
9	4	8	12
5	8	17	13
	5	5	27
	14	31	24
	21	6	15
	12	28	8
	9	20	47
	7	8	13
	59	111	205
			189

Residential Valuation				
	2022 Project Valuation	2021 Project Valuation	2020 Project Valuation	2019 Project Valuation
January	\$ 9,939,770	\$5,268,259	\$4,330,252	\$7,740,335
February	\$ 3,514,598	\$3,645,436	\$7,957,844	\$4,157,828
March	\$ 18,796,721	\$3,398,038	\$5,759,277	\$2,104,429
April	\$ 1,702,348	\$1,604,230	\$5,526,538	\$5,484,374
May	\$ 2,455,736	\$1,736,855	\$3,580,573	\$5,468,299
June	\$ 1,148,628	\$6,506,465	\$6,455,457	\$2,135,045
July		\$13,210,249	\$1,957,513	\$5,791,925
August		\$18,012,805	\$4,726,713	\$3,471,862
September		\$454,469	\$3,225,987	\$5,310,847
October		\$1,516,140	\$5,309,643	\$6,462,115
November		\$9,651,548	\$1,323,769	\$3,171,760
December		\$1,625,040	\$1,791,330	\$2,488,917
	\$37,557,801	\$66,629,536	\$51,944,896	\$53,767,537

Residential Building Fees			
2022 Project Fee's Assessed	2021 Project Fee's Assessed	2020 Project Fee's Assessed	2019 Project Fee's Assessed
\$43,415	\$22,577	\$18,699	\$32,137
\$14,436	\$14,785	\$32,996	\$17,056
\$79,283	\$14,552	\$23,461	\$8,778
\$6,864	\$6,872	\$23,579	\$22,597
\$10,169	\$7,104	\$15,896	\$21,981
\$7,823	\$27,157	\$27,674	\$8,911
	\$56,643	\$8,864	\$23,896
	\$78,249	\$19,629	\$14,115
	\$2,404	\$14,275	\$21,114
	\$7,342	\$22,913	\$26,259
	\$41,376	\$5,623	\$12,967
	\$67,647	\$9,270	\$10,223
	\$162,090	\$346,709	\$222,878
			\$219,834

Resi Permits			
2022 #	2021 #	2020 #	2019 #
37	20	19	32
15	51	30	16
84	12	18	10
11	12	23	24
12	9	17	20
7	28	34	13
	56	14	12
	83	20	13
	9	14	19
	10	30	23
	41	6	11
	58	11	10
	166	389	236
			203

Planning Report - July

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

Public Hearing:

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

Planning Commission:

1. Jean Mary (Manhattan Steel Door) LSD: The applicant is requesting Preliminary Large Scale Development approval to construct a commercial building and associated parking on approximately 0.64 acres. The project is located on the SE corner of the intersection of Via De Tonti Lane and Jean Mary Dr., on parcel #830-37834-000.
2. Bariloche Planned Unit Development (PUD) and Preliminary Subdivision Plat: The applicant is requesting PUD and plat approval for 139 lots (136 Single family, 2 Detention, and 1 common area) on 40.13 acres. The project is located on Klenc Road, approximately 3,300 feet south of HWY 412 on parcel numbers 830-33758-000 and 830-37758-001.

2. Victory Church LSD: The applicant is requesting Preliminary Large Scale Development approval to construct a 13,303 SF building with associated parking and driveway, located at 250 Industrial Circle East.
3. Tontitown Fire Station LSD: The applicant is requesting Preliminary Large Scale Development approval to construct an 11,846 SF fire station with associated parking and driveways, located at 199 E. Bandini Ave.

If approved the following will be coming to City Council on August 1st for final approval:

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

Planning Report - August

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

1. Sbanotto Ave Rezoning: The applicant is requesting to rezone a piece of property that is 5.83 acres, located at 701 Sbanotto Ave., from "A" Agriculture, to "R-3" Residential.
2. Laura Lane Warehouse LSD: The applicant is requesting Preliminary Large Scale Development approval to construct a 17,000 SF warehouse building at 609 Laura Lane on 3.7 acres.



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 19, 2022

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

- 1. New Board Member:** We are excited to announce that Ethan Oxford is interested in joining the THM Board. Ethan has a BA in History degree from Arkansas Tech University and works at Scott Family Amazeum. We ask Mayor Angie Russell to appoint Ethan, and that the City Council approve Ethan's appointment at the August 1 City Council Meeting.
- 2. Visitors:** We had 52 visitors in June -- 45 on the day of our Tontitown Heritage Day and 7 during our normal business hours.
- 3. Piazza Family Blessings Box:** Mayor Angie Russell has approved the new location of the food pantry. Penny Baskin and Misty Piazza will be working together to get the new concrete slab poured and pantry moved within the next month. The new location will be over between the two parking lots to the west of the Water Department.
- 4. The 123rd Tontitown Grape Festival:** August 2nd – 6th. The museum will have extended open hours:
 - Thursday, August 4 -- 3:00 to 7:00 pm
 - Friday, August 5 -- 1:00 to 7:00 pm
 - Saturday, August 6 -- 10:00 am to 7:00 pm

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

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

THM Board Members

Misty Piazza, President

Jennifer De Martino, Vice President

Emily Pianalto-Beshears, Secretary

Bev Cortiana-McEuen, Treasurer

Caroline Franco Ceola

Heather Ranalli-Peachee

Riley Tessaro

ORDINANCE NO. 2019- 08-856

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE ESTABLISHING STANDARDS FOR SMALL WIRELESS FACILITIES WITHIN THE CITY OF TONTITOWN, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City of Tontitown does not currently have standards or regulations pertaining to the placement of small wireless facilities within the city;

WHEREAS, the City Council of the City of Tontitown finds that the City of Tontitown is experiencing substantial residential and commercial growth within its city limits, and also experiencing increasing traffic congestion on its streets that makes the orderly maintenance and use of its right-of-ways of utmost importance and concern;

WHEREAS, the City Council of the City of Tontitown finds it necessary for the health, safety and welfare of its citizens to enact uniform standards to preserve to integrity, provide for the safe usage, and maintain the visual qualities of the city;

WHEREAS, the City Council of the City of Tontitown find the standards set forth in this ordinance to be in the best interests of its citizens of the City of Tontitown; and

WHEREAS, the City Council for the City of Tontitown desires to enact regulations pertaining to the placement of small wireless facilities within the City that are in line with applicable state and federal law, regulations and guidelines.

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

Section 1 – Purpose and Scope

1. **Purpose:** The purpose of this Section is to provide policies and procedures for the placement of small wireless facilities, which will provide a public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the city and comply with applicable state and federal laws, regulations and guidelines.
2. **Intent.** In enacting this Chapter, the City is establishing uniform standards to address issues presented by small wireless facilities, including without limitation:
 - a. Health, safety, and welfare of citizens;
 - b. Limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain city corridors, and other public ways and places;
 - c. Limit the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic

- d. Limit interference with the facilities and operations of facilities lawfully located in rights-of-way or public property;
- e. Limit environmental damage, including damage to trees;
- f. Respect the character of the neighborhoods in which facilities are installed by minimization of visual clutter and preservation of the character and aesthetics of areas in close proximity to small wireless communication facilities;
- g. Facilitate the city's permitting process to encourage fair and meaningful competition;
- h. Encourage collocation of antenna on existing facilities; and
- i. Facilitate deployment of small cell facilities to provide the benefits of advanced wireless services to all citizens and organizations throughout the city. Municipalities recognize the economic and social value of data connectivity and desire to encourage wireless infrastructure investment by providing a fair and predictable process for the deployment of small wireless facilities within the public rights-of-way in a manner that is:
 - i. Safe;
 - ii. Compatible with and complementary to the provision of services by the municipality and others lawfully using the rights-of-way; and
 - iii. Consistent with the aesthetic standards of the municipality.

3. Zoning and Use of Rights of Way by Wireless Provider.

- a. A wireless provider shall have the right, as a permitted use not subject to zoning review or approval, to **collocate, maintain, modify, operate, and replace** small wireless facilities and to install, maintain, modify, and replace poles it owns or manages or, with the permission of the owner, a third party's pole, associated with a small wireless facility, along, across, upon, and under the right-of-way.
- b. Small wireless facilities and associated poles shall be installed and maintained as to not obstruct or hinder the usual travel or public safety of the right-of-way or the usage of the right-of-way by utilities.
- c. Therefore, applications to collocate a small wireless facility or install or modify an associated utility pole in the rights-of-way shall be treated as a permitted use in all districts within the City, but are not exempt from the following local regulations and review.
- d. All wireless facilities not meeting the definition of a small wireless facility shall be subject to applicable local zoning and development requirements.

4. Conflicts with Other Chapters. This Chapter supersedes all Chapters or parts of Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

5. Conflicts with State and Federal Laws. In the event that applicable federal or state laws or regulations conflict with the requirements of this Chapter, the Wireless Services Provider shall comply with the requirements of this Chapter to the extent that its provisions are not preempted by, or do not conflict with, applicable federal or state laws or regulations.

Section 2 – Permitted Use; Height, Location, Design, Aesthetics, and other Standards

1. Location. While small cells facilities are permitted uses within all zoning districts within the city, deployment of small cell facilities within the City is subject to the standards set forth in this ordinance.
2. Height:
 - a. Each new or modified pole installed in the right-of-way for the purpose of collocation of small wireless facilities shall not exceed the greater of:
 - i. Fifty feet (50') in height above ground level; or
 - ii. Ten percent (10%) taller than the tallest existing pole in place in the same right-of-way as of September 1, 2019, within three hundred feet (300') of the new or modified pole.
 - b. A new small wireless facility in the right-of-way shall not extend more than ten percent (10%) above the existing structure on which it is located or fifty feet (50') above ground level, whichever is greater.
 - c. A wireless provider shall have the right to collocate a wireless facility and install, maintain, modify, and replace a pole that exceeds the height limits required under subsection (a) of this section along, across, upon and under the right-of-way, subject to this section and any applicable zoning regulations.
3. Location and Design:
 - a. A wireless provider shall not install a small wireless facility or pole in a historic district without complying with the requirements of general application for structures within the historic district.
 - b. A wireless provider may replace decorative poles when necessary to deploy a small wireless facility so long as the replacement reasonably conforms to the design of the original decorative pole.
4. Damage and repair: Replacements, Abandonment, Removal
 - a.
 - i. A wireless provider shall repair all damage to the right-of-way directly caused by the activities of the wireless provider in the right-of-way and return the right-of-way to its functional and aesthetic equivalence before the damage under the competitively neutral, reasonable requirements and specifications of the City.
 - ii. If the wireless provider fails to make the repairs required by the City within a reasonable time after written notice, the City may make those repairs and charge the applicable party the actual and reasonable documented cost, including overhead, of the repairs.
 - b.
 - i. A wireless provider is not required to replace or upgrade an existing pole except for reasons of structural necessity or compliance with applicable codes.

- ii. A wireless provider may, with the permission of the pole owner, replace or modify existing poles, but any such replacement or modification shall substantially conform to the design aesthetics of the pole being modified or replaced.
 - c.
 - i. A wireless provider shall notify the City at least thirty (30) days before the wireless provider's abandonment of a small wireless facility.
 - ii. If the wireless provider fails to remove the abandoned small wireless facility within ninety (90) days after the notice, the City may undertake the removal and recover the actual and reasonable documented cost, including overhead, of the removal from the wireless provider, or its successors or assigns.
 - d.
 - i. The City may order the removal of a small wireless facility or associated pole in the right-of-way that violates Ark. Code. Ann. §§ 23-17-505, § 23-17-506, or applicable codes.
 - ii. The City shall provide written notice of the violation to the owner of the small wireless facility at least thirty (30) days before removal to afford the owner the opportunity to conduct repairs or removal, or otherwise remedy the violation.
 - e.
 - i. If the City determines that a wireless provider's activity in a right-of-way under this subchapter creates an imminent risk to public safety, the City may provide written notice to the wireless provider and demand that the wireless provider address the risk.
 - ii. If the wireless provider fails to reasonably address the risk within twenty-four (24) hours of the written notice, the City may take or cause to be taken action to reasonably address the risk and charge the wireless provider the reasonable documented cost of the actions.
 - f.
 - i. A wireless provider shall not collocate a small wireless facility or install, modify, or replace a pole in the right-of-way that:
 1. Materially interferes with the safe operation of traffic control equipment;
 2. Materially interferes with sight lines or clear zones for transportation or pedestrians;
 3. Materially interferes with compliance with the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, or similar federal or state standards regarding pedestrian access or movement; or
 4. Fails to comply with applicable codes.
5. Collocation:
- a. This section applies to activities of a wireless provider collocating small wireless facilities on authority poles in the City's right-of-way or in a right-of-way controlled by the Arkansas Department of Transportation located within the City.
 - b.

- i. A person owning, managing, or controlling poles in the City or state right-of-way shall not enter into an exclusive arrangement with any person for the right to attach to the poles.
 - ii. A person who purchases or otherwise acquires an pole in the City or state right-of-way is subject to the requirements of this section.
- c. The City shall allow the collocation of small wireless facilities on authority poles on nondiscriminatory terms and conditions using the process in the “permits” section of this code.
- d. The rates to collocate on authority poles is provided in the “rates and fees” section of this code
- e.
 - i. As part of an application to collocate a small wireless facility on an authority pole, the wireless provider shall submit make-ready design drawings and work descriptions that enable the pole to support the requested collocation by the wireless provider, including pole replacement if necessary.
 - ii. The City may amend the make-ready design drawings and work to comply with applicable codes before the issuance of a permit to the extent reasonably necessary.
 - iii. The rates, fees, and terms and conditions for the make-ready work to collocate on an authority pole shall be nondiscriminatory, competitively neutral, and commercially reasonable and shall comply with this Chapter.
 - iv. The City shall not require more make-ready work than required to meet applicable codes or industry standards nor may the fees for make-ready work include costs related to preexisting or prior damage or noncompliance.
- f.
 - i. The City may require replacement of an authority pole only if the collocation would make the authority pole structurally unsound.
 - ii. The City may require that the replaced authority pole have the same functionality as the pole being replaced.
 - iii. If the authority pole is replaced, the City shall take ownership of the new pole and operate authority fixtures on the pole.
- g.
 - i. Make-ready fees charged by the City may include the amount the authority pays a professional engineer registered in Arkansas to review the wireless provider's make-ready work plans.
 - ii. Fees for make-ready work shall not include any revenue or contingency-based consultant's fees or expenses of any kind.
- h. Within sixty (60) days of the receipt of the application filed to collocate on a City pole, the City shall elect to:
 - i. Perform the make-ready work necessary to enable the pole to support the requested collocation by a wireless provider and provide a good-faith estimate for the work, including pole replacement, if necessary; or
 - ii. Authorize the wireless provider to perform the make ready work.
- i.

- i. The City shall complete make-ready work it elects to perform, including any pole replacement, within sixty (60) days of written acceptance of the good faith estimate of the applicant.
 - ii. If the City, electing to perform the make-ready work, has not completed the work within sixty (60) days after the written acceptance and deposit of the good faith estimate by the applicant, the applicant may demand a return of any deposited funds and proceed with the make-ready work as described in subsection (e) of this section, using authorized, qualified contractors approved by the City with the authorization not to be unreasonably withheld, conditioned, or delayed.
- j.
- i. The City or other applicable authority may reserve space on an authority pole for future public safety or transportation uses in a documented and approved plan in place at the time an application is filed.
 - a. A reservation of space shall not preclude placement of a pole or collocation of a small wireless facility.
 - b. If replacement of the City's pole is necessary to accommodate the collocation of the small wireless facility and the future use, the wireless provider shall pay for the replacement of the authority pole and the replaced pole shall accommodate future use.

6. Aesthetics:

- a. The aesthetic appearance of small wireless facilities and associated poles is regulated by the City to ensure coordinated, adjusted, and harmonious development, as provided in this section. The City may apply these requirements to areas of the City in which coordinated, adjusted, and harmonious development has been established through the use of overlay districts or historical districts which have been in existence at least ninety (90) days prior to the passage of this ordinance.
- b. These aesthetic standards shall adhere to the following requirements:
 - i. Reasonable, in that they are technically feasible and reasonably directed to avoiding or remedying unsightly or out-of-character deployments;
 - ii. No more burdensome than those applied to other types of utility and communications infrastructure deployments;
 - iii. Objective and published at least ninety (90) days in advance of the filing of an application under this Chapter;
 - iv. Any design or concealment measures are not considered a part of the small wireless facility for purposes of the size parameters in the definition of "small wireless facility"; and
 - v. The City may deny an application for not complying with aesthetic requirements only if the City finds that the denial does not prohibit or have the effect of prohibiting the provision of wireless service.
- c. The Board of Zoning Adjustment may:
 - i. Hear appeals of the decision of the Administrative Officer in respect to the enforcement and application of the aesthetic standards, and may affirm or reverse, in whole or in part, the decision of the administrative officer.

1. Decisions of the Administrative Officer shall be rendered to the applicant in writing; and
 2. An appeal must be filed within ten (10) days of the written decision of the Administrative Officer.
- ii. Hear requests for variances from the literal provisions of the aesthetic standards and grant the variances only when it is necessary to avoid the prohibition of wireless service or otherwise comply with the law.
- d. Decisions of the Board in respect to this section shall be subject to appeal only to a court of record having jurisdiction.
 - e. Equipment Enclosures:
 - i. To the extent technically feasible, if the support structure is a pole, all radios and wireless communication equipment, except the antenna, shall be enclosed within an equipment cabinet and housed: at the base of the support structure, pole mounted (at a height and placement that will not interfere with pedestrian, cyclist, or vehicular movements), or below grade.
 - ii. Where underground utilities are required by the provisions of this Code or other City adopted regulations or codes, *ancillary* equipment related to the small wireless facility shall be placed in an underground vault to the greatest extent possible.
 - f. Design: Consistent with the provisions of this section, a small wireless facility shall be installed using the following design approaches to the extent reasonable including without limitation the following:
 - i. For location on newly proposed Wireless Support Structures, the following options are available:
 1. New poles installed to support small wireless facilities shall be made of the same or similar material as existing poles in the immediate area.
 2. In an area where other above ground utilities are present, the deployment of a new small cell facility shall be located on the same side of the street which the existing above ground utilities are located and a similar style utility pole (as those utilized by existing above ground utilities) may be utilized.
 3. In an area where the City has required all electrical and communication lines to be placed underground by a date certain that is three (3) months before the submission of the application or where undergrounding is required after small wireless facilities have been installed, an explanation as to why collocation or use of an existing structure, remaining pole or replacement pole is not technically feasible shall be required. This shall apply to the location of *all* pole attached utilities and shall include demonstration of a reasonable attempt to collocate or utilize an existing structure. A wireless provider may install a new pole in the designated area that otherwise complies with this section when it is not able to provide wireless service by collocating on an existing structure, remaining pole or replacement pole

4. When a wireless provider applies to install a new pole in the right-of-way in an area zoned for residential use, the City may propose an alternative location in the right-of-way within one hundred feet (100') of the location stated in the application, and the wireless provider shall use the City's proposed alternative location unless the location imposes technical limits or significant additional costs.
 - (i) The wireless provider shall certify that it has made the determination in good faith, based on the assessment of a licensed engineer, and the wireless provider shall provide a written summary of the basis for the determination.
 5. The City may require wireless providers to comply with reasonable and nondiscriminatory horizontal spacing requirements of general application for new poles and ground-mounted small wireless facilities, but the requirements shall not prevent a wireless provider from serving any location.
- ii. For location on existing Pole Structures:
- a) Stealth antennas and mounts (completely encased or screened antennas, when possible, to approximately match the color of the existing poles). In the event that some antennas cannot be covered due to their operational wavelength, the applicant shall provide proof of such to the City and the antenna shall be required to be painted in a way that blends with the pole.
 - b) Stealth base cabinet enclosures (completely encases base cabinet equipment to match the colors of the existing poles to the extent feasible). Base cabinet may be placed in any location on the lower portion of the pole, but may not impede ADA accessibility of a sidewalk. The base cabinet may also be placed underground.
 - c) The City shall not limit the collocation of small wireless facilities by minimum horizontal separation distance requirements from existing small wireless facilities, poles, or wireless support structures.
- iii. For location on existing Building Structures:
- a) New steeple, extension to existing steeple, and replacement steeple concealment structures,
 - b) Chimney concealment structures,
 - c) Chimney pot concealment structures,
 - d) Rooftop façade extension concealment,
 - e) Rooftop cupola concealment,
 - f) Rooftop screen concealment,
 - g) Roof top pod concealment systems,
 - h) Building side grid concealment structures,
 - i) Building side screen concealment structures,
 - j) Rooftop or wall mounted lantern concealment structures.
- ii. Antenna arrays, cables, and other ancillary facilities used for providing the wireless service shall not be obtrusive or noticeably visible from adjacent properties or adjacent rights-of-way.

- iii. The color of the facility shall be compatible with that of the non-tower support structure. To the extent any small wireless facilities extend above the height of the vegetation buildings and utilities immediately surrounding it, they shall be painted in a non-reflective light gray, light blue, or other hue, which blends with the skyline and horizon.
 - iv. Attachments which are ancillary to the antenna arrays mounted onto a non-tower support structure shall not project greater than three (3) feet, as measured horizontally, from the surface of the non-tower support structure and shall be painted or screened with materials that are a compatible color to the non-tower support structure. Cables that travel along the exterior of a non-tower support structure shall be closely connected to the structure creating a minimal appearance of gaps or loose wires. When possible, visible cables should be in conduit or otherwise covered in a material visually compatible in color to the support structure.
 - v. The general design of a small wireless facility shall be compatible to the streetscape and aesthetics of the surrounding area with respect to street furniture and lights, building façade designs, and area character.
 - vi. Other design elements which by industry standards are considered stealth technology deployment may also be used.
 - vii. Within enacted overlay district stealth concealment is required except when specifically identified by the applicant that such stealth concealment results in a material reduction in the functionality of the proposed small wireless facility.
7. Signage: The provisions of Section 153.180-153.185 of the Tontitown Municipal Code regarding signage shall apply to all small wireless facilities.
 8. Illumination: A small wireless facility shall not have lights on the facility unless the lights are required by other laws and consistent with the requirements of law or designed as an intended amenity of the support structure.
 9. Fencing: A small wireless facility installed in the public right-of-way shall not be fenced.
 10. Use of Right-of-Way and indemnification:
 - a. The wireless provider shall fully indemnify and hold harmless the City and its officers, agents and employees against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney's fees resulting from the installation, construction, repair, replacement, operation, or maintenance of poles, small wireless facilities, or attachments to City poles to the extent directly caused by the negligence of the wireless provider, its contractors, subcontractors and their officers, employees or agents.
 - b. A permit from the City shall not create a property right or grant any authority to the owner of the small wireless facility to impinge upon the rights of others who may already have an interest in the right-of-way.
 11. Appendix to Section 6. Attached to this Ordinance as an Appendix to this Section are illustrations to provide guidance to applicants of aesthetic standards encouraged and preferred by the city in the installation of small wireless facilities and associated poles.

Section 3 –Application and Review Process

1. Permit and Application. A permit is required for the placement and construction of a small wireless facility. Approval of a permit shall require an application.
2. Contents of Application. The small wireless facility permit application shall be made by the Wireless Services Provider or an authorized agent. A permit application shall contain the following:
 - a. The applicant's name, address, telephone number and e-mail address;
 - b. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;
 - c. A general description of the proposed work. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters, including but not limited to sub-surface utilities, likely to be affected or impacted by the work proposed;
 - d. Authorization for any consultant acting on behalf of the Applicant to speak with the city, or a designee of the city;
 - e. Verification from an appropriate professional that the small wireless facility shall comply with all applicable codes;
 - f. Drawings and descriptions of the proposed facilities, non-tower support structures, and ancillary equipment;
 - g. Maps with the specific locations;
 - h. Geographic coordinates of the locations;
 - i. If the proposed location is a new pole, an explanation as to why collocation or use of an existing structure is not technically feasible. This shall apply to the location of all pole attached utilities and shall include demonstration of a reasonable attempt to collocate or use an existing structure, remaining pole or replacement pole;
 - j. If the applicant proposes to collocate on, or occupy any existing structure not owned by the applicant, a letter or written statement from the owner allowing the use; and
 - k. A description and substantiation of any requests for exceptions from the requirements of this Section.
3. Batch Applications. The city may require the applicant to file a separate application for any small wireless facility that is not of a substantially similar design to the others included in the application, or if submitted in a batch, the application must be sufficiently clear so that the City may determine whether one or more of the proposed facilities is not of a substantially similar design.
4. Bond. The city may require the applicant to post a bond as required for any open cut, sidewalk, curb and gutter or other public right of way work as set forth in the Tontitown Municipal Code Section § 90.1000.2.
5. Routine Maintenance and Replacement.

- a. An application shall not be required for:
 - i. routine maintenance that does not expand the size or height of the small wireless facility; and
 - ii. the replacement of a small wireless facility with another small wireless facility that is substantially similar or smaller in size, weight, and height.
 - b. Provided, however, on a location where the City or another provider has placed equipment or facilities, any routine maintenance or replacement that is done shall not occur until written notice of an intent to proceed is provided to the City.
6. Review Procedure:
- a. The Administrative Official shall review the application for compliance with these and other applicable laws and regulations. Review and approval shall be in accordance with timeframes established by federal and state law/policy and the following:
 - i. All applications shall be processed on a nondiscriminatory basis within:
 - a. Sixty (60) days of receipt of an application for the collocation of a small wireless facility; and
 - b. Ninety (90) days for an application to install, modify, or replace a pole on which a small wireless facility is or will be collocated.
 - ii. Within ten (10) days of receiving an application, the Administrative Official shall determine and notify the applicant in writing:
 - 1. Whether the application is complete; or
 - 2. If the application is incomplete, what specific information is missing.
 - iii. If the application is incomplete, the applicant shall be allowed to resubmit the amended application without penalty or payment of any additional application fees, if resubmission occurs within thirty (30) days of notification.
 - iv. The time frame for reviewing shall commence when the application is submitted, but may be tolled upon notification of incompleteness. If the application is incomplete, the applicable time frame for reviewing is reset when the missing information is provided by the applicant.
 - v. Once the application is determined to be complete, the Administrative Official shall review the application and if the application meets the requirements and standards set forth in this section the application shall be granted and a permit issued.
 - vi. If the applicant is requesting an exception to any requirement, the standard of review shall be to determine if the exception is warranted due to an identifiable site-specific hardship or a technological challenge, and more specifically if the excepted requirement is:

- a) Not necessary or desirable for the protection of the surrounding property, public health, public safety, or general welfare; or
 - b) Unreasonable as applied to the particular application.
- vii. The Administrative Official may approve some or all of the requested exception, and advise the applicant in writing of the extent of approval and/or reasons for denial. At his/her discretion, the Administrative Official may also submit the application to the Development Review Committee for input or comment.
 - a) If the applicant believes the decision of the Administrative Official to be in error, an appeal may be made to the Tontitown Board of Zoning Adjustments.
 - b) If the applicant accepts the decision of the Administrative Official the application shall proceed with review and approval/denial.
- viii. The Administrative Official shall have the authority to defer an exception request to the Board of Zoning Adjustment. The Board of Zoning Adjustment shall act upon the request in a timely manner. If the decision of the Board of Zoning Adjustment is in the affirmative, the permit shall be approved, provided all other review requirements are met. If not, the application shall be referred to the Administrative Official for continued review.
- ix. If the Board of Zoning Adjustment denies any or all of the requested exception, the applicant may appeal the decision to a court of jurisdiction in accordance with state law.
- x. The Administrative Official or designee shall notify the applicant in writing of its final decision:
 - 1. Within sixty (60) days of receiving an application for the collocation of a small wireless facility; using an existing structure.
 - 2. Within ninety (90) days for an application to collocate a small wireless facility on a new structure.
 - i. These timelines may be tolled only by mutual agreement between the applicant and the City.
 - 3. If the application is approved, a permit shall be issued;
 - 4. If the application is denied, the Administrative Official shall specify, in writing, the basis for denial, citing specific code provisions from federal, state, or local law as to why the application was denied.
 - 5. Notwithstanding the initial denial, the applicant may cure any deficiencies identified by the Administrative Official within thirty (30) days of the denial without paying an additional application fee. The Administrative Official shall approve or deny the revised application within thirty (30) days of receipt of the amended application and its review shall be limited to the deficiencies specified in the original notice of denial.

6. If a decision on an application is not made within the applicable time frame, the application shall be deemed approved ten (10) days after written notice is provided by the applicant to the City that the time-period for acting on the application has lapsed.
- xi. If after commencement of construction but before construction is complete for an approved permit, circumstances unforeseen at the time of approval arise which make continued construction unsafe or impracticable, the applicant may request an amendment to the application or plan by filing a request to amend the approved application. The applicant shall cease work, and the procedure for the amendment request shall proceed in the same manner as if it were a new application under this section. There is no application fee for an amendment request.
 - xii. Prohibitions and Work Requirements:
 1. Within sixty (60) days of written notice, the owner of the small wireless facility shall:
 - a. Remove all graffiti on the facility at his or her expense; and
 - b. Repair or replace any damaged equipment.
 2. Facilities located in the public right-of-way shall not materially visually obstruct traffic signals or signage and shall be maintained in a manner that does not materially interfere with public safety equipment.
 3. The owner shall employ due care during the installation, maintenance or any other work in the ROW, and shall comply with all safety and Public ROW protection requirements of all applicable local, state, and federal laws. The owner shall restore, repair and/or replace any portion of the public improvements in the ROW that are damaged or disturbed by the owner's work or small wireless facilities.
 4. Unless otherwise specified in the permit, the owner shall erect a barrier around the perimeter of any excavation and provide appropriate traffic control devices, signs and lights to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic control plan in accordance with the Uniform Manual of Traffic Control Devices. The owner shall maintain all barriers and other traffic control and safety devices related to an open excavation until the excavation is restored to a safe condition or as otherwise directed by the city.
 5. If use of the right-of-way on which the Small Wireless Facility is located is necessary for a construction or improvement project undertaken by the City of Tontitown or on its behalf, the Small Wireless Facility shall be relocated. Notice of such relocation shall be provided by the City as soon practicable and at least ninety (90) days before the deadline for completing the relocation. The City shall not bear any expense of any necessary relocation.

6. A small wireless facility shall not interfere with City and public safety communication systems and shall comply with all FCC regulations governing interference.
7. A guy wire or other support wire shall not be used in connection with an antenna, antenna array, or a non-tower support structure except when used to anchor the antenna, antenna array, or non-tower support structure to an existing building or ground to which such antenna, antenna array, or non-tower support structure is attached.
8. The owner of a small wireless facility that is not in service or use for more than six (6) months shall disassemble and remove the facility.

xiii. Fees and rates:

1. For the co-location of a small wireless facility on an existing pole or structure: One Hundred Dollars (\$100.00) non-recurring application fee.
 - a. Additionally, except as described in Ark. Code Ann. § 23-17-510(e), a wireless provider shall pay the City compensation for use of the right-of-way, an annual rate of thirty dollars (\$30.00) per small wireless facility. The annual rate shall be paid to the City by January 31st of the following year.
 - b. A wireless provider shall pay the City compensation for collocation of small wireless facilities on City poles an annual rate of Two Hundred and Forty Dollars (\$240.00) for each City pole.
2. For the installation of a small wireless facility and a pole: Two Hundred Fifty Dollars (\$250.00) for the installation, modification, or replacement of a pole together with the collocation of an associated small wireless facility in the right-of-way.
 - a. Additionally, except as described in Ark. Code. Ann. § 23-17-510(e), a wireless provider shall pay the City compensation for use of the right-of-way, an annual rate of thirty dollars (\$30.00) per small wireless facility. The annual rate shall be paid to the City by January 31st of the following year.
3. If the application is for multiple facilities, the fee is One Hundred Dollars (\$100.00) (non-recurring application fee) for each additional facility.
4. Exceptions:
 - a. A wireless provider is not required to pay an authority compensation for micro-wireless facilities that are suspended on cables strung between

existing utility poles in the right-of-way as long as the wireless provider compensates the authority through other licenses or franchises held directly or through one (1) of the wireless provider's affiliates for the placement of the suspension cables in the right-of-way.

Section 4 –Exclusive Arrangements Prohibited

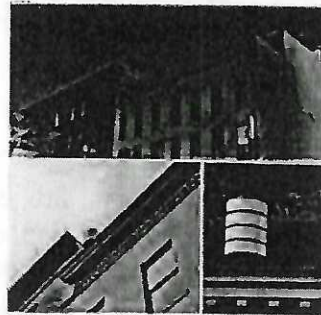
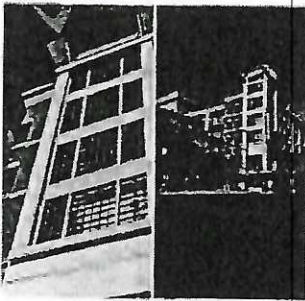
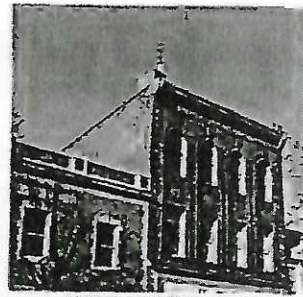
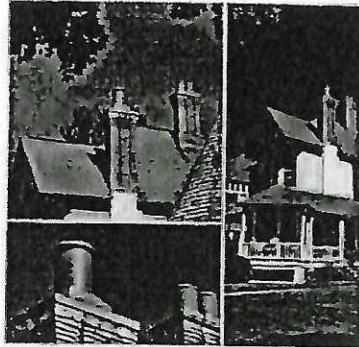
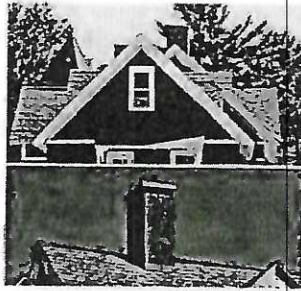
1. Non-exclusivity. The City shall not enter into an exclusive arrangement with a person for use of the right-of-way for the collocation of small wireless facilities or the installation, operation, marketing, modification, maintenance, or replacement of poles for the collocation.

Section 5–Local Authority

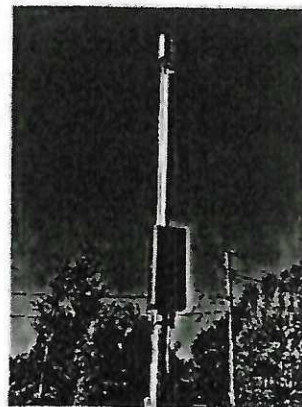
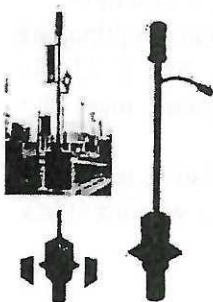
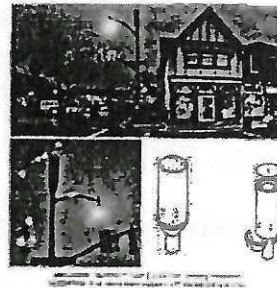
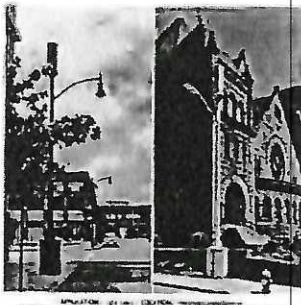
1. Exercise of Zoning Authority. Subject to the provisions of the Small Wireless Facility Deployment Act codified at Ark. Code Ann. § 23-17-501 et seq. and applicable federal law, the City may continue to exercise zoning, land use, planning, and permitting authority within its territorial boundaries with respect to wireless support structures, including the enforcement of applicable codes.
2. Interior Installations. The City shall not have or exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of a small wireless facility located in an interior structure or upon the site of a campus, stadium, or athletic facility not owned or controlled by the City, other than to require compliance with applicable codes.

Appendix Section 6 - Guidance illustrations.

Examples of stealth building attachments.



Examples of stealth pole attachments for small wireless facilities.



Section 7 - Definitions

"**Affiliate**" means an entity that directly or indirectly controls, is controlled by, or is under common control with another party;

"**Antenna**" means communications equipment that transmits or receives an electromagnetic radio frequency signal in the provision of wireless service;

"**Antenna equipment**" means equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure is mounted or installed at the same time as the antenna.

"**Antenna equipment**" does not include:

- (i) The structure or improvements on, under, or within which the equipment is collocated; or
- (ii) Wireline backhaul facilities, coaxial or fiber optic cable that is between structures, or coaxial or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna;

"**Antenna facility**" means an antenna and associated antenna equipment;

"**Applicable codes**" means uniform electrical reliability, building, fire, electrical, plumbing, or mechanical codes, as adopted by a recognized national code organization, or local amendments to the codes that are of general application, or local ordinances that are of general application, that address public health, safety, or welfare and are consistent with this subchapter;

"**Applicant**" means a person who submits an application as or on behalf of a wireless provider;

"**Application**" means a request submitted by an applicant to an authority for a permit:

- (A) To collocate small wireless facilities; or
- (B) To install, modify, or replace a pole on which a small wireless facility is or will be collocated, in the right-of-way;

"**Authority**" means the City.

"**Authority pole**" means a pole owned, managed, or operated by or on behalf of an authority;

"**Collocate**" or "**collocate on**" means the placement, mounting, replacement, or modification of a small wireless facility on, or of ground-mounted antenna equipment adjacent to, a structure.

"**Collocate**" or "**collocate on**" includes collocated ground-mounted antenna equipment as a small wireless facility if it meets the requirements of Ark. Code. Ann § 23-17-503(25)(A)(iii)-(vi) and the associated facilities on the adjacent structure meet the requirements of Ark. Code Ann. § 23-17-503(25)(i)-(vi);

"**Collocation,**" Collocation is defined as placing an antenna on any existing structure, regardless of whether that structure already has wireless equipment on it, or whether it has been zoned for placing that equipment.

"**Communications service**" means:

- (A) A cable service, as defined in 47 U.S.C. § 522(6), as it existed on January 1, 2019;

- (B) A telecommunications service, as defined in 47 U.S.C. § 153(53), as it existed on January 1, 2019;
- (C) An information service, as defined in 47 U.S.C. § 153(24), as it existed on January 1, 2019; or
- (D) Wireless service;

"Communications service provider" means:

- (A) A cable operator, as defined in 47 U.S.C. § 522(5), as it existed on January 1, 2019;
- (B) A provider of information service, as defined in 47 U.S.C. § 153(24), as it existed on January 1, 2019;
- (C) A telecommunications carrier, as defined in 47 U.S.C. § 153(51); or
- (D) A wireless provider;

"Control" means the direct or indirect:

- (A) Ownership of at least fifty percent (50%) of the equity;
- (B) Ability to direct at least fifty percent (50%) of voting power; or
- (C) Ability otherwise to direct management policies;

"Controlled-access facility" means a highway or street described in Ark. Code Ann. § 27-68-102;

"Decorative pole" means an authority pole that is specifically designed and placed for aesthetic purposes and on which limited appurtenances or attachments, such as a small wireless facility, lighting, specially designed informational or directional signage, or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory City rules or codes;

"Day" Calendar day unless there is a time frame for the City to respond to a request and the last day to respond ends on a weekend, holiday, or time when all but City emergency services are closed due to weather or some unforeseen situation.

"Facility" means an antenna facility or a structure that is used for the provision of wireless service;

"Fee" means a one-time, nonrecurring charge;

"Historic district" means a group of buildings, properties, or sites that are either:

- (A) Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register of Historic Places, according to Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, 47 C.F.R. Part 1, Appendix C, as it existed on January 1, 2019;
- (B) A historic district designated under the Historic Districts Act, § 14-172-201 et seq.; or
- (C) A historic district otherwise designated under a local ordinance as of January 1, 2019;

"Micro-wireless facility" means a wireless facility that:

- (A) Is not larger in dimension than twenty-four inches (24") in length, fifteen inches (15") in width, and twelve inches (12") in height;
- (B) Has an exterior antenna that is no longer than eleven inches (11"); and
- (C) Is not placed any farther than ten feet (10') down the span as measured from the side of the pole;

"Permit" means an authorization, written or otherwise, required by an authority to perform an action or initiate, continue, or complete a project for the deployment of wireless service at a specified location;

"Person" means an individual, corporation, limited liability company, partnership, association, trust, authority, or other entity or organization;

"Pole" means a pole in a right-of-way that may be used by or for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, or for collocation of small wireless facilities.

"Pole" does not include a wireless support structure or an electric transmission structure;

"Rate" means a recurring charge;

"Right-of-way" means an area on, below, or above a public utility easement, roadway, highway, street, sidewalk, alley, or similar property. *Such areas are formally owned by the city or used as prescriptive easements.*

"Right-of-way" does not include a federal interstate highway, controlled-access facility, or a public utility easement that does not authorize the deployment sought by the wireless provider;

"Small wireless facility" means a wireless facility that meets all of the following specifications:

(i) The facility:

(a) Is mounted on a structure fifty feet (50') or less in height, including the antennas;

(b) Is mounted on a structure no more than ten percent (10%) taller than other adjacent structures; or

(c) Does not extend an existing structure on which it is located to a height of more than fifty feet (50') or by more than ten percent (10%), whichever is greater;

(ii) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet (3 cu. ft.) in volume;

(iii) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any preexisting associated equipment on the structure, is no more than twenty-eight cubic feet (28 cu. ft.) in volume;

(iv) The facility does not require antenna structure registration under 47 C.F.R. Part 17, as it existed on January 1, 2019;

(v) The facility is not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as it existed on January 1, 2019; and (vi) The facility does not result in human

exposure to radio frequency in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as it existed on January 1, 2019.

"Small wireless facility" does not include:

- (i) The structure or improvements on, under, or within which the equipment is located or collocated or to which the equipment is attached; and
- (ii) Any wireline backhaul facility or coaxial or fiber optic cable that is between wireless support structures or utility poles, or that is otherwise not immediately adjacent to or directly associated with a particular antenna;

"Structure" means a pole or wireless support structure, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service;

"Technically feasible" means that by virtue of engineering or spectrum usage the proposed placement for a small wireless facility, or its design, concealment measures, or site location, can be implemented without a material reduction in the functionality of the small wireless facility;

"Utility Pole" A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control signage, or a similar function regardless of ownership. Such term shall not include structures supporting only Wireless Facilities.

"Wireless Facility" Equipment at a fixed location that enables wireless communications between user equipment and a communication network, including: (i) equipment associated with wireless communications; (ii) radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes Small Wireless Facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.

"Wireless infrastructure provider" means a person or an affiliate thereof, including a person authorized to provide communications service in the state, that builds or installs facilities for the provision of wireless service, but that is not a wireless service provider;

"Wireless provider" means a wireless infrastructure provider or a wireless service provider;

"Wireless service" means any service using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public;

"Wireless service provider" means a person who provides wireless service;

"Wireless support structure" means a structure, including:

- (i) A monopole;
- (ii) A tower, either guyed or self-supporting;
- (iii) A billboard;

- (iv) A building; or
- (v) Any other existing or proposed structure designed to support or that is capable of supporting small wireless facilities, other than a structure designed solely for the collocation of small wireless facilities.

"Wireless support structure" does not include a pole

"Wireline backhaul facility" means an aboveground or underground facility used to transport communications services from a wireless facility to a network.

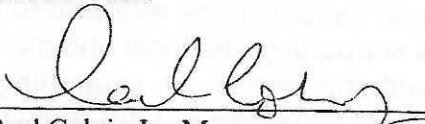
Section 8. Parts of Ordinances in Conflict Repealed. That all ordinances or parts of ordinances in conflict herewith, are hereby repealed to the extent of the conflict.

Section 9. Severance Clause. That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

Declaration of Emergency. It is hereby found and determined that there is an immediate need within the municipality for standards and regulations pertaining to small wireless facilities and that existing standards and regulations are not in place, and based upon the needs of the City of Tontitown in connection with its current and future growth the enactment of this Ordinance will provide for the safe and orderly control of small wireless facilities within the city and help assure the safe and proper growth and transmission of small wireless facilities, the safe development of land and the safe maintenance and use of city right-of-ways. 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.

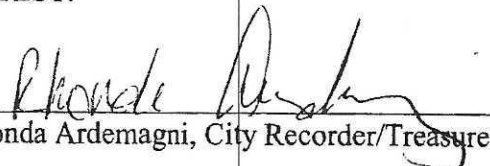
PASSED and APPROVED, this 20th day of August, 2019.

APPROVED:



Paul Colvin Jr., Mayor

ATTEST:



Rhonda Ardemagni, City Recorder/Treasurer

(SEAL)

§ 152.152 AESTHETICS FOR WIRELESS COMMUNICATION FACILITIES (WCF).

The following guidelines shall govern the aesthetics of all towers and antennas, provided however, that the City Engineer may waive these requirements where it is determined that the goals of this chapter would be better served thereby.

(A) *Lighting*. Lighting of tower and antenna shall meet the following requirements:

(1) Towers shall be artificially illuminated if required by the FAA or other applicable authority or the governing authority. If artificial lighting is required, the lighting design and intensity chosen should be that which complies with the applicable guidelines, yet causes the least disturbance to the surrounding and nearby properties.

(2) Security lighting or motion-activated lighting may be used around the base of a tower and within the telecommunication facility, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or rights-of-way.

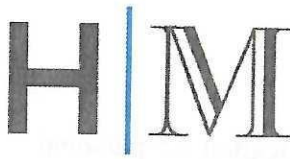
(B) *Stealth technologies*. This chapter encourages creative design measures to camouflage facilities by integrating them with existing buildings and among other existing uses. Based on this, the color and design of towers and antennas shall meet the following requirements:

(1) Towers shall be maintained with a galvanized steel finish, wood laminate or, subject to any applicable FAA standards, be painted a neutral color so that visual obtrusiveness is minimized.

(2) The design of buildings and related structures within a telecommunication facility shall, to the extent possible, utilize building materials, colors, screening, and landscaping that will camouflage and blend the tower and related facilities into the natural and/or surrounding environment.

(3) If an antenna is to be attached to a supporting structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color closely compatible with the color of the supporting structure.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.1000.14, passed 9-3-13)



MEMORANDUM

TO: City Council

FROM: Justin Eichmann

DATE: October 19, 2021

RE: Federal Telecommunications Act of 1996 (the “TCA”)
Wireless Communications Facility – Conditional Use Permit Application

This memorandum is to provide the City Council with background regarding the TCA and other relevant federal rule in order to highlight some relevant provisions for consideration to apply to permits for wireless communications facilities. Also included are the review guidelines for a conditional use permit (“CUP”) application for the City of Tontitown.

Background:

The TCA was adopted by Congress with the intention to foster competition among telecommunications providers to improve the quality of services and to “encourage the rollout of new technologies without delay.” *USCOC of Greater Iowa, Inc. v. Zoning Bd. of Adjustment of Des Moines*, 465 F.ed 817, 820 (8th Cir. 2006). “One of the means by which [Congress] sought to accomplish these goals was reduction of the impediments imposed by local governments upon the installation of facilities for wireless communications, such as antenna towers.” *City of Rancho Palos Verdes, Cal. v. Adams*, 544 U.S. 113, 115 (2005).

Despite of the emphasis on avoiding delay, Congress preserved the authority of “[s]tate and local government or instrumentality thereof over decision regarding the placement, construction, and modification of personal wireless service facilities. See 47 U.S.C. § 332(c)(7)(A). This authority is limited in that any denial of permission to construct a cellular tower must “be in writing and supported by substantial evidence contained in a written record.” See 47 U.S.C. § 332(c)(7)(B)(iii).

Provisions:

The following provisions are highlights from the TCA:

- 1) Preservation of Local Zoning Authority - General Authority (47 U.S.C. §332(7)(A))

“Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over

decisions regarding the placement, construction, and modification of personal wireless service facilities.”

2) Limitations (47 U.S.C. §332(7)(B)(i))

“The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof-

-shall not unreasonably discriminate among providers of functionally equivalent services; and

-shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

3) Time Limit on Requests (47 U.S.C. §332(7)(B)(ii))

A State or local government shall act on any request to place, construct, or modify personal wireless service facilities within “a reasonable period of time.”

4) Denying Requests (47 U.S.C. §332(7)(B)(iii))

If a State or local government denies a request to place, construct, or modify personal wireless service facilities the denial “shall be in writing and supported by substantial evidence contained in a written record.”

The written decision must contain a sufficient explanation of the permit denial to allow a reviewing court to evaluate the evidence in the records supporting those reasons

5) Limitations – Environmental Effects (47 U.S.C. §332(7)(B)(iv))

No State or local government “may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”

6) Methods of Recourse from Adverse Decisions (47 U.S.C. §332(7)(B)(v))

- a. Action/Timing - If adversely affected by any final action or failure to act by a State or local government, a person may file an action in any court of competent jurisdiction within 30 days of the action or failure to act.
- b. Expedited Process - The Court shall hear such an action on an expedited basis.
- c. Relief - If the state or local government regulates the placement, construction, and modification of personal wireless services because of environmental effects, the person may petition the Commission for relief.

7) Middle Class Tax Relief and Job Creation Act – 47 U.S.C. §1455 Wireless Facilities Deployment

a. Facility Modifications (47 U.S.C. §1455(a))

“[A] State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”

b. Eligible Facilities Request (47 U.S.C. §1455(a)(2))

“Eligible facilities request” means any request for modification of an existing wireless tower or base station that involves the collocation of new transmission equipment; the removal of transmission equipment; the replacement of transmission equipment.

8) FCC Declaratory Ruling - In the Matter of Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(b) to Ensure Timely Siting Review & to Preempt Under Section 253 State & Local Ordinances That Classify All Wireless Siting Proposals As Requiring A Variance (24 F.C.C. Rcd. 13994, 14012 (2009))

a. Timing of Processing Permits

“We find 90 days to be a generally reasonable timeframe for processing collocation applications and 150 days to be a generally reasonable timeframe for processing applications other than collocations.”

*Upheld by SCOTUS in City of Arlington, Tex. v. F.C.C., 133 S.Ct. 1863 (2013).

Conditional Use Permit - Review Guidelines:

Section 153.121 of the Tontitown Municipal Code provides the review guidelines for a request for a conditional use permit ("CU"). These guidelines are as follows:

- (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.
 - (2) The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.
 - (3) The proposed use is so designated, located, and proposed to be operated, that the public health, safety and welfare will be protected.
 - (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.
 - (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.
 - (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.
 - (7) The proposed landscaping and screening of the proposed use are in accordance with provisions of these regulations.
 - (8) Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.

WIRELESS COMMUNICATION TOWERS

Application and Zoning Requirements

A. Preamble and Adherence with Applicable Federal Laws and Regulations:

The City of Tontitown recognizes that Wireless Communication Facilities, and the location and siting of Wireless Communications Facilities, are regulated by federal law, and this ordinance is not intended to conflict with federal law, including the Federal Telecommunications Act of 1996, 47 USC Section 332 ("TCA"), in any way. This Ordinance has been adopted so that the location and installation of Wireless Communication Facilities can be located and installed in a manner that best protects the health, safety, welfare of the citizens of Tontitown, addresses aesthetic concerns related inherit with the placement of Wireless Communications Facilities within the community, and seeks to regulate the location and installation only to the extent permitted by the TCA and other applicable law. It is also specifically noted that the City has reviewed publicly owned property in Tontitown, specifically property owned by the City and has noted that in many instances the location and institutional and public uses of that property make location of Wireless Communications Facilities appropriate. This Ordinance seeks to recognize this fact by encouraging the location of such facilities on City owned property wherever appropriate.

B. Placement of New Wireless Facilities or Communication Towers

Unless not permitted, New Wireless Communications Facilities or Communication Towers shall be allowed by Conditional Use Permit, unless specifically authorized.

C. Statement of Goals and Intent with regard to new Wireless Communication Facilities or Communications Towers.

- (1) It is the intent of the City of Tontitown to address the following issues when permitting the siting of a newly proposed Wireless Communications Facility or Communication Tower:
 - (a) Provision of adequate wireless services throughout the City to provide the Citizens, businesses, healthcare facilities, schools, and other institutions with the coverage and capacity needed.
 - (b) Provision for the Health Safety and Welfare of Citizens
 - (c) Working to minimize the impact to surrounding property owners through:
 - i. Assurance of good tower aesthetics
 - ii. Requiring the screening of the tower base and accessory ground equipment
 - iii. Requiring attractive screening, and vegetation and landscaping where appropriate.
 - iv. Minimization of noise and light
 - v. Assuring an attractive and minimally invasive tower structure
 - (d) Assurance of environmental compliance
 - (e) Creating an environment where multiple carriers can be placed on each tower and needless over-proliferation of towers throughout the City is avoided.

Wireless Communications

- A. The following general requirements shall apply to all Wireless Communications Facilities or Communications Towers.
- (1) Noise requirements. Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air conditioning units no noisier than ordinary residential units or generators used in emergency situations where regular power supply for a facility is temporarily interrupted; provided that any permanently installed generator shall be equipped with a functional muffler and any onsite fuel storage meet all applicable building codes.
 - (2) Compliance with federal regulations. Applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided before the issuance of the facility building permit, or after the facility's construction.
 - (3) Lighting and signage. Wireless communications facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Security lighting or motion-activated lighting may be used around the base of a tower and within the wireless communication facility, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or rights-of-way.
 - (a) Signs shall be limited to those needed to identify the property and the owner and warn of any danger. No signs, symbols, identifying emblems, flags, or banners shall be allowed on towers.
- B. New towers. New Wireless Communications Facilities or Communications Towers shall meet the following requirements:
- (1) Type of towers allowed. New towers shall be limited to monopole type structures (with internal antennas) or stealth/camouflaged type tower structures, excluding towers which mimic trees or other vegetation.
 - (2) Tower or antenna height limitations. Towers or tower structures shall be evaluated on an individual basis regarding the appropriate height of the requested tower or tower structure.
 - (a) Buffer zone. The minimum distance from the base of any tower to any residential dwelling unit shall be the tower height (as measured from the base of the tower) or the zone required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a signed writing to the construction of said tower. This setback is considered a "buffer zone." In the event that an existing structure (i.e. existing water tower, building or pole) is proposed as a mount for a wireless communication facility, a buffer zone shall not be required.
 - (b) Camouflaging or stealth technology for new towers. If the applicant demonstrates that it is not feasible to locate on an existing structure, towers shall be designed to be camouflaged to the greatest extent -practical including, but not limited to, use of compatible building materials and colors, screening, landscaping, and placement within trees, and other structures that may screen or partially screen the view of the tower from adjacent properties or rights-of-way

- (c) Color of towers. To the extent that any tower or antenna extends above the height of the vegetation immediately surrounding it, they shall be a neutral color, painted or unpainted, unless the FAA requires otherwise.
- (3) If a Conditional Use Permit is required by this Chapter for the placement of a new Wireless Communication Facilities or Communications Tower, then the applicant must proceed through the City of Tontitown Conditional Use Permit process as prescribed in § 153.120 et seq. In addition to the Conditional Use Permit Criteria found within Section § 153.120 et seq., the following Information is required to process new Communication Tower requests requiring a Conditional Use Permit.
- (a) Provide a map of the approximate geographic area that your project will serve;
 - (b) Provide a map showing the approximate location of all other existing communication towers within the area and a written explanation as to why co-location is not possible on an existing tower structure. Describe your efforts to co-locate your facility on one of the poles or towers that currently exists or is under construction. The applicant should demonstrate a good faith effort to co-locate with other carriers.
 - (c) This paragraph does not apply to applicants who desire to construct a tower for the primary purpose of attracting other persons to collocate on the tower.
 - (d) Provide a scaled site plan containing information showing the property boundaries, proposed tower lease area (if applicable), proposed tower, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography. The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage and specifications on proposed lighting of the facility;
 - (e) Provide a letter stating why the proposed site was chosen.
 - i. Submit a brief written statement describing how your proposed site and plan meet the City Tontitown's "Statement of Goals and Intent" (above).
 - ii. Each Goal should be addressed individually.
 - iii. The document should also include visual aspects, setbacks, and proximity of single-family residences;
 - iv. Describe how you will accommodate other antenna arrays that could co-locate on your facility. Describe how this accommodation will impact both your pole or tower, and your ground mounted facilities. Provide documentation of your provider's willingness to accommodate other providers who may be able to co-locate on your facility.
1. A sight line representation may be requested by Planning Staff or Planning Commission in situations where the placement of the tower is proposed in areas where potentially there may be a visual impact to surrounding properties. A sight line representation shall be drawn from four points 90° apart and 100 feet from the proposed tower. Each sight line shall be depicted in section, drawn at one-inch equals 40 feet. The sections shall show all intervening trees and buildings.

4.17.2 Review and Construction: Administrative Staff Review

Requirements for administrative review process for new Communication Towers (if a Conditional Use Permit is required, then the Conditional Use Permit must be granted by the Planning Commission and/or City Council prior to proceeding through this administrative review).

A. Structural integrity and inspections of towers.

(1) If a Conditional Use Permit for the tower is needed and approved, the applicant shall provide a complete set of plans for the proposed tower and a site plan of the property or proposed lease area.

(a) Tower Plans:

1. Engineer Stamped Plans for the proposed Tower and an accompanying structural analysis.
2. Engineer stamped plans for the proposed tower foundation based on the local geotechnical information gathered for the specific site.
3. A statement that the tower meets or exceeds design criteria for federal requirements regarding the construction of the tower.

(b) Site Plan

1. Name & address of owner, applicant & surveyor.
2. Date, scale (1"-100' preferred), and north arrow.
3. Vicinity map covering a minimum of one mile with a scale and north arrow indicating surrounding roads, municipal limit lines, growth area boundaries, state lines & county lines as applicable
4. Legal description of the property on which the tower is to be placed, with dimensions and angles sufficient to locate all lines. Property shall be located by Section, Township and Range, and tied to the nearest defined and referenced Section or Quarter Section Corner.
5. The precise location and dimensions of the proposed tower or existing tower as it is to be modified.
6. The location and identification of existing roads or access ways within and to the property (including proposed access easements).
7. The location and size of existing access and/or utility easements on or adjoining the property, or a note there are none.
8. The location of flood areas on the property or a note indicating there are none.
9. The location of USGS documented perennial and intermittent watercourses on or adjoining the property or a note indicating there are none.
10. The area set aside to accommodate future outbuildings and/or equipment pads to be placed on the property in the future in connection with the tower
11. The location of all personal residences within the height of the tower from the perimeter of the base of the tower.
12. The names of the owners of such residences within the buffer zone, being the height of the tower as measured from the base of the tower, and copies of their signed consent to the placement of the proposed tower (if applicable).
13. The existing topography on the property, as per existing U.S. Geological Services survey maps or other more current source
14. A note describing any plat and deed restrictions, or a note indicating there are none.

- (c) If a wireless communication facility fails to comply with the requirements and criteria above and constitutes a danger to persons or property, then upon written notice being provided to the owner of the Communications Tower, the owner shall have 90 days to bring such tower into compliance with such requirements and criteria. If the owner fails to bring such tower into compliance within 90 days, the City may terminate the owner's conditional use permit and/or cause the removal of such tower (at the owner's expense). In no instance shall this process prevent the City from taking whatever action to protect the public from imminent harm, including but not limited to immediate removal of a tower.
- (d) By making application hereunder, the applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences and outbuildings owned by applicant which are located in the City. The applicant further agrees to conduct inspections of all such facilities not less frequently than every 12 months. The applicant agrees that said inspections shall be conducted by one or more designated persons holding a combination of education and experience so that they are reasonably capable of identifying functional problems with the facilities.
- (2) Security fencing and anti-climbing device. Using security fencing, towers and equipment shall be enclosed by opaque fencing eight (8) feet in height. The fencing material shall be an opaque fencing made of durable materials. The tower shall also be equipped with an appropriate anti-climbing device. The facility shall place signs indicating "No Trespassing," "High Voltage," or other pertinent information on the outside of the fence, unless it is decided that the goals of this ordinance would be better served by waiving these provisions in a particular instance. Barbed wire fencing or razor wire shall be prohibited, unless a variance is requested.
- (3) Vegetative screening requirements. Wireless communications facilities shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both.
- (a) Vegetative screening should be designed to visually screen the area by using groups of clustered vegetation to achieve a screen natural in appearance. The screened area may exclude access and utility easements.
- (b) In order to effectively screen the tower site, for every 25 linear feet of perimeter of the leased area, property line (or defined property used for the tower site), the following landscaping is required to be installed unless an alternative plan is approved by the Planning Official:
1. One (1) large tree
 2. Two (2) understory trees
 3. Five (5) large shrubs
- (c) The screened area should generally include a mixture of evergreen and deciduous vegetation types of varying heights; other styles of effective vegetative screening may be considered for approval if deemed adequate by the Planning Official. Depending on the setting and existing vegetation on or near the tower property or leased area, a landscape easement adjacent to the site/leased area may be required. If a landscape easement is needed, it must be at least a minimum of 15' in width.

- (d) If there is existing vegetation onsite or within close-proximity that currently provides screening for the site, then the Planning Official may grant the applicant a waiver from the appropriate portions of the landscape screening requirements. Offsite landscape easements may be required to assure the existing vegetation persists.
 - (e) A landscape plan depicting varieties, sizes (upon planting), and proposed placement of all landscape materials shall be submitted with the application. All proposed or existing easements should also be shown (utility, access, rights of way, and landscape easements, etc.). If the applicant proposes to use existing onsite or nearby vegetation in lieu of required landscaping materials, then that existing vegetation must be shown on the plan.
 - (f) Irrigation- shall not be required, but the owners shall be required to care for the planted vegetation and replace any vegetation that does not survive.
- (4) Setbacks from property lines. Wireless Communication Facilities shall meet current building setbacks as required by the applicable zoning districts unless greater setbacks are required by this section.

B. Co-location on an existing tower or other appropriate structure.

- (1) The Planning Official, following an administrative review without the requirement of an issuance of Conditional Use Permit, may approve the following antenna installation.
 - (a) Locating on existing structures. Installation of an antenna or antenna array on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided the antenna or antenna array and its support are not more than 20 feet in height. The Planning Official may grant a variance of up to 10 additional feet in height when such additional height is necessary for improved functionality or safety and where the requirements of (D) have been accomplished.
 - (b) Locating on existing towers. Additional antennas may be placed or upgraded upon any tower so long as such additional antenna would not violate any requirements of the conditional use permit or other provisions of the original approval. Antennas may be replaced by similar antennas at the same height and for the same basic usage as the antennas being replaced, however, a statement regarding the loading of the replacement equipment shall be submitted and the applicant shall certify that the loading of the proposed equipment shall be less than or equal to the existing. If no certification can be made, then a structural analysis for the tower and the proposed equipment shall be required.
 - (c) For the purpose of co-location, the applicant must submit information from a licensed professional Engineer certifying the capacity of the tower for additional providers and a letter of intent from the applicant indicating their intent to share space. Existing antennas may be replaced by updated antennas or equipment, however, a statement regarding the loading of the replacement equipment shall be submitted and the applicant shall certify that the loading of the proposed equipment shall be less than or equal to the existing equipment. If no certification can be made, then a structural analysis for the tower and the proposed equipment shall be required.

C. Other requirements.

- (1) Wireless Communications Facilities placed on top of buildings. When a wireless communications facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Stealth (RF Transparent) screening visually appropriate to the specific site should be explored as an effective compatibility tool.
- (2) Wireless communications facilities placed on sides of buildings. Antennas which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.

D. Exemptions.

- (1) Personal use. Wireless Communication Facilities for personal use which, including the height of all antenna arrays, are less than 50 feet in height from the ground and shall meet the current setbacks as required by zoning.
- (2) Temporary structures. Temporary structures designed to be used for not more than 14 days in connection with a special event or for any reasonable period of time in and immediately following an emergency, including without limitation those towers which are identified as "C.O.W.s" or "Cellular on Wheels."
- (3) Existing towers. All existing towers may be replaced with the same type and height of tower structure as currently exists. All replacement towers shall comply with (A) and (B) regarding color of towers, structural integrity and inspections of towers, security fencing and anti-climbing device, and vegetative screening requirements.

All existing guyed towers shall also be subject to the following conditions:

- (a) A demolition permit shall be issued prior to a building permit being issued for the replacement tower;
 - (b) The demolition permit shall expire within 90 days and shall require the existing tower to be demolished within 90 days from issuance of the building permit for the replacement tower;
 - (c) The new tower shall be constructed as close as technically feasible to the existing tower;
 - (d) The guyed replacement structure may be increased in width to a maximum of 36 inches. Existing guyed towers over 36 inches shall not be increased in width with a replacement tower.
- (4) Emergency and utility towers and antennas.
Towers and antennas under 35 feet in height used for 9-1-1 services and utility monitoring (gas, water, sewer, traffic lights, etc.).
 - (5) Emergency services pole antennas and microwave dish antennas.

- (a) Mayoral determination. If sufficient information concerning gaps in vital emergency services radio coverage or microwave relay capability and the lack of any reasonable alternative is presented to the Mayor who concludes an exemption to the 150 foot height limitation or to a requirement that antennas must be mounted internal within a permitted cell tower may be made to ensure public safety, the Mayor may grant the following exemptions.
- (b) Emergency services antenna. The Mayor may authorize the placement or extension of an emergency service antennas affixed to the top of a permitted cell phone tower as long and the antenna has a main supporting section diameter no larger than four inches.
- (c) Emergency services microwave dish antenna. The Mayor may authorize the placement of an emergency services microwave dish antenna on the outside of a permitted cell phone tower as long as this dish antenna does not have a diameter more than four feet.

E. Municipal property availability

- (1) The City may actively market its own property as locations for new wireless communications facilities where appropriate and existing structures as suitable co-location sites.
- (2) The City may not require the applicant to give preferential or priority consideration. The City may not impose on the applicant a requirement of first examination to municipal owned locations or other locations as owned or controlled by public type entities (schools, hospitals, libraries) over privately owned properties or locations.
- (3) The City may consider as a factor: The appropriate leasing and use of City property to house wireless communication facilities may lessen the overall impact to the community at large by returning a tangible benefit to partially offset any real or perceived impact, and that this would benefit the community if the facility was located on private land.
 - (a) The lease amount for such facilities, either a co-location on an existing City owned structure, or a lease of City land that the applicant may build a new facility, should be charged per the fair market value of the location.
 - (b) As noted above, the review process is shortened and simplified when co-location on existing City or private structures is submitted by applicant.

F. Abandoned antennas and towers.

- (1) At such time that all licensed carriers abandon or discontinue operation from a wireless communication facility for a continuous period of one year, the wireless communications facility shall be considered abandoned upon such discontinuation of operations. Upon abandonment or discontinuation of use, the carrier shall obtain the appropriate permits from the City Building Official to physically remove the wireless communications facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
 - (a) Removal of antenna, equipment shelters and security barriers from the subject property;

- (b) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations;
- (c) Restoring the location of the wireless communications facility to its natural condition, except that any landscaping, grading, and subsurface construction shall remain in the after-condition.

Definitions

"Affiliate" means an entity that directly or indirectly controls, is controlled by, or is under common control with another party;

"Antenna" means communications equipment that transmits or receives an electromagnetic radio frequency signal in the provision of wireless service;

"Antenna equipment" means equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure is mounted or installed at the same time as the antenna.

"Antenna equipment" does not include:

- (i) The structure or improvements on, under, or within which the equipment is collocated; or
- (ii) Wireline backhaul facilities, coaxial or fiber optic cable that is between structures, or coaxial or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna;

"Antenna facility" means an antenna and associated antenna equipment;

"Applicable codes" means uniform electrical reliability, building, fire, electrical, plumbing, or mechanical codes, as adopted by a recognized national code organization, or local amendments to the codes that are of general application, or local ordinances that are of general application, that address public health, safety, or welfare and are consistent with this subchapter;

"Applicant" means a person who submits an application as or on behalf of a wireless provider;

"Application" means a request submitted by an applicant to an authority for a permit:

- (A) To collocate small wireless facilities; or
- (B) To install, modify, or replace a pole on which a small wireless facility is or will be collocated, in the right-of-way;

"Authority" means the City.

"Authority pole" means a pole owned, managed, or operated by or on behalf of an authority;

"Collocate" or "collocate on" means the placement, mounting, replacement, or modification of a small wireless facility on, or of ground-mounted antenna equipment adjacent to, a structure.

"Collocate" or "collocate on" includes collocated ground-mounted antenna equipment as a small wireless facility if it meets the requirements of Ark. Code. Ann § 23-17-503(25)(A)(iii)-(vi) and the associated facilities on the adjacent structure meet the requirements of A.C.A. § 23-17-503(25)(i)-(vi);

"Collocation," Collocation is defined as placing an antenna on any existing structure, regardless of whether that structure already has wireless equipment on it, or whether it has been zoned for placing that equipment.

"Communications service" means:

- (A) A cable service, as defined in 47 U.S.C. § 522(6), as it existed on January 1, 2019;
- (B) A telecommunications service, as defined in 47 U.S.C. § 153(53), as it existed on January 1, 2019;
- (C) An information service, as defined in 47 U.S.C. § 153(24), as it existed on January 1, 2019; or
- (D) Wireless service;

"Communications service provider" means:

- (A) A cable operator, as defined in 47 U.S.C. § 522(5), as it existed on January 1, 2019;
- (B) A provider of information service, as defined in 47 U.S.C. § 153(24), as it existed on January 1, 2019;
- (C) A telecommunications carrier, as defined in 47 U.S.C. § 153(51); or
- (D) A wireless provider;

"Control" means the direct or indirect:

- (A) Ownership of at least fifty percent (50%) of the equity;
- (B) Ability to direct at least fifty percent (50%) of voting power; or
- (C) Ability otherwise to direct management policies;

"Controlled-access facility" means a highway or street described in A.C.A. § 27-68-102;

"Decorative pole" means an authority pole that is specifically designed and placed for aesthetic purposes and on which limited appurtenances or attachments, such as a small wireless facility, lighting, specially designed informational or directional signage, or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory City rules or codes;

"Day" Calendar day unless there is a time frame for the City to respond to a request and the last day to respond ends on a weekend, holiday, or time when, all but City emergency services, are closed due to weather or some unforeseen situation.

"Facility" means an antenna facility or a structure that is used for the provision of wireless service;

"Fee" means a one-time, nonrecurring charge;

"Historic district" means a group of buildings, properties, or sites that are either:

- (A) Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register of Historic Places, according to Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, 47 C.F.R. Part 1, Appendix C, as it existed on January 1, 2019;
- (B) A historic district designated under the Historic Districts Act, § 14-172-201 et seq.; or
- (C) A historic district otherwise designated under a local ordinance as of January 1, 2019;

"Micro-wireless facility" means a wireless facility that:

- (A) Is not larger in dimension than twenty-four inches (24") in length, fifteen inches (15") in width, and twelve inches (12") in height;

- (B) Has an exterior antenna that is no longer than eleven inches (11"); and
- (C) Is not placed any farther than ten feet (10') down the span as measured from the side of the pole;

"Permit" means an authorization, written or otherwise, required by an authority to perform an action or initiate, continue, or complete a project for the deployment of wireless service at a specified location;

"Person" means an individual, corporation, limited liability company, partnership, association, trust, authority, or other entity or organization;

"Pole" means a pole in a right-of-way that may be used by or for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, or for collocation of small wireless facilities.

"Pole" does not include a wireless support structure or an electric transmission structure;

"Rate" means a recurring charge;

"Right-of-way" means an area on, below, or above a public utility easement, roadway, highway, street, sidewalk, alley, or similar property. Such areas are formally owned by the City or used as prescriptive easements.

"Right-of-way" does not include a federal interstate highway, controlled-access facility, or a public utility easement that does not authorize the deployment sought by the wireless provider;

"Small wireless facility" means a wireless facility that meets all of the following specifications:

- (i) The facility:
 - (a) Is mounted on a structure fifty feet (50') or less in height, including the antennas;
 - (b) Is mounted on a structure no more than ten percent (10%) taller than other adjacent structures; or
 - (c) Does not extend an existing structure on which it is located to a height of more than fifty feet (50') or by more than ten percent (10%), whichever is greater;
- (ii) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet (3 cu. ft.) in volume;
- (iii) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any preexisting associated equipment on the structure, is no more than twenty-eight cubic feet (28 cu. ft.) in volume;
- (iv) The facility does not require antenna structure registration under 47 C.F.R. Part 17, as it existed on January 1, 2019;
- (v) The facility is not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as it existed on January 1, 2019; and (vi) The facility does not result in human exposure to radio frequency in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as it existed on January 1, 2019.

"Small wireless facility" does not include:

- (i) The structure or improvements on, under, or within which the equipment is located or collocated or to which the equipment is attached; and

- (ii) Any wireline backhaul facility or coaxial or fiber optic cable that is between wireless support structures or utility poles, or that is otherwise not immediately adjacent to or directly associated with a particular antenna;

"Structure" means a pole or wireless support structure, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service;

"Technically feasible" means that by virtue of Engineering or spectrum usage the proposed placement for a small wireless facility, or its design, concealment measures, or site location, can be implemented without a material reduction in the functionality of the small wireless facility;

"Utility Pole" A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control signage, or a similar function regardless of ownership. Such term shall not include structures supporting only Wireless Facilities.

"Wireless Facility" Equipment at a fixed location that enables wireless communications between user equipment and a communication network, including: (i) equipment associated with wireless communications; (ii) radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes Small Wireless Facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.

"Wireless infrastructure provider" means a person or an affiliate thereof, including a person authorized to provide communications service in the state, that builds or installs facilities for the provision of wireless service, but that is not a wireless service provider;

"Wireless provider" means a wireless infrastructure provider or a wireless service provider;

"Wireless service" means any service using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public;

"Wireless service provider" means a person who provides wireless service;

"Wireless support structure" means a structure, including:

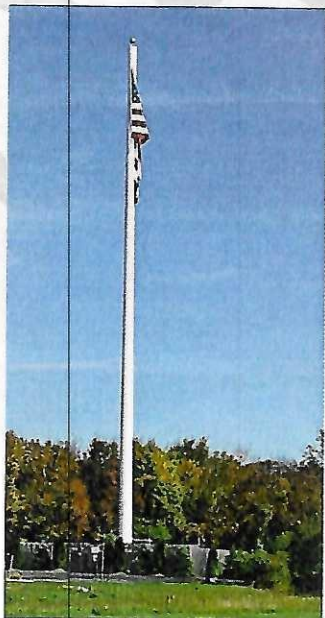
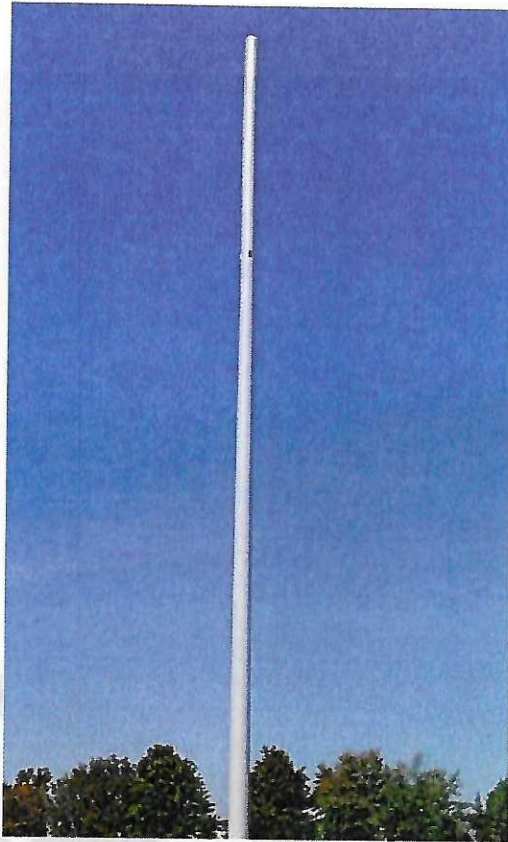
- (i) A monopole;
- (ii) A tower, either guyed or self-supporting;
- (iii) A billboard;
- (iv) A building; or
- (v) Any other existing or proposed structure designed to support or that is capable of supporting small wireless facilities, other than a structure designed solely for the collocation of small wireless facilities.

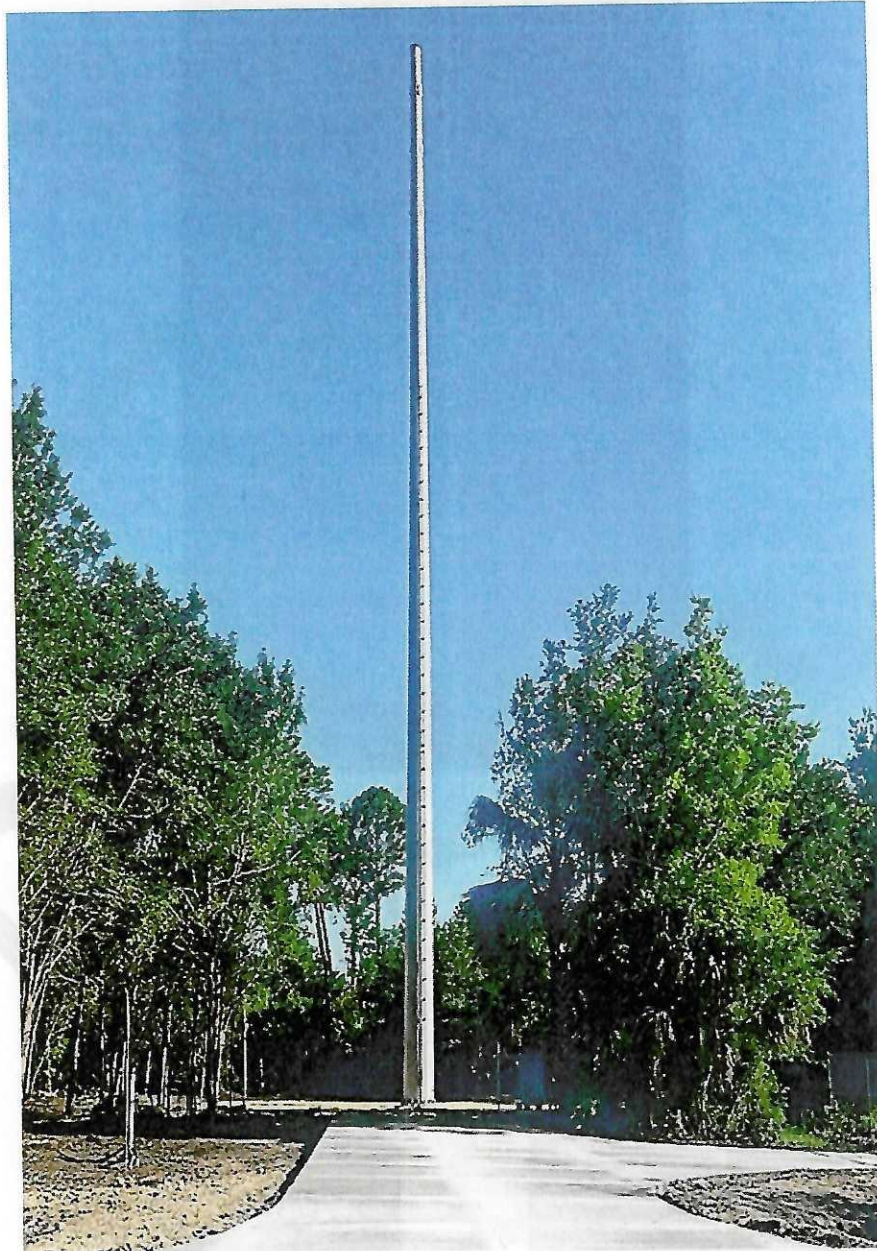
"Wireless support structure" does not include a pole

"Wireline backhaul facility" means an aboveground or underground facility used to transport communications services from a wireless facility to a network.

Exhibit A:

Examples of Monopole towers with internal antenna.





ORDINANCE NO. 2022-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO AMEND CHAPTER 111: SALE OF FIREWORKS IN ORDER TO INCLUDE AND DEFINE REGULATIONS FOR THE USE OF FIREWORKS IN THE TONTITOWN MUNICIPAL CODE.

WHEREAS, the City of Tontitown has adopted regulations for the Sale of Fireworks codified in Chapter 111 of the Tontitown Municipal Code; and

WHEREAS, it has become apparent to the City Council that a need exists to amend Chapter 111: Sale of Fireworks in order to include and define regulations the use of fireworks in the Tontitown Municipal Code; and

WHEREAS, reasonable regulation of the sale and use of fireworks is necessary for the protection of the health, safety, and general welfare of the citizens of the City of Tontitown; and

WHEREAS, having fully reviewed the proposed amendments, attached hereto as Exhibit "A", the Tontitown City Council has determined that Chapter 111: Sale of Fireworks be amended to include and clarify regulations for the use of fireworks within the City.

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

Section 1. That Chapter 111: Sale of Fireworks 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.

PASSED AND APPROVED this ____ day of July 2022.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer

AN ORDINANCE TO AMEND CHAPTER 111 OF THE TOWNSHIP MUNICIPAL CODE IN ORDER TO INCLUDE AND DEFINE REGULATIONS FOR THE USE OF FIREWORKS BY THE TOWNSHIP MUNICIPAL CODE.

WHEREAS, the City of Tontitown has adopted regulations for the sale of fireworks codified in Chapter 111 of the Tontitown Municipal Code; and

WHEREAS, it has become apparent to the City Council that a need exists to amend Chapter 111: Sale of Fireworks in order to include and define regulations for the use of fireworks in the Tontitown Municipal Code; and

WHEREAS, responsible regulation of the sale and use of fireworks is necessary for the protection of the health, safety, and general welfare of the citizens of Tontitown; and

WHEREAS, having fully reviewed the proposed amendments attached hereto as Exhibit "A", the Tontitown City Council has determined that Chapter 111: Sale of Fireworks be amended to include and clarify regulations for the use of fireworks within the City.

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

Section 1. That Chapter 111: Sale of Fireworks of the Tontitown Municipal Code is hereby amended as set forth in the attached Exhibit "A".

Section 2. The text and amendments to the Tontitown Municipal Code are specifically amended herein herein in this form and effect.

Section 3. In the event that any section, paragraph, subtitle, clause, phrase, or other portion or portion of this Ordinance shall be adjudged invalid or unenforceable, the same shall not affect the validity of this Ordinance as a whole, or any part or provision other than the part so declared to be invalid or unenforceable; and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unenforceable provision or provisions had never been contained herein.

PASSED AND APPROVED this _____ day of July 2012.

APPROVED:

Rhonda Ardemagni, City Clerk-Treasurer

ATTEST:

**CITY OF TONTITOWN
WATER AND SEWER DEPARTMENT
Tontitown, Arkansas
FINANCIAL STATEMENTS
and
SUPPLEMENTARY INFORMATION
For the Years Ended
December 31, 2021 and 2020
and
INDEPENDENT AUDITOR'S REPORT**

CITY OF TONTITOWN WATER AND SEWER DEPARTMENT
Tontitown, Arkansas
FINANCIAL STATEMENTS AND SUPPLEMENTARY INFORMATION
For the Years Ended December 31, 2021 and 2020

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Berry & Associates
CERTIFIED PUBLIC ACCOUNTANTS

American Institute of CPAs

Arkansas Society of CPAs

Texas Society of CPAs

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**Honorable Angela Russell, Mayor
and Members of the City Council
City of Tontitown Water and Sewer Department
Tontitown, Arkansas**

**Report on the Audit of the Financial Statements
Opinions**

We have audited the accompanying financial statements of the Water and Sewer Department of the City of Tontitown, Arkansas (the Department), as of and for the years ended December 31, 2021 and 2020, and the related notes to the financial statements, which collectively comprise the Department's financial statements as listed in the table of contents.

In our opinion, the financial statements referred to in the first paragraph present fairly, in all material respects, the respective financial position of the City of Tontitown Water and Sewer Department as of December 31, 2021 and 2020, and the respective changes in financial position, and cash flows thereof for the years then ended in accordance with accounting principles generally accepted in the United States of America

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Department, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified opinion.

Emphasis of Matter

As discussed in Note 1, the financial statements present only the Water & Sewer Department and do not purport to, and do not, present fairly the financial position of the City of Tontitown, Arkansas as of December 31, 2021, the changes in its financial position, or, where applicable, its cash flow for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Department's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Honorable Angela Russell, Mayor
and Members of the City Council
City of Tontitown Water & Sewer Department
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Auditor's Responsibility for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is substantial likelihood that, individually or in the aggregate, they would influence the judgement made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures including examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Department's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgement, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Department's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Supplementary Information

The Supplementary Information Required by the USDA Rural Development is the responsibility of management and was derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Supplementary Information Required by the USDA Rural Development is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Honorable Angela Russell, Mayor
and Members of the City Council
City of Tontitown Water & Sewer Department
Page 3

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated June 16, 2022 on our consideration of the Water and Sewer Department of the City of Tontitown, Arkansas's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Water and Sewer Department of the City of Tontitown, Arkansas's internal control over financial reporting and compliance.

Berry & Associates

BERRY & ASSOCIATES, P.A.
Little Rock, Arkansas
June 16, 2022

CITY OF TONTITOWN WATER AND SEWER DEPARTMENT
STATEMENTS OF NET POSITION
December 31, 2021 and 2020

ASSETS		
	2021	2020
CURRENT ASSETS		
Cash and cash equivalents	\$ 4,840,501	\$ 3,521,802
Accounts receivable	204,166	207,294
Sales tax receivable	325,818	240,221
Inventory	47,901	66,789
Other current assets	17,881	-
Prepaid expenses	15,561	11,862
Total current assets	5,451,828	4,047,968
NON-CURRENT ASSETS		
Restricted assets		
Cash and cash equivalents	2,021,849	1,701,656
Investments	292,029	277,650
Total Restricted assets	2,313,878	1,979,306
Capital assets		
Capital assets, net of accumulated depreciation	21,506,483	21,937,446
TOTAL ASSETS	\$ 29,272,189	\$ 27,964,720
LIABILITIES AND NET POSITION		
CURRENT LIABILITIES		
Accounts payable	\$ 135,303	\$ 88,973
Accrued liabilities	2,805	2,589
Current portion of long-term debt	505,100	494,200
Accrued interest payable	72,429	73,994
Total current liabilities	715,637	659,756
CURRENT LIABILITIES PAYABLE FROM RESTRICTED ASSETS		
Meter deposits	114,562	102,136
NON-CURRENT LIABILITIES		
Long-term debt, net of current portion	11,249,607	12,481,444
TOTAL LIABILITIES	12,079,806	13,243,336
NET POSITION		
Net investment in capital assets	9,751,777	11,595,437
Temporarily restricted	587,797	563,996
Unrestricted	6,852,809	2,561,951
Total net position	17,192,383	14,721,384
TOTAL LIABILITIES AND NET POSITION	\$ 29,272,189	\$ 27,964,720

The accompanying notes to the financial statements are an integral part of these statements.

CITY OF TONTITOWN WATER AND SEWER DEPARTMENT
STATEMENTS OF REVENUES, EXPENSES, AND CHANGE IN NET POSITION
For the Years Ended December 31, 2021 and 2020

	2021	2020
OPERATING REVENUES		
Water revenue	\$ 1,173,530	\$ 1,080,190
Sewer revenue	1,072,959	870,870
Water & sewer tapping/connection fees	473,050	242,650
Solid waste revenue	236,422	197,925
Other income	148,580	115,234
Total operating revenues	3,104,541	2,506,869
OPERATING EXPENSES		
Water purchases	586,293	597,371
Sewer service purchases	988,200	898,825
Solid waste reimbursement	248,884	207,259
Salaries & payroll taxes	273,844	250,178
Employee benefits	54,393	52,227
Auto expenses	21,679	14,038
Insurance	18,497	15,831
Computer support	1,185	6,652
Professional fees	13,515	28,535
Repairs and maintenance	512,325	353,774
Utilities and telephone	71,118	47,816
Dues and subscriptions	14,641	11,598
Materials and supplies	122,437	192,608
Office expense	978	3,481
Bank fees	2,997	2,971
Uniforms	3,380	2,277
Miscellaneous expenses	25,571	20,663
Depreciation and amortization	705,509	539,233
Total operating expenses	3,665,446	3,245,337
OPERATING LOSS	(560,905)	(738,468)
NONOPERATING REVENUE (EXPENSES)		
Bond fees	(500)	(4,282)
Interest income	8,686	44,361
Interest expense	(389,328)	(441,268)
Net nonoperating expense	(381,142)	(401,189)
NET LOSS BEFORE TRANSFERS	(942,047)	(1,139,657)
TRANSFERS IN (OUT)	13,456	(2,542)
TRANSFERS IN FROM CITY FOR SALES TAX	3,399,590	2,776,083
CHANGE IN NET POSITION	2,470,999	1,633,884
NET POSITION - BEGINNING OF YEAR	14,721,384	13,087,500
NET POSITION - END OF YEAR	\$ 17,192,383	\$ 14,721,384

The accompanying notes to the financial statements are an integral part of these statements.

CITY OF TONTITOWN WATER AND SEWER DEPARTMENT
STATEMENTS OF CASH FLOWS
For the Years Ended December 31, 2021 and 2020

	<u>2021</u>	<u>2020</u>
CASH FLOWS FROM OPERATING ACTIVITIES:		
Cash received from customers	\$ 3,107,669	\$ 2,480,969
Cash payments to suppliers	(2,715,412)	(3,012,813)
Cash payments to employees	(273,844)	(250,178)
Net cash provided (used) by operating activities	<u>118,413</u>	<u>(782,022)</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:		
Purchases of capital assets	(266,017)	(598,094)
Costs paid on construction in progress	(8,528)	-
Principal payments on short-term debt	-	(1,700,610)
Interest payments on short-term debt	-	(41,388)
Principal payments on long-term debt	(1,304,581)	(1,051,881)
Proceeds from long-term debt	83,644	1,896,356
Bond processing fees paid on long-term debt	(500)	(4,282)
Interest payments on long-term debt	(390,892)	(398,675)
Net cash used by capital and related financing activities	<u>(1,886,874)</u>	<u>(1,898,574)</u>
CASH FLOWS FROM NON-CAPITAL FINANCING ACTIVITIES:		
Transfers from City for sales tax	3,399,590	2,776,083
Other transfers from (to) City	13,456	(2,542)
Net cash provided by non-capital financing activities	<u>3,413,046</u>	<u>2,773,541</u>
CASH FLOWS FROM INVESTING ACTIVITIES:		
Net activity of restricted cash	(334,572)	101,901
Interest received	8,686	44,361
Net cash provided (used) by investing activities	<u>(325,886)</u>	<u>146,262</u>
NET INCREASE IN CASH AND CASH EQUIVALENTS	- 1,318,699	239,207
CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR	<u>3,521,802</u>	<u>3,282,595</u>
CASH AND CASH EQUIVALENTS AT END OF YEAR	<u>\$ 4,840,501</u>	<u>\$ 3,521,802</u>

The accompanying notes to the financial statements are an integral part of these statements.

CITY OF TONTITOWN WATER AND SEWER DEPARTMENT
STATEMENTS OF CASH FLOWS, Continued
For the Years Ended December 31, 2021 and 2020

	2021	2020
Reconciliation of operating loss to net cash provided (used) by operating activities:		
Operating loss	\$ (560,905)	\$ (738,468)
Adjustments to reconcile operating loss to net cash provided (used) by operating activities:		
Depreciation and amortization	705,509	539,233
(Increase) Decrease in:		
Accounts receivable	3,128	(25,900)
Sales tax receivable	(85,597)	(54,144)
Inventory	18,888	(2,186)
Other current assets	(17,881)	-
Prepaid expenses	(3,699)	(2,184)
Increase (Decrease) in:		
Accounts payable	46,330	(39,527)
Retainage payable	-	(464,083)
Accrued liabilities	214	(9,423)
Customer deposits	12,426	14,660
	<u>679,318</u>	<u>(43,554)</u>
Net cash provided (used) by operating activities	<u>\$ 118,413</u>	<u>\$ (782,022)</u>

The accompanying notes to the financial statements are an integral part of these statements.

CITY OF TONTITOWN WATER AND SEWER DEPARTMENT
NOTES TO FINANCIAL STATEMENTS
December 31, 2021 and 2020

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

Organization

The City of Tontitown, Arkansas, Water and Sewer Department is an enterprise fund. Enterprise funds are proprietary funds used to account for business-like activities provided to the general public. These activities are financed primarily by user charges and the measurement of financial activity focuses on net income measurement similar to the private sector. The fund is used to record the revenues and expenses from the operation of the water and sewer system.

Basis of Presentation and Accounting

The accounts of the Department are organized on the basis of a proprietary fund type, specifically an enterprise fund. The activities of this fund are accounted for with a separate set of self-balancing accounts that comprise the Department's assets, liabilities, net position, revenues and expenses. Enterprise Funds account for activities (i) that are financed with debt that is secured solely by a pledge of the net revenues from fees and charges of the activity; or (ii) that are required by laws or regulations that the activity's costs of providing services, including capital costs (such as depreciation or debt service), be recovered with fees and charges, rather than with taxes or similar revenues; or (iii) that the pricing policies of the activity establish fees and charges designed to recover its costs, including capital costs (such as depreciation or debt service).

The accounting and financial reporting treatment applied to the Department is determined by its measurement focus. The transactions of the Department are accounted for on a flow of economic resources measurement focus. With this measurement focus, all assets and all liabilities associated with the operations are included on the statement of net position. Net position (i.e., total assets net of total liabilities) are segregated into net investment in capital assets, restricted for debt service; and unrestricted components.

Estimates

Management of the Department has made certain estimates and assumptions relating to the reporting of assets and liabilities and revenues and expenses to prepare these financial statements in conformity with generally accepted accounting principles. Actual results may differ from those estimates.

Cash and Cash Equivalents

The Department considers all highly liquid investments (including restricted cash and investments) with maturities of three months or less when purchased to be cash equivalents. Certificate of deposits are presented at fair value. Short-term investments generally mature or are otherwise available for withdrawal in less than one year.

Inventories

Inventories consist of expendable supplies held for consumption. Inventory is valued at the lower of cost or market, on a first-in, first-out basis. Cost is deemed to approximate market value.

Allowance for Bad Debts

The Department has elected to record bad debts using the direct write-off method. Generally accepted accounting principles require that the allowance method be used to recognize bad debts; however as of December 31, 2021 management had determined that no additional accounts needed to be written off. Bad debt expense for the year ended December 31, 2021 was \$0.

Budgets and Budgetary Accounting

Prior to the beginning of the new fiscal year, the Council Members adopt an annual budget for the Department. The budget of the Department is adopted under a basis consistent with GAAP, except that depreciation, certain capital expenses, and nonoperation income and expense items are not considered. All annual appropriations lapse at the fiscal year-end.

**CITY OF TONTITOWN WATER AND SEWER DEPARTMENT
NOTES TO FINANCIAL STATEMENTS
December 31, 2021 and 2020**

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued):

Capital Assets

The cost of additions and major replacements of retired units of property are capitalized. The Department defines capital assets as assets with an initial, individual cost of more than \$1,000 and an estimated useful life in excess of two years. Cost includes direct labor, outside services, materials and transportation, employee fringe benefits, overhead, and interest on funds borrowed to finance construction. The cost and accumulated depreciation of property sold or retired is deducted from capital assets and any profit or loss resulting from the disposal is credited or charged in the nonoperating section of the statements of revenues, expenses and changes in net position. The cost of current repairs, maintenance, and minor replacements is charged to expense. Construction in progress primarily relates to upgrades of existing facilities.

Depreciation has been provided over estimated useful lives of the assets using the straight-line method. The estimated useful lives are as follows:

Asset	Years
Land improvements	15-39
Water & Sewer System	40
Buildings	40
Equipment	5-15
Vehicles	5

Long-Term Debt and Costs

Long-term debt is reported at face value, net of applicable discounts and deferred loss on refunding. Costs related to the issuance of debt are deferred and amortized over the lives of the various debt issues. Losses occurring from advance refundings of debt are deferred and amortized as interest expense over the remaining life of the old bonds, or the life of the new bonds, whichever is shorter.

Operating Revenues and Expenses

Operating revenues and expenses consist of those revenues that result from the ongoing principal operations of the Department. Operating revenues consist primarily of charges for services. Nonoperating revenues and expenses consist of those revenues and expenses that are related to financing and investing type of activities and result from nonexchange transactions or ancillary activities. When an expense is incurred for purposes for which there are both restricted and unrestricted net position available, it is the Department's policy to apply those expenses to restricted net position to the extent such are available and then to unrestricted net position.

Equity Classification

Net position comprises the various net earnings from operating income, nonoperating revenues and expenses, and capital contributions. Net position is classified in the following three components:

Net Investment in Capital Assets-This component of net position consists of capital assets, net of accumulated depreciation and reduced by the outstanding balances of any bonds, mortgages, notes or other borrowings that are attributable to the acquisition, construction or improvements of those assets. If there are significant unspent related debt proceeds at year-end, the portion of the debt attributable to the unspent proceeds is not included in the calculation of net investment in capital assets. Rather, that portion of debt is included in the same net position component as the unspent proceeds.

Temporarily Restricted- This component of net position consists of constraints imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments or constraints imposed by law through constitutional provisions or enabling legislation.

Unrestricted - This component of net position consists of net position that does not meet the definition of "restricted."

Investments

Marketable securities are classified as "available for sale". Securities classified as "available for sale" are carried in the financial statements at fair value. Realized gains and losses, determined using the first-in, first-out (FIFO) method, are included in the earnings; unrealized holding gains and losses are reported in other comprehensive income.

**CITY OF TONTITOWN WATER AND SEWER DEPARTMENT
NOTES TO FINANCIAL STATEMENTS
December 31, 2021 and 2020**

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued):

Capitalized Interest

Interest costs are capitalized when incurred on debt where proceeds were used to finance the construction of capital assets. Interest earned on proceeds of tax-exempt borrowing arrangements restricted to the acquisition of qualifying assets is offset against interest costs in determining the amount to be capitalized.

NOTE 2 - DEPOSITS WITH FINANCIAL INSTITUTIONS:

All funds are deposited in approved banks. The deposited funds are insured by the Federal Deposit Insurance Corporation ("FDIC") or collateralized by securities held by the banks in the Department's name. The deposited funds were adequately insured at December 31, 2021.

NOTE 3 - CAPITAL ASSETS:

Capital asset activity for the years ended December 31, 2021 and 2020 was as follows:

	Balance 12/31/20	Additions	Retirements and transfers	Balance 12/31/21
Land & Improvements	\$ 387,298	\$ -	\$ -	\$ 387,298
Sewer System	10,218,187	-	-	10,218,187
Water System	16,164,968	220,879	-	16,385,847
Buildings	522,301	-	-	522,301
Equipment	658,324	19,040	-	677,364
Vehicles	135,479	26,098	-	161,577
Construction in Progress	-	8,528	-	8,528
	<u>28,086,557</u>	<u>\$ 274,545</u>	<u>\$ -</u>	<u>28,361,102</u>
Less Accumulated Depreciation	(6,149,111)			(6,854,619)
Total Net Capital Assets	<u>\$ 21,937,446</u>			<u>\$ 21,506,483</u>

	Balance 12/31/19	Additions	Retirements and transfers	Balance 12/31/20
Land & Improvements	\$ 387,298	\$ -	\$ -	\$ 387,298
Sewer System	10,218,187	-	-	10,218,187
Water System	6,962,959	9,202,009	-	16,164,968
Buildings	507,941	14,360	-	522,301
Equipment	657,173	1,151	-	658,324
Vehicles	117,479	18,000	-	135,479
Construction in Progress	8,637,424	-	(8,637,424)	-
	<u>27,488,461</u>	<u>\$ 9,235,520</u>	<u>\$ (8,637,424)</u>	<u>28,086,557</u>
Less Accumulated Depreciation	(5,609,876)			(6,149,111)
Total Net Capital Assets	<u>\$ 21,878,585</u>			<u>\$ 21,937,446</u>

CITY OF TONTITOWN WATER AND SEWER DEPARTMENT
NOTES TO FINANCIAL STATEMENTS
December 31, 2021 and 2020

NOTE 4 – LONG-TERM DEBT:

Long-term debt consists of the following:

	2021	2020
Arkansas Natural Resources Revenue Bonds, due in semi-annual installments of \$9,670, including interest at 4.6%, through June 2027. (1)	\$ 87,196	\$ 102,012
City of Tontitown, Arkansas Sales & Use Tax Refunding Bonds payable to UMB Bank, due annually through October 2032. Interest rates range from 2.0% to 4.25%. (2)	3,040,000	3,270,000
City of Tontitown, Arkansas Sales & Use Tax Refunding Bonds payable to Farmers & Merchants, due in semi-annual installments through February 2048. Interest rates range from 1.75% to 3.63%, due in semi annual installments. (3)	6,230,000	6,970,000
Loan payable to Grand Savings Bank, due in semi-annual installments of \$33,300 through August 2023, including interest at 4.35%, with final balloon payment of all outstanding principal and interest to be made August 2024. (4)	550,000	750,000
Loan payable to USDA, due in monthly installments of \$3,802, including interest at 1.875%, through July 2060. (5)	1,250,850	1,272,797
Loan payable to USDA, due in monthly installments of \$2,079, including interest at 1.875%, through September 2053. (5)	596,661	610,835
	11,754,707	12,975,644
Less Current Portion	(505,100)	(494,200)
Long-Term Debt, Net	\$ 11,249,607	\$ 12,481,444

- (1) The bond agreement with Arkansas Natural Resources Commission contains a provision which requires the Department to maintain their water rates at an amount sufficient to (1) pay all operation, repair and maintenance expenses, and (2) leave a balance equal to the debt service requirements to which the system revenues are pledged. For the year ended December 31, 2021, the Department did satisfy this requirement of the rate covenant.
- (2) The revenue bond has a restrictive covenant, including the requirement to maintain a debt service reserve fund in the amount of \$171,466 for the life of the bond.
- (3) The revenue bond has a restrictive covenant, including the requirement to maintain a debt service reserve fund in the amount of \$206,356 for the life of the bond.
- (4) The loan has restrictive covenants, including the requirement to begin accumulating a debt service reserve in annual installments of \$173,333, until the reserve reaches \$866,667.
- (5) The loans have restrictive covenants, including the requirement to begin accumulating a debt service reserve in monthly installments of \$589, until the reserve reaches \$70,572.

CITY OF TONTITOWN WATER AND SEWER DEPARTMENT
NOTES TO FINANCIAL STATEMENTS
December 31, 2021 and 2020

NOTE 4 – LONG-TERM DEBT (continued):

The annual maturities of long-term debt at December 31, 2021, are as follows:

	Principal	Interest	Total
2022	\$ 505,133	\$ 412,158	\$ 917,291
2023	511,433	400,061	911,494
2024	983,733	761,466	1,745,199
2025	501,200	333,655	834,855
2026	517,700	324,809	842,509
2027-2031	2,762,896	1,348,928	4,111,824
2032-2036	1,811,900	908,167	2,720,067
2037-2041	1,754,100	618,660	2,372,760
2042-2046	1,703,600	669,323	2,372,923
2047-2051	300,600	359,366	659,966
2052-2056	247,261	25,465	272,726
2057-2060	155,151	5,403	160,554
	<u>\$ 11,754,707</u>	<u>\$ 6,162,058</u>	<u>\$ 17,922,168</u>

Long-term liability activity for the years ended December 31, 2021 and 2020 is as follows:

	Balance 12/31/20	Additions	Retirements	Balance 12/31/21	Due Within One Year
Long Term Debt					
Sales & Use Tax Bonds	\$ 10,240,000	\$ -	\$ (970,000)	\$ 9,270,000	\$ 420,000
Water Revenue Bonds	102,012	-	(14,816)	87,196	15,500
Loans	2,633,632	83,644	(319,765)	2,397,511	69,600
	<u>\$ 12,975,644</u>	<u>\$ 83,644</u>	<u>\$ (1,304,581)</u>	<u>\$ 11,754,707</u>	<u>\$ 505,100</u>
	Balance 12/31/19	Additions	Retirements	Balance 12/31/20	Due Within One Year
Long Term Debt					
Sales & Use Tax Bonds	\$ 11,015,000	\$ -	\$ (775,000)	\$ 10,240,000	\$ 410,000
Water Revenue Bonds	116,169	-	(14,157)	102,012	14,800
Loans	1,000,000	1,896,356	(262,724)	2,633,632	69,400
	<u>\$ 12,131,169</u>	<u>\$ 1,896,356</u>	<u>\$ (1,051,881)</u>	<u>\$ 12,975,644</u>	<u>\$ 494,200</u>

The Department has pledged future water customer revenues, net of specified operating expenses, to repay \$11,754,707 in sales & use tax bonds, revenue bonds and loans. Proceeds from the loans/bonds were used for building of the Department's water and sewer system. Principal and interest on the bonds and loans are payable through 2060, from the water customer net revenues, as well as a percentage of sales tax proceeds. Principal and interest paid in the year ended December 31, 2021 were \$1,304,581 and \$390,892, respectively. Principal and interest paid in the year ended December 31, 2020 were \$1,051,881 and \$398,675, respectively.

NOTE 5 – SUBSEQUENT EVENTS:

Management has evaluated all the activities of the Department through June 16, 2022 (the date the financial statements were available to be issued) and concluded that no subsequent events have occurred that would require recognition in the financial statements or disclosure in the notes to the financial statements as of December 31, 2021.

**CITY OF TONTITOWN WATER AND SEWER DEPARTMENT
NOTES TO FINANCIAL STATEMENTS
December 31, 2021 and 2020**

NOTE 6 – RESTRICTED ASSETS:

Restricted assets consist of cash reserves restricted for specific use and cash deposits for meters by customers.

The following is a list of the restricted cash at December 31:

	2021		2020
Debt Service Reserves	\$ 213,924	\$	213,907
Bond Fund	1,116,810		852,517
Customer Meter Deposits	124,263		107,077
Construction Funds	566,852		528,155
	\$ 2,021,849	\$	1,701,656

The long-term debt covenants require minimum reserves for debt service reserves (see Note 4). These funds are held investment accounts as seen in Note 9.

	2021		2020
2002 Series Revenue Bond Fund	\$ 2,328	\$	2,328
2013 Series Sales Tax Principal Account	58,772		57,667
2013 Series Sales Tax Bond Debt Service Reserve	198,379		200,405
2013 Series Sales Tax General Account	32,550		17,250
	\$ 292,029	\$	277,650

NOTE 7 – RISK MANAGEMENT:

The Department is exposed to various levels of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions, injuries to employees; and natural disasters. The Department carries property, vehicle insurance and workers compensation insurance.

There has been no significant reduction in the Department's insurance coverage from the previous year. In addition, there have been no settlements in excess of the Department's coverage in any of the prior three fiscal years.

NOTE 8 – EMPLOYEE BENEFITS:

The District participates in a section 457 deferred compensation plan administered by Principal Life Insurance Company. All employees are eligible to participate. The Department contributes 5% of the eligible compensation and matches up to 5% of the employee's contribution. For the year ended December 31, 2021, contributions by the Department were \$17,924.

CITY OF TONTITOWN WATER AND SEWER DEPARTMENT
NOTES TO FINANCIAL STATEMENTS
December 31, 2021 and 2020

NOTE 9 – INVESTMENTS:

FASB Accounting Standards Codification (ASC) 820-10 established a fair value hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted observable quoted prices in active markets for identical assets or liabilities (level 1 measurements) and the lowest priority to unobservable inputs (level 3 measurements).

The three levels of the FASB fair value hierarchy are described below:

Basis of Fair Value Measurement

Level 1 – Unadjusted quoted prices in active markets that are accessible at the measurement date for identical, unrestricted assets or liabilities;

Level 2 – Quoted prices in markets that are not considered to be active or financial instruments for which all significant inputs are observable, either directly or indirectly;

Level 3 – Prices or valuations that require inputs that are both significant to the fair value measurement and unobservable.

A financial instrument's level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. All of the entity's investments are determined to be Level 1.

The following table sets forth by level, within the fair value hierarchy, the Company's assets at fair value at December 31, 2021:

	Level 1	Level 2	Level 3	Total
Bond Funds	\$ 2,328	\$ -	\$ -	\$ 2,328
Money Market	289,701	-	-	289,701
Total Assets at Fair Value	<u>\$ 292,029</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 292,029</u>

The Department's investments in securities are stated at fair market value and consist of the following:

	Costs	Fair Value
Bond Funds	\$ 2,328	\$ 2,328
Money Market	289,701	289,701
	<u>\$ 292,029</u>	<u>\$ 292,029</u>

NOTE 10 – COMMITMENTS:

On April 24, 2007, the Department entered into a service contract with Northwest Arkansas Conservation Authority (NACA). The agreement as amended provides for the treatment of waste water for the Department by NACA. The agreement also provides that the commission will share in the cost of operating the NACA facilities primarily based upon the Department's pro rata share of treated waste water, that the Department will charge its customers at rates adequate to cover the cost of NACA's services (to the extent allowed by law), and that the Department will not be required to compensate NACA in amounts in excess of waste water revenues. Treatment costs from NACA for the years ended December 31, 2021 and 2020 were \$988,200 and \$898,825, respectively. The agreement has a term expiring the later of April 2047 or such time as all NACA debt has been retired.



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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

Independent Auditor's Report

**Honorable Angela Russell, Mayor
and Members of the City Council
City of Tontitown Water and Sewer Department
Tontitown, Arkansas**

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Water and Sewer Department of the City of Tontitown, Arkansas, as of and for the year ended December 31, 2021, and the related notes to the financial statements, which collectively comprise the Water and Sewer Department of the City of Tontitown, Arkansas's financial statements and have issued our report thereon dated June 16, 2022.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Department's internal control over financial reporting (internal control) as a basis for designing the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Department's internal control. Accordingly, we do not express an opinion on the effectiveness of the Department's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected in a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Department's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

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Honorable Angela Russell, Mayor
and Members of the City Council
City of Tontitown
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Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Berry & Associates

Berry & Associates, P.A.
Little Rock, Arkansas
June 16, 2022

[Faint, mirrored text from the reverse side of the page is visible through the paper, including phrases like "We have audited...", "internal control...", and "compliance..."]

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**CITY OF TONTITOWN WATER AND SEWER DEPARTMENT
SUPPLEMENTARY INFORMATION REQUIRED BY USDA RURAL DEVELOPMENT
December 31, 2021**

CITY COUNCIL MEMBERS:

Name	Title
Angela Russell	Mayor
Gene McCartney	Council Member
Amber Ibarra	Council Member
Arthur Penzo	Council Member
Larry Ardemagni	Council Member
Penny Baskin	Council Member
Tim Burress	Council Member

WATER & SEWER RATE SCHEDULE:

	Inside City Limits	Outside City Limits
Monthly meter base rates:		
5/8"	\$ 18.80	\$ 24.44
1"	48.07	62.49
2"	319.03	414.74
3"	864.91	1,124.38
4"	1,152.90	1,498.77
	Inside City Rate	Outside City Rate
	(Per 1,000 Gal)	(Per 1,000 Gal)
Water Rates:		
Residential	\$ 4.94	\$ 6.37
Commercial	5.43	7.01
Industrial	5.97	7.71
	Inside City Rate	Outside City Rate
Sewer Rates:		
Base Charge	\$ 13.20	\$ 17.82
Per 1,000 Gal	8.79	11.87

As of December 31, 2021, water and sewer service was provided to 2,496 and 1,223 active users, respectively.

ACCOUNTING:

The accounting records were found to be adequate and in agreement with the accompanying financial statements, after giving effect to various adjustments.

INSURANCE SCHEDULE:

<u>POLICY NO.</u>	<u>INSURANCE COMPANY</u>	<u>COVERAGE</u>	
P2000416	Arkansas Municipal League	Property	\$ 4,979,743
V2000530	Arkansas Municipal League	Vehicles	\$ 348,999

ORDINANCE NO. 2022-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO AMEND CHAPTER 110 GENERAL LICENSING PROVISIONS IN THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council for the City of Tontitown has adopted regulations for the City's general licensing provisions for businesses codified in Chapter 110 of the Tontitown Municipal Code; and

WHEREAS, it has become apparent to the City Council for the City of Tontitown, that a need exists to amend Chapter 110 General Licensing Provisions for use by the City, in order to provide updated regulations and procedures; and

WHEREAS, after review and consideration of the proposed amendment, the Tontitown City Council determined that Chapter 110 General Licensing Provisions of the Tontitown Municipal Code should be amended and restated as incorporated in the attached Exhibit "A".

NOW THEREFORE, BE IT ENACTED, BY THE CITY COUNCIL FOR THE CITY OF TONTITOWN, ARKANSAS:

Section 1. Chapter 110 General Licensing Provisions of the Tontitown Municipal Code is hereby amended to read and attached hereto as 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 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 Chapter 110 General Licensing Provisions of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to incidental subdivisions. 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 _____ 2022.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer



CHAPTER 110: GENERAL LICENSING PROVISIONS

§ 110.01 PURPOSE.

In order to anticipate the needs of emergency personnel, to protect the city water system from contamination resulting from cross connections, to provide more efficient fire protection, identify the location of all commercial operations and determine the legality of business activities, a license shall hereafter be required of any person, firm, individual or corporation who shall engage in, carry on or follow any trade, business, profession, vocation or calling within the corporate limits of the City of Tontitown, Arkansas.

(Ord. 141A, passed 4-4-00)

§ 110.02 APPLICATIONS FOR LICENSES AND SUSPENSION OR REVOCATION.

(A) Applications for all licenses required by this chapter shall be made in writing to the city on Code Enforcement Officer or the Clerk-Treasurer using an application form that is provided by the City of Tontitown for that purpose. Each application shall state the name of the applicant, the names of all owners, all names used in business, state and federal tax identification numbers, address of principal location, addresses of all annexes or any other buildings related to business, the number of buildings occupying each address, the number of individuals employed at each address, the type of business, type of materials used or stored at each address, the time covered and the fee to be paid, and each application shall contain any such additional information as may be needed for the proper guidance of the city officials in issuing the license applied for.

(B) All applications required hereunder shall be kept and filed by the Code Enforcement Officer, ~~or Clerk-Treasurer~~ or designee and bear the signature of ~~either the~~ appropriate official.

(C) (1) Any person or entity which is granted a license under this chapter ~~of the city. Arkansas Code of Ordinances~~ may have said license revoked or suspended if the Code Enforcement Officer or designee has reason to believe that grounds exist to justify the suspension or revocation of a business license. Such grounds that could support the suspension or revocation of a license includes:

- (a) The license holder is operating the business in a dangerously unsanitary or unhealthy manner, or in such a manner as to unreasonably and adversely affect the peace, health or safety of neighbors or others in the city.
- (b) The premises are a fire hazard or otherwise unsafe for occupancy because of violations of building, property maintenance or fire codes.
- (c) The business is being operated in violation of any federal, state or local law or regulation, including city ordinances and regulations, or has had a necessary state or city license suspended or revoked.
- (d) The business license was procured through fraud or misrepresentation.

If the Code Enforcement Officer or designee has reason to believe the grounds exist that could justify the suspension or revocation of a license, a letter sent by first class mail shall be sent to the business mailing address shown on the application notifying the

business owner of the possible grounds to suspend or revoke the license and notifying the business of the time and place of a due process hearing which shall be set not less than five (5) days and no more than ten (10) days of the date of the letter.

City Council determines, after a hearing, that the business is being operated or conducted so as to constitute a nuisance in fact, is not complying with state statutes or city ordinances, or is being operated or conducted in such a manner so as to endanger the public health, safety, peace or welfare.

(2) The Mayor shall designate the appropriate city official or agent as the hearing officer to conduct the due process hearing, and this official or agent shall receive and hear evidence from city employees or others regarding the grounds to suspend or revoke the license. The license holder shall be provided a reasonable opportunity to explain or provide evidence to rebut any allegations and to show why the license should not be suspended or revoked. The hearing officer shall then make one of the following determinations based on the severity of the allegations:

(a) Revoke the license.

(b) Suspend the license for not more than thirty (30) days.

(c) Place the license in probation statute for not more than ninety (90) days on condition that the grounds leading to the due process hearing will be remedied by the business owner and not allowed to reoccur. If the business is found to be compliance with the terms of the probation, the probation status shall be lifted by the hearing officer and no further action shall be taken. If the hearing officer determines that the business has failed to be in compliance with the terms of the probation or if new grounds for suspension or revocation have occurred, the hearing officer shall conduct a second due process hearing and consider all previous evidence, hear new any evidence, and shall provide the license holder a reasonable opportunity to explain or provide evidence to rebut the allegations. At the conclusion of the second due process hearing, the hearing officer shall decide whether or not the license shall be suspended or revoked.

(d) Refuse to revoke or suspend the license.

(3) Any person or entity whose license has been suspended or revoked may appeal such suspension or revocation to the City Council by providing a letter to the City Clerk-Treasurer for the City Council to review the decision within ten (10) days of the issuance of the suspension or revocation. The City Council shall then hear the appeal at the next available City Council meeting following the receipt of the appeal. The license holder shall be notified by first class mail of the date and time of the hearing and shall be afforded a reasonable opportunity to present evidence, testimony and to provide explanations to the City Council on whether or not the license should be suspended, revoked or that no suspension or revocation is warranted.

At the hearing to consider revocation or suspension of the license, the license holder shall be entitled to reasonable notice, an opportunity to be represented by an attorney, an opportunity to present evidence and witnesses on its behalf, and an opportunity to question any other witness who testifies. To serve purposes of economy and to

~~preserve public resources, if a hearing meeting these requirements was held prior to the adoption of this section but not more than 60 days prior to any decision by the City Council to revoke or suspend a license, said hearing shall be sufficient to meet the hearing requirements of this chapter. An additional hearing is not required, and the City Council may consider the evidence received at said hearing when considering whether to revoke or suspend a license. Nothing in this chapter shall invalidate action by the City Council with regards to revocation or suspension of any license taken prior to the effective date of this chapter.~~

(43) Any business or former license holder whose license granted under this chapter is revoked or suspended may not operate or conduct said business within the city limits, until such time as the license is reinstated or a new license is issued. In addition to any other remedy, fine, or enforcement available to the city, if any business or other license holder continues to operate or conduct business in the city limits, without the required license following revocation or suspension of said license, the city may seek an injunction in a court of competent jurisdiction to prevent the former license holder from operating without a license.

(54) Any business which operates or conducts business within the city limits without the license required by this chapter may, ~~upon majority vote of the City Council,~~ be issued a Notice to Cease and Desist. Such Notice ~~to Cease and Desist~~ shall be issued by the Code Enforcement Officer, ~~or Clerk-Treasurer~~ or designee and sent by first class mail shall be sent to the business mailing address shown on the application. ~~The Notice of Cease and Desist may also be provided by to the business by as directed by the City Council and served upon the business by~~ personal delivery to the owner of the business or managing agent of the business as noted on the application, or by placing a copy of the Notice on the door of the business. In addition to any other remedy, due, or enforcement available to the city, if any business continues to operate or conduct business in the city limits, without the required license or following service of the Notice, the city may seek an injunction in a court of competent jurisdiction to prevent the business from operating without a license.

(Ord. 141A, passed 4-4-00; Am. Ord. 2012-01-03-386, passed 1-3-12)

§ 110.03 APPLICATION OF PROVISIONS.

(A) Any person, partnership, corporation or other entity shall be subject to the requirements of this chapter if by himself or herself or through an agent, employee or partner, he or she holds himself or herself forth as being engaged in a business or occupation, solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the city.

(B) As used in this chapter, the term "business" shall include any business, trade, vocation, occupation, profession, calling or enterprise.

(Ord. 141A, passed 4-4-00; Am. Ord. 2012-01-03-386, passed 1-3-12)

§ 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 THAN ONE PLACE OF 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 is required to have requested a home occupation permit which will require 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.

(Ord. 141A, passed 4-4-00; Am. Ord. 2010-10-359, passed 10-5-2010)

§ 110.05 LICENSE FEES.

(A) All fees and charges for licenses shall be paid at the time application is made. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted. If the applicant has failed to renew the license on or before August 1st of the year, the fee for the license shall be doubled. All license fees shall become part of the City General Fund.

(B) The fee to be paid for all business licenses, unless otherwise stated in this chapter and regardless of the type of business to be licensed, shall be \$50, plus an additional \$5 for each full-time employee of the business.

(1) The number of full-time employees shall be the average number employed by the applicant.

(2) It shall be the duty of the Code Enforcement Officer to determine the number of employees upon which to base said fee. The Code Enforcement Officer shall require of all applicants an affidavit stating the number of employees upon which such a fee shall be paid. In addition, the Code Enforcement Officer may require other proof in order to correctly determine the number of employees upon which the license fee shall be based.

(3) If the number of full-time employees cannot be determined through documentation, the applicant shall certify a number based upon their good faith estimate.

(Ord. 141A, passed 4-4-00; Am. Ord. 2006-06-261, passed 6-15-06; Am. Ord. 2015-08-533, passed 8-11-15)

§ 110.06 TERMINATION OF LICENSES ON JUNE 30 OF EACH YEAR.

All licenses shall be terminated on June 30 of each year. ~~The Code Enforcement Officer or Recorder/Treasurer shall publish a notice in a newspaper of general circulation indicating the expiration date of city licenses. The publication shall occur no less than three weeks prior to the date of such expiration. Failure to publish such notice or the failure of the licensee to have actual knowledge of such notice shall not excuse the licensee from obtaining a new license or a renewal thereof, nor shall it be a defense in an action for operation without a license.~~

(Ord. 141A, passed 4-4-00)

§ 110.07 NO LICENSE ISSUED IF BUSINESS DOESN'T COMPLY WITH CITY REQUIREMENTS.

No license shall be issued for the conduct of any business, if the premises and building to be used for the purpose does not fully comply with the requirements of all city ordinances. No such license shall be issued for the conduct of any business or performance of any act which would involve a violation of any city ordinances or state statutes.

(Ord. 141A, passed 4-4-00)

§ 110.08 CHANGE OF LOCATION OF LICENSED BUSINESS.

The location of any licensed business or occupation, or of any permitted act, may be changed, provided that ten-days' notice thereof is given to the Code Enforcement Officer. All building, zoning and other ordinances of the City of Tontitown shall be complied with.

(Ord. 141A, passed 4-4-00)

§ 110.09 NUISANCES.

No business, licensed or not, shall be so conducted or operated as to constitute a nuisance in fact.

(Ord. 141A, passed 4-4-00)

§ 110.10 INSPECTIONS.

Whenever inspections of the premises used for, or in connection with the operation of a licensed business or occupation are required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer of the city who is authorized or directed to make such inspections at any reasonable time.

(Ord. 141A, passed 4-4-00)

§ 110.11 POSTING OF LICENSE.

It shall be the duty of any person conducting a licensed business in the city to keep his or her license posted in a prominent place on the premises used for such business at all times. The holder of a license shall show the license to any officer or agent of the city upon request.

(Ord. 141A, passed 4-4-00)

§ 110.12 EMPLOYEES.

(A) *Definition.* **EMPLOYEE**, for the purpose of construing this chapter only, is any partner, corporate officer or other individual who receives any direct or indirect compensation from any entity subject to the licensing under § 110.03.

(B) *Exception.* The sole proprietor of any unincorporated business is not an employee within the meaning of this chapter and shall not be counted for the purpose of computing the number of employees upon which the amount of any license fee shall be based.

(Ord. 141A, passed 4-4-00)

§ 110.13 LICENSES NONTRANSFERABLE.

A license issued under this chapter shall not be transferable or assignable.

(Ord. 141A, passed 4-4-00)

§ 110.14 EXCEPTIONS TO PROVISIONS.

The provisions contained herein do not affect the following existing ordinances:

(A) Any ordinance regulating, taxing or licensing businesses which manufacture, distribute or sell beer, wine or liquor;

(B) Ordinances licensing, regulating or controlling the operation of mobile home parks;

(C) Any franchise ordinance specifically, including, but not being limited to, utilities, sanitation service and telephone service.

(Ord. 141A, passed 4-4-00)

§ 110.15 CONFLICTS.

This chapter shall not be construed to alter, change or regulate in any unlawful way any business, trade, occupation, profession or vocation regulated or governed by the laws of the State of Arkansas when such laws are in conflict with the provisions herein.

(Ord. 141A, passed 4-4-00)

§ 110.99 PENALTY.

(A) Any person or entity violating any provision of this chapter, upon conviction, shall be fined a sum of not less than the amount of the license fee provided for, nor more than double such amount for each offense. Each day of violation shall constitute a separate and distinct offense.

(B) Provided, however, that any person or entity who continues to operate or conduct its business without the required license after having said license revoked or suspended, or after service of a Notice to Cease and Desist, upon conviction, shall be fined not less than \$500 and not more than \$1,000 for each offense, with each day of violation constituting a separate and distinct offense.

(C) If a business entity continues to operate without a valid and current city business license ~~for a period beyond of one weeseven (7) days k-after service the date of a~~ Notice of Cease and Desist was sent to the business or otherwise delivered or posted of ~~the operation of a business without a license~~, the Mayor may order the withholding of all city services, including water, sewer and solid waste, for the business premises.

(Ord. 141A, passed 4-4-00; Am. Ord. 2012-01-03-386, passed 1-3-12; Am. Ord. 2017-09-650, passed 9-5-17)

§ 110.05. (A) The purpose of counting the number of employees for the purpose of determining the amount of any license fee shall be based on the number of employees upon which the amount of any license fee shall be based. (Ord. 141A passed 4-4-00)

§ 110.10. A license issued under this chapter shall not be transferable or assignable. (Ord. 141A passed 4-4-00)

§ 110.14. EXEMPTIONS TO PROVISIONS. The provisions contained herein do not affect the following existing ordinances: (A) Any ordinance regulating, taxing or licensing businesses which manufacture, distribute or sell beer, wine or liquor; (B) Ordinances licensing, regulating or controlling the operation of mobile home parks; (C) Any franchise ordinance specifically, including, but not being limited to, utilities station service and telephone service. (Ord. 141A passed 4-4-00)

§ 110.16. CONFLICTS. This chapter shall not be construed to alter, change or regulate in any material way any business, trade, occupation, profession or vocation regulated or governed by the laws of the State of Arkansas when such laws are in conflict with the provisions herein. (Ord. 141A passed 4-4-00)

§ 110.20. PENALTY. (A) Any person or entity violating any provision of this chapter, upon conviction, shall be fined a sum or not less than the amount of the license fee provided for, nor more than double such amount for each offense. Each day of violation shall constitute a separate and distinct offense. (B) Provided however, that any person or entity who continues to operate or conduct its business without the required license after having said license revoked or suspended, or after service of a Notice to Cease and Desist, upon conviction, shall be fined not less than \$500 and not more than \$1,500 for each offense with each day of violation constituting a separate and distinct offense. (C) If a business entity continues to operate without a valid and current city business license in violation of the provisions of this chapter after service of a Notice to Cease and Desist and after service of a Notice to Cease and Desist, the business shall be liable for the payment of all city services, including water, sewer and utility waste, for the business premises.

First Capital Equipment Leasing Corp.
LeaseExperts.com™

Phone 800-541-0114 • Fax 800-403-3529 • Email: VPsales@LeaseExperts.com



June 10, 2022

Corey Jenison, Chief of Police

City of Tontitown, Arkansas (Police Department)

Main PH: 479-361-9168 • Contact PH: 479-361-9168 • Email: CJenison@tontitownar.gov

CONFIDENTIAL

Municipal Government Fleet Lease-to-Own Financing Quotation & General Terms
 City of Tontitown, Arkansas

Fleet Equipment to Be Financed:	(6) New Dodge Durango PPV's w/Law Enforcement Upfits & Equipment <i>Exact descriptions required</i>		
Anticipated Vendor Delivery/Payment:	T.B.D.		
Net Amount to Finance:	\$360,000.00	Program: MUNIL	

OPTIONS	4 YEARS	5 YEARS	6 YEARS
Lease-to-Own Payment:	\$ 99,610.33 / Year	\$ 81,412.90 / Year	\$ 69,212.93 / Year
Fixed Interest:	4.185%	4.241%	4.241%

Rates Locked Thru the Closing Date:	Jun 24, 2022	(After Friday, June 24, 2022, rates float until the signed contract is received)
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Down Payment + Security Deposit:	Waived	(Due at Lease Signing)
Documentation & Legal:	\$687	(Due at Lease Signing)
First Annual Lease Payment Due:	Jun 24, 2023	

Our EXPERIENCE COUNTS! Call me at 800-541-0114 x-22!

Regards,

Bob Arnowitz

Vice President of Government Finance

Bob@LeaseExperts.com

Quotation Terms & Important Notes

I have reviewed and approved the Quotation & General Terms above and the Important Notes below. I have - CIRCLED - my preferred Term & Payment Amount above. We're ready to go!

Approved By: _____

Title: _____ Date: _____



IMPORTANT NOTES - PLEASE READ ME!

This is a low-interest, TAX-EXEMPT MUNICIPAL LEASE-TO-OWN FINANCING QUOTATION for the City of Tontitown, Arkansas ("LESSEE, you, your"), not a contract or a commitment to finance by First Capital Equipment Leasing Corporation ("FCELC"). State, county and municipal entities, special districts & authorities must qualify as issuers of tax-exempt debt under IRS Section 103 of 1986. THIS IS A MUNICIPAL LEASE FOR A GOVERNMENT ENTITY, NOT A COMMERCIAL CAR LEASE. TAX-EXEMPT MUNICIPAL FINANCING IS LEASE-TO-OWN BY DEFINITION AND IS THE LOWEST-COST TYPE OF NON-DEBT FINANCING FOR GOVERNMENTS (including dealer programs). UNLIKE a commercial lease, there is NO MONEY DOWN AT SIGNING OR AT THE END OF THE LEASE. THERE ARE NO MILEAGE, USAGE, OR CONDITION CHARGES. UNLIKE a commercial lease, the CITY OF TONTITOWN OWNS ALL OF THE VEHICLES AND EQUIPMENT. VEHICLES ARE TITLED IN THE CITY OF TONTITOWN'S NAME AND REMAIN IN ITS POSSESSION AFTER THE LEASE-- THERE IS NO BUYOUT, BALLOON PAYMENT, OR EQUIPMENT RETURN. ALL CONTRACTS INCLUDE AMORTIZATION AND EARLY PAYOFF SCHEDULES. INTEREST RATES ARE FIXED AND DISCLOSED. UNLIKE a commercial lease, NON-APPROPRIATION LANGUAGE IS AUTOMATICALLY INCLUDED where required by law. The only maintenance required is keeping the equipment in good condition and proper working order during the lease term. This Quotation assumes that Lessee's total tax-exempt borrowing for the lease-origination year will be under the IRS \$10MM "BQ" limit. (Other options available). The quotation pricing, conditions, and terms are subject to a credit-based review, final vendor & equipment approval, applicable federal, state & local laws, and are subject to change, correction, or withdrawal by FCELC. The LEASE CONTRACT will incorporate the financing terms and conditions approved for this offer and is the sole, entire and final financing agreement between you, FCELC, and any assignee hereof, and supersedes all previous quotations and discussions. The INTEREST RATE shown is the FIXED, effective annual rate. Vehicles and equipment are sourced by Tontitown from any vendor of your choice, including state contract holders and purchasing cooperatives, and sold directly to you by those vendor(s). The vehicles and equipment are subject to FCELC's security interest during the lease term. TIME IS OF THE ESSENCE: FCELC must receive your executed contract no later than the closing date above, after which interest rates and payments float. FCELC may adjust the payment amounts or interest rates offered based on changes in the transaction amount, timing, lease structure, equipment to be financed, material omissions, or inaccuracies in the information provided to FCELC, or adverse changes in Lessee's financial status or credit rating prior to funding. Lease payments do not include required insurance, title fees, sales, use or other taxes, tags, maintenance, consumables, vendor usage, or "click" charges, delivery, or installation unless specifically included herein. Vendor deposits, advances, or progress payments are NOT INCLUDED unless approved in writing. * VENDORS ARE PAID ON YOUR BEHALF BY BANK WIRE TRANSFER THREE (3) BUSINESS DAYS AFTER: 1) FCELC's timely receipt of the executed lease contract documents, 2) Your confirmation of delivery and your unqualified acceptance of the equipment, and 3) FCELC's receipt of your Vendor Payment authorization including required insurance (see Vendor Prompt Payment Notes). The information in this quotation is not intended to be and should not be construed as "advice." FCELC IS NOT A MUNICIPAL ADVISOR, MUNICIPAL FINANCIAL CONSULTANT, FIDUCIARY, OR AGENT for any person or entity under Section 15B of the Securities Exchange Act of 1934, the municipal advisor rules of the SEC, or otherwise. FCELC acts for its account only and is not recommending that Lessee take any action regarding this Quotation. The Lessee should carefully review this Quotation and all FCELC documentation with such independent financial, tax, and legal advisors as it deems appropriate.

Time for New Vehicles or Equipment?

7 BENEFITS



of Municipal Lease-to-Own Financing

- 1 Municipal Interest Rates are Much Lower.**
You'll save A LOT with VERY LOW INTEREST municipal lease-to-own financing for your government fleet vehicles, police, public works, schools, and fire equipment. Right out of the box, it's just a better deal. Here's why: Our municipal interest rates start much lower, allowing us to offer significantly lower municipal financing to your government. It's a fact: Tax-exempt municipal leasing is your lowest-cost source of non-debt financing.
- 2 Use Your State Contract Pricing, Government Buying Co-Op, or Any Vendor You Choose.**
You source vehicles and municipal equipment from any vendors that you select. Use the dealer's best government pricing (generally the lowest available to anyone). Shop smart! Use your buying power.
- 3 Pay-As-You-Go! (beats paying in advance)**
When you pay the full cash up-front for equipment that lasts for years, you're soaking up dollars that could fund other projects this year—the classic budget trap. "Pay-As-You-Go" is the most cost-effective option, by far.
- 4 Acquire 4 Times More This Year With the Same Budget.**
It's true. Spread the cost of your largest acquisitions over 4, 5, 6, or more budget years. Sync today's needs to your anticipated budgets going forward. Make larger purchases TODAY, with less cash out of pocket TODAY. We'll show you how it works with real numbers that you provide. Our interest and payments are right on top of the quote.
- 5 Lease-To-Own. No Money Down, No Mileage, No Lease-End Payoffs or Balloons.**
Our tax-exempt municipal programs are "lease-to-own" under IRS rules. You OWN all vehicles and equipment. Vehicles are registered by you, titled in your government's name, *and remain in your government name and possession during and after the lease*. No equipment is returned. (If you don't own the vehicles, you probably don't have a very low-interest municipal lease and are likely paying too much) We'll be happy to show you real numbers.
- 6 Our Municipal Leases are Designed Specifically for Governments like yours.**
There are personal leases, open and closed-end leases, commercial leases, operating, tax, and VERY LOW-INTEREST municipal leases for governments. Don't let rental car companies, dealers, or commercial leasing companies confuse the issue. Their rates are higher, and their contracts are full of legal "gotcha's" for governments.
- 7 Non-Appropriation Language. It's in there!**
Sometimes called a "funding out" clause, it allows spending over multiple budget years. This language is required by statute, and it's not in a typical commercial lease. We automatically include non-appropriation provisions in every contract, wherever required by statute, to keep your agency in compliance.

Get a Quote Anytime – Call!

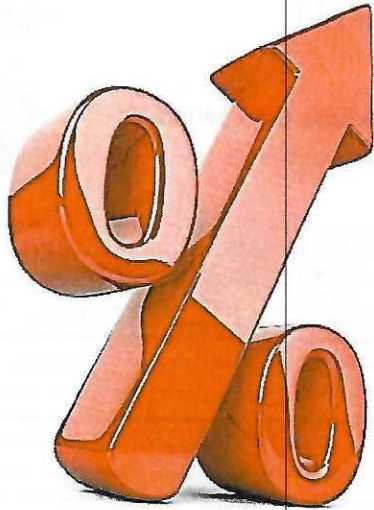
First Capital Equipment Leasing Corp.
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Municipal-Leasing.com • Police-Lease.com

800-541-0114 x-22



Sad to say, but the super-low municipal interest rates that had bottomed out the last 2 years are now history. Wall Street analysts see more hikes coming. Can your agency afford higher prices for the same equipment in 2022? Are you ready?



Interest Rates Are Going Up (a lot!)

It's "the perfect storm."

And most governments can't financially "out-maneuver" long-term financial trends like sky-high interest rates and exploding inflation.

WALL STREET JOURNAL

"The Fed Maps Out 2022 Rate Increases"

"Fed Rate Rise Biggest Since 2001"

"Fed...Signals SIX RATE INCREASES likely" (6!)

"Inflation Hits 40-year high - Reaching 8.5%"

"Surging Interest Rates Ripple Through Economy"

"Interest Rate Rise Stings..."

Whammy! Every government acquisition's "all-in" cost will be significantly higher in the next 12 months. Your agency will be spending more for everything and getting less as INTEREST RATES ROCKET UP from historically low rates just 12 months ago.

Double Whammy! Inflation (nearly flat for years) is driving up vehicle & equipment costs. INFLATION IS HIGHER THAN IT'S BEEN IN 40 YEARS. There are no indications that this is just "temporary."

Lock-in today's rates, or lose them!

Invest in saving money. Waiting will cost more! Prices are up on everything in just a matter of months. BUT, you can at least lock in current equipment prices and lock in our still lower government interest rates and lower payments for years. Get a fast, free one-page lease-to-own quote for government fleet vehicles, law enforcement, fire, school, IT, construction, public works, energy upgrades, IT hardware, and software. See the payments and interest rates on whatever you're going to need. *What's the downside?*

First Capital Equipment Leasing Corp.

www.Municipal-Leasing.com • www.Police-Lease.com

800-541-0114 x-22

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35!

Celebrating 35 Years
April 4, 2020



**MUNICIPAL
CREDIT
APPLICATION**

STD



Credit Application for State, County & Municipal Government Transactions Over \$100,000

Please fill out this application in as much detail as possible. Attach additional pages as necessary.

GENERAL INFORMATION

Legal Name of Lessee:	Fed. Tax ID #:	
Address:	Fiscal Year Starts (Mon/Day):	
City:	County:	State: Zip:
Date municipality was established:	Does the Lessee self-insure for property/liability insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Contact Person:	Title:	Email:
Phone: ()	Fax: ()	
Alt. Contact Person:	Title:	Phone: ()
Person Authorized to Sign Contract:	Title:	Phone: ()
Person Authorized to Attest Signature:	Title:	
Dates of Next (3) Scheduled Board Meetings:	1) _____	2) _____ 3) _____

TRANSACTION INFORMATION

Total Cost of Equipment: \$	Lease Term (# of years):
**Down Payment Amount: \$	Source of Down Payment (fund name):
Trade-In Amount:	Payment Amount (per lease quote) \$:
Other: \$	First Lease-Payment-Due-Date (per lease quote):
Net Amount to Finance: \$	Payment Frequency: <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Annually
<i>**Lessee's down payment should be made before or at delivery. Proof of down payment is required before vendor disbursement(s) are released</i>	
Has the Lessee paid the vendor for any portion of the equipment being financed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
What fund will the remaining payments be made from? <input type="checkbox"/> General <input type="checkbox"/> Special (specify):	

EQUIPMENT DESCRIPTION

Equipment Description - including vendor, make, and model (attach quote and if available, a brochure):	
New Equipment: <input type="checkbox"/> Yes <input type="checkbox"/> No	If no, list age of equipment or date manufactured:
Refurbished/Used: <input type="checkbox"/> Yes <input type="checkbox"/> No	What Year:
Replacement: <input type="checkbox"/> Yes <input type="checkbox"/> No	Age of current equipment: Year purchased:
If not a replacement, why is the equipment needed?	
Soft Costs Included: <input type="checkbox"/> Yes <input type="checkbox"/> No	Amount of soft costs included (shipping, software, tax etc.): \$
Is a previous lease/loan buyout included in the amount requested? <input type="checkbox"/> Yes <input type="checkbox"/> No	Amount of buyout included: \$
Anticipated Equipment Delivery Date(s):	
Physical location (address) of equipment after delivery:	
Describe the essential use of the equipment to be purchased:	

This Section

FOR BUILDING PROJECTS ONLY

Is the project an addition, renovation, or a new building? <input type="checkbox"/> Yes <input type="checkbox"/> No	Does the Lessee own the land? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is the land included in the financing? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the cost of the land?
What is the physical address of the new project?	
Provide the current building's age, estimated market value, square feet, and a brief description of the facility layout:	
Provide a brief description of the addition, renovation, or new building:	
What is the essential use of the new building project?	

FINANCIAL INFORMATION

Have the Lessee's expenditures exceeded revenues for any one of the last three years? Yes No. If YES, please explain why and what measures were taken to correct the shortfall:

MUNICIPAL CREDIT APPLICATION

Page 2 of 2
STD

Have the lease payments been included in the operating budget? <input type="checkbox"/> Yes <input type="checkbox"/> No If NO, please explain:	
Has the Lessee been rated by a major bond rating agency? <input type="checkbox"/> Yes <input type="checkbox"/> No. If YES, which agency?	Rating?
Will the Lessee issue more than \$10,000,000 (ten million dollars) in <u>tax-exempt debt</u> in this <u>calendar</u> year?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the Lessee defaulted or non-appropriated on a prior lease, bond, or legal obligation?	<input type="checkbox"/> Yes <input type="checkbox"/> No

TAX LEVY INFORMATION

Indicate the tax/mill levy for each year.				
Budget Year	2021 - 22:	2020 - 21:	2019 - 20:	2018 - 19:
If the tax/mill levy can be raised, what are the procedures?				
Are there any voter-imposed restrictions on taxing or spending? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If YES, please describe:				
Indicate the assessed property value for each year.				
Budget Year	2021 - 22:	2020 - 21:	2019 - 20:	2018 - 19:
Indicate what percentage of taxes billed were actually collected for each year.				
Budget Year	2021 - 22:	2020 - 21:	2019 - 20:	2018 - 19:
Who are the (5) largest <u>taxpayers</u> and (approximately) what percentage of total tax receipts does each represent to you?				
1.	2.	3.	4.	5.

DEMOGRAPHICS

Population in 2022:	2021:	2020:	2019:
List the major <u>employers</u> in the immediate area and the approximate number of people employed at each local facility:			
1.	2.	3.	4.
5.	6.	7.	8.

REQUIRED APPLICATION DOCUMENTS - CHECKLIST:

Please include the following supplemental documents to ensure a prompt credit review. (PDF's preferred if available)

- Last three years' audited financial statements.
(Note: For unaudited fiscal years, provide comprehensive financial statements including Balance Sheet, Debt Service & Income Statements)
- Current fiscal year's adopted detail budget (and next year's budget, if available)
- Vendor quotes for all equipment (Quotes must total or come very close to the amount being requested—if not, please briefly explain)
- Signed First Capital "Municipal Lease Quotation" (Be sure to circle your preferred payment amount and lease term)
- Signed IRS Form W-9 (attached)
- Police, Sheriff OR Fire Department Profile Addendum (For public safety transactions only)

IMPORTANT – Lessee's Authorized Representative agrees to the following:

The information provided herein is correct to the best of my knowledge. Lessor and or its assigns are authorized to verify any information provided with appropriate third parties and may request additional information to complete its review. The final decision-maker(s) for Lessee has reviewed and approved the Municipal Lease-To-Own Quotation, the pricing & general terms. Lessee understands that a lease contract with ALL terms & conditions will be drafted by Lessor upon credit approval. The contract supersedes any previous quotations and discussions in the event of any variance. (Lessor will retain all credit whether or not credit is approved)

Should Lessee cancel or abandon this transaction after credit has been approved and legal documents drafted, or should this application contain material inaccuracies or omissions that preclude a credit approval, or should Lessee fail to execute the contract documents for any reason, by the closing date, Lessee agrees to pay a "lost transaction" fee equal to the "Documentation & Legal" fee specified in the FCELC Quotation. However, there is no lost-transaction fee if the contract documents are executed and returned by the closing date.

IMPORTANT NOTICE: FCELC does not act as a municipal advisor, municipal financial consultant, fiduciary, or agent to any person or entity pursuant to Section 15B of the Securities Exchange Act of 1934 the municipal advisor rules of the SEC, or otherwise. FCELC is not recommending that Lessee take any action with respect to the information contained in this document. You should review and discuss this application, the estimate, and all related documents with such independent financial, tax, legal, and other advisors as you deem appropriate.

By (Lessee Representative): _____ Print Name: _____

Title: _____ Date: _____

Please return all supporting documents via Email, Fax, UPS, FedEx, or Post Office Express Mail to:

First Capital Equipment Leasing Corp.
PO Box 1018, 32 Wolf Hill, East Sandwich, MA 02537 • PH 800-541-0114 • FAX 508-833-6692

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Application Addendum—Please Complete

Please Tell Us About Your Police/Sheriff's Department



Name of Department: _____

How many sworn officers in your dept.: F/T _____ P/T _____

How many patrol vehicles do you operate: _____

Patrol Vehicles are : Pool, Take-Home, or Both

How many total vehicles do you operate: _____

Average age of vehicles being replaced: _____

Average mileage on vehicles being replaced: _____

Approximate population of your jurisdiction: _____

Approximate patrol area (sq. miles): _____

Please include this page with your application
(or fax/email if you prefer)

Email: Bob@Police-Lease.com

PHONE: 800-541-0114 (x-22 for Government)

FAX: 800-403-3529

www.Police-Lease.com • www.Municipal-Leasing.com

Thanks!

 First Capital Equipment Leasing Corp.
LeaseExperts.com

35!
Celebrating 35 Years
April 4, 2020



ORDINANCE NO. 2022-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO AMEND CHAPTER 111: SALE OF FIREWORKS IN ORDER TO INCLUDE AND DEFINE REGULATIONS FOR THE USE OF FIREWORKS IN THE TONTITOWN MUNICIPAL CODE.

WHEREAS, the City of Tontitown has adopted regulations for the Sale of Fireworks codified in Chapter 111 of the Tontitown Municipal Code; and

WHEREAS, it has become apparent to the City Council that a need exists to amend Chapter 111: Sale of Fireworks in order to include and define regulations the use of fireworks in the Tontitown Municipal Code; and

WHEREAS, reasonable regulation of the sale and use of fireworks is necessary for the protection of the health, safety, and general welfare of the citizens of the City of Tontitown; and

WHEREAS, having fully reviewed the proposed amendments, attached hereto as Exhibit "A", the Tontitown City Council has determined that Chapter 111: Sale of Fireworks be amended to include and clarify regulations for the use of fireworks within the City.

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

Section 1. That Chapter 111: Sale of Fireworks 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.

PASSED AND APPROVED this ____ day of July 2022.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer

AN ORDINANCE TO AMEND CHAPTER 11: SALE OF UTILITIES IN ORDER TO INCLUDE AND DEFINE REGULATIONS FOR THE USE OF UTILITIES IN THE TOWNSHIP MUNICIPAL CODE.

WHEREAS, the City of Township has adopted regulations for the local utilities as defined in Chapter 11 of the Township Municipal Code;

WHEREAS, it has become apparent to the City Council that a need exists to amend Chapter 11: Sale of Utilities in order to include and define regulations for the use of utilities in the Township Municipal Code;

WHEREAS, reasonable regulation of the sale and use of utilities is necessary for the protection of the health, safety, and general welfare of the citizens of the Township and

WHEREAS, having duly reviewed the proposed amendments attached hereto as Exhibit "A", the Township City Council has determined that Chapter 11: Sale of Utilities be amended to include and define regulations for the use of utilities within the City

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

Section 1. That Chapter 11: Sale of Utilities of the Township Municipal Code be hereby amended to set forth in the Attached Exhibit "A"

Section 2. The rest and remainder of the Township Municipal Code not specifically amended herein remains in full force and effect.

Section 3. In the event that any written 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 the Ordinance as a whole or any part or provision thereof that shall be deemed to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unconstitutional or unenforceable provision or provision had never been contained herein.

PASSED AND APPROVED this ____ day of July, 2023.
APPROVED:

Rhonda Ardemagni, Clerk

ATTEST:



CHAPTER 111: SALE AND USE OF FIREWORKS

§ 111.01 DEFINITION.

For the purpose of this chapter, **FIREWORKS** are any combustible or explosive composition, or any substance or combination of substances or devices, prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and shall include but are not limited to, Class C common fireworks and any fireworks which must comply with the construction, chemical composition and labeling requirements of the Department of Transportation of the United States.

§ 111.02 GENERAL CONDITIONS.

1. Any person, partnership, corporation or other entity authorized by permit to sell fireworks within the corporate limits of the City of Tontitown, Arkansas shall be subject to the following terms and conditions.

(A) Individual fireworks stands shall be placed approximately 300 feet apart from other fireworks stands in all directions.

(B) All fireworks stands shall have a five-pound ABC fire extinguisher in plain view and accessible.

(C) All workers selling, stocking or handling any fireworks shall be of the age of 16 and above.

(D) All grass shall be closely trimmed.

(E) Trash and any combustible materials shall be removed from the fireworks stand area at all times, and the area shall be kept free of loose debris or any unsightly conditions.

(F) All fireworks stands shall be in full compliance with and subject to the provisions of any federal laws or state statutes regarding the sale of fireworks.

(G) All fireworks stands shall be subject to the provisions of the *Standard Fire Prevention Code*, 1997 Edition, and all other city codes regarding fireworks or explosive devices.

(H) All fireworks stands shall be no less than 150 feet from any gasoline station, any fuel vents, pumps, filling and fueling areas or fuel depots of any type, including but not limited to propane, butane and LPG.

(I) All fireworks stands are subject to inspection by the Fire Official prior to opening for business. The permit holder shall be responsible for notifying the Fire Official before opening the stand for business.

(J) All fireworks stands shall be subject to the requirements of § 111.03. All applications, fees and permits shall be in order prior to the setting up of any fireworks stand or opening for business in any way.

2. It shall be unlawful for any person, firm, corporation or other business entity, or individuals to use or discharge fireworks within the City of Tontitown, except on the dates of June 20th through July 6th between the hours of 9:00 a.m. and 10:00 p.m., with the hours on July 4th extending until midnight and at no other time unless approved in advance by resolution of the City Council. Fireworks which are permitted for discharge include those that are permitted by Ark. Code. Ann. § 20-22-701 et seq. and other applicable state or federal laws.

§ 111.03 PERMITS AND FEES.

(A) Applications for all permits required by this chapter shall be made in writing to the Clerk-Treasurer. Each application shall state the name, address and telephone number of the applicant, the names of all owners, all names used in business, state and federal tax identification numbers, address of principal location, addresses of all annexes or any other buildings related to business, the number of individuals employed at each address, the time covered and the fee to be paid. Each application shall also contain any additional information that may be needed for the proper guidance of the city officials in issuing the permit applied for.

(B) For each application, the person, firm, corporation or entity seeking the permit shall pay to the City of Tontitown a fee in the amount of \$300 prior to the issuance of the permit. The application fee shall be payable for each location intending to sell fireworks. This application process shall apply to each stand set up by a person, firm, corporation or entity when they desire to sell fireworks at two or more distinct physical locations within the corporate limits of the city.

§ 111.04 BOND REQUIREMENT.

Before a permit is issued, the applicant shall file with the city a bond in the principal sum of \$250,000 or a public liability insurance policy for the same amount for the purpose of payment of any damages to persons or property which arise from or are caused by the conduct of any act authorized by the permit upon which any judicial ruling results. The Fire Official may specify a greater amount when in his or her opinion conditions at the location of the fireworks stand indicate a greater amount is required.

§ 111.05 CONFLICTS.

This chapter shall not be construed to alter, change or regulate in any unlawful way any business, trade, occupation, profession or vocation related to the sale of fireworks, regulated or governed by federal laws or the laws of the State of Arkansas when such laws are in conflict with the provisions herein.

§ 111.99 PENALTY.

(A) Any person, partnership, corporation or other entity found in violation of any provision of this chapter, upon conviction, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25, nor more than \$500, plus court costs

for the first offense. Each day the violation continues shall constitute a separate and distinct offense.

(B) The Fire Official shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this chapter.

RESOLUTION NO. 2022-___

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT TO SELL APPROXIMATELY 3400 SQUARE FEET OF PROPERTY OWNED BY THE CITY OF TONTITOWN, ARKANSAS

WHEREAS, the City of Tonittown owns certain real property described as Adjusted Lot 32 of the Barrington Heights Subdivision in the City of Tontitown, Arkansas (“Tontitown Property”); and

WHEREAS, LaTonya Foster owns certain real property described as Lot 18 of the Barrington Heights Subdivision and located at 287 Arlington Way in the City of Tonittown, Arkansas (“Foster Property”); and

WHEREAS, a fence on the Foster Property was constructed which encroaches upon the Tontitown Property by approximately 3400 square feet; and

WHEREAS, said encroachment is depicted in the survey attached hereto as Exhibit “A (“Survey”)”; and

WHEREAS, the City Council of the City of Tontitown, being well advised that the 3400 square feet of property depicted on the Survey is of no use to the City of Tontitown, has determined that this portion of property can be sold to LaTonya Foster for a fair market price in order to remedy the current encroachment; and

WHEREAS, the City Council of the City of Tontitown desires to authorize the Mayor to negotiate and entered into a contract for sale and purchase of the 3400 square feet of the Tontitown Property as depicted in the attached Survey to LaTonya Foster.

NOW, THEREFORE, BE IT RESOLVED, on behalf of the City of Tontitown, the Mayor is hereby authorized to negotiate and enter into an contract for the sale and purchase of approximately 3400 square. feet of property with Latonya Foster for a fair market price, as depicted in the attached Survey, and that said contract shall be ratified by the City Council after it has been executed by the parties. The Mayor is further authorized to take any and all other measures necessary in order to complete the sale of the aforementioned property as set forth by this Resolution.

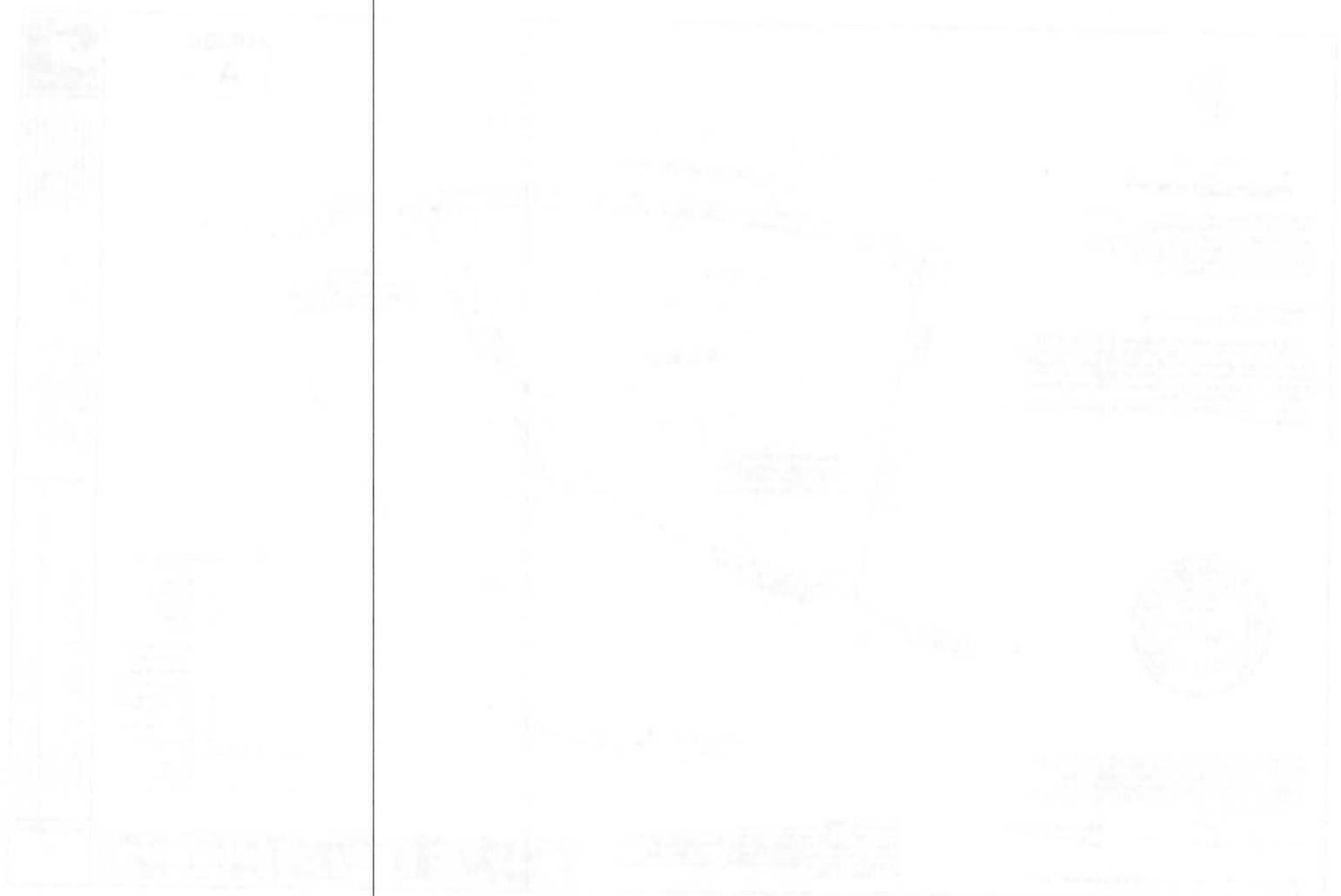
PASSED AND APPROVED this _____ day of August 2022.

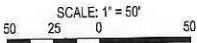
APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer





BASIS OF BEARING: WEST LINE OF LOT 18 AS PER FINAL PLAT OF BARRINGTON HEIGHTS SUBDIVISION, AS SHOWN IN PLAT RECORD 24 AT PAGE 185, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

LAND DESCRIPTION:
WARRANTY DEED FILE: 2014-00010285

LOT 18, BARRINGTON HEIGHTS SUBDIVISION TO THE CITY OF TONTITOWN, ARKANSAS, AS SHOWN IN RECORD PLAT BOOK 23 AT PAGE 185, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS. SUBJECT TO EASEMENTS, RIGHT OF WAYS, AND PROTECTIVE COVENANTS OF RECORD, IF ANY. SUBJECT TO ALL PRIOR MINERAL RESERVATIONS AND OIL AND GAS LEASES, IF ANY.



I WAYMAN B. WHITE, ARKANSAS PROFESSIONAL LAND SURVEYOR NO. 1785, HEREBY CERTIFY THAT A SURVEY CREW OF GARVER, LLC UNDER MY DIRECTION HAS PERFORMED A SURVEY OF THE PROPERTY DESCRIBED HEREON, AND THAT THIS PLAT IS AN ACCURATE PORTRAYAL OF THE SURVEY RESULTS, TO THE BEST OF MY KNOWLEDGE AND ABILITY.

WAYMAN B. WHITE, PS 1785

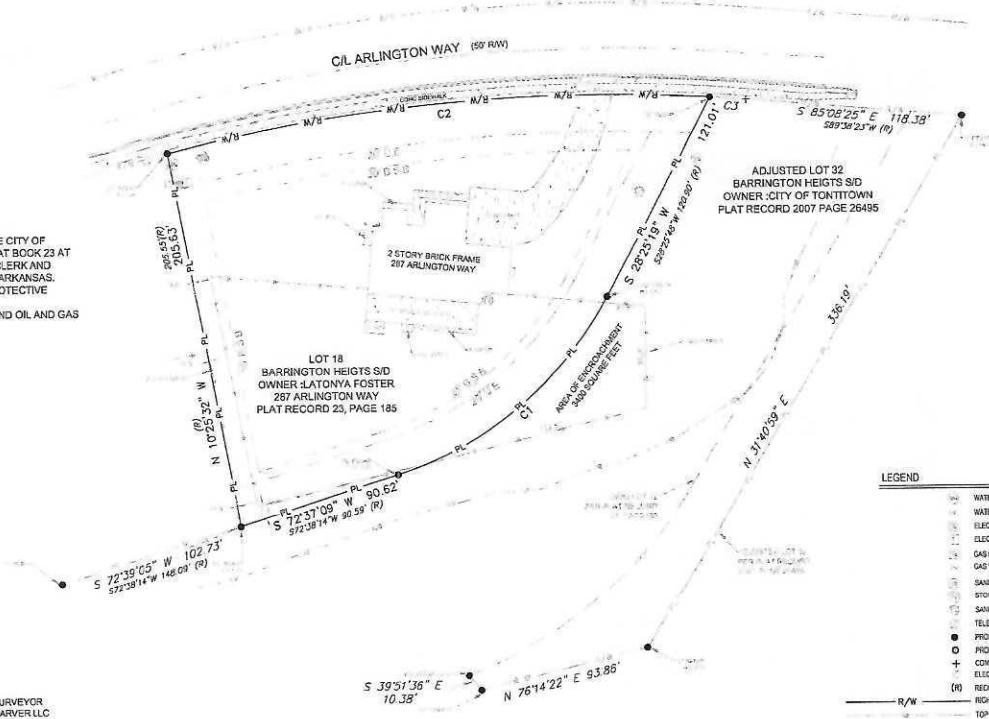
JANUARY 6, 2022
DATE

CERTIFICATE OF AUTHORIZATION NO. 786 P.E., L.S., RENEWAL DATE: 12-31-2022

FLOOD STATEMENT

THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS IDENTIFIES THE PROPERTY SHOWN HEREON TO BE LOCATED IN ZONE "A". THIS INFORMATION APPEARS ON COMMUNITY PANEL NUMBER 05143C 0505P WITH AN EFFECTIVE DATE OF MAY 16, 2008.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE (R)	ARC LENGTH
C1	200.00	154.36	150.57	S 50°33'37" W 44°13'35"	154.31°	154.31
C2	975.00	299.98	298.80	S 84°49'55" W 17°37'42"	299.80°	299.80
C3	975.00	120.12	120.12	S 85°35'46" E 17°10'58"	20.12°	20.12



LEGEND

- WATER METER
- WATER VALVE
- ELECTRIC METER
- ELECTRIC BOX
- GAS METER
- GAS VALVE
- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
- SANITARY SEWER CLEAN-OUT
- TELEPHONE PEDIESTAL/BOX
- PROPERTY MONUMENT (POINT)
- COMPUTED POINT
- ELECTRIC TRANSFORMER
- (R) RECORD DIMENSION
- R/W RIGHT OF WAY
- TOP OF BANK
- 6" WOOD FENCE
- PL PROPERTY LINE



JOB NO.: 19040025
DATE: JAN. 6, 2022
CHECKED BY: PED
DRAWN BY: WBM
SCALE: AS SHOWN

GARVER, LLC
3035 JOYCE BOLLIVARD SUITE 300
TONTITOWN, ARKANSAS 72657
PHONE: 479-252-9100

CITY OF TONTITOWN
FLOOD INSURANCE RATE MAP
LOT 18 BARRINGTON HEIGHTS S/D
ADJUSTED LOT 32 BARRINGTON HEIGHTS S/D

SHEET NUMBER
1