

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



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

**Committee of The Whole
September 5, 2023
Agenda**

The Tontitown Committee of the Whole meeting is scheduled for Tuesday September 5, 2023, 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>

-
1. Meeting Call to Order
 2. Roll Call
 3. Pledge of Allegiance
 4. Approval of Agenda
 5. Approval of July 31, 2023, COW Minutes
 6. Comments from Citizens
 7. Old Business:
 - A. Discussion of an ordinance amending section 110.04 Licenses required for each place of business – Tim
 - B. Discussion of a resolution authorizing the acceptance of the bid submitted by Goodwin and Goodwin Inc for the Wildcat Creek Water Improvements Project – Angie/James
 - C. Discussion of an ordinance to enact water and wastewater impact fees – Angie/James
 8. New Business:
 - A. Discussion of a resolution to approve and adopt a ten-year capital improvement plan – Angie/Mark L
 - B. Discussion of an ordinance rezoning approximately 1.561 acres at 290 S. Barrington Road < Informational Only > – Planning
 - C. Discussion of an ordinance rezoning approximately 4.338 acres at 1064 N. Barrington Road < Informational Only > – Planning
 - D. Discussion of an ordinance rezoning a track split at 1076 N. Barrington Road < Informational Only > - Planning

E. Discussion of a resolution authorizing the rate of property tax for 2024 – Angie

9. Comments from Council Members

10. Comments from Mayor

11. Comments from Attorney

12. Adjournment

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

Committee of The Whole
July 31, 2023
Minutes

The Tontitown Committee of the Whole meeting is scheduled for Monday July 31, 2023, 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#
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1. Meeting Call to Order
 2. Roll Call
Misty Piazza was absent but will attend later.
 3. Pledge of Allegiance
 4. Approval of Agenda

Tim Burress motioned to approve the agenda.
Second by Amber Ibarra

Motion Passes Unanimously

5. Approval of July 6, 2023, COW Minutes

Tim Burress motioned to approve the agenda.
Second by Amber Ibarra

Motion Passes Unanimously

6. Comments from Citizens- NONE

7. Old Business:

A. Discussion to amend Chapter 110: General Licensing Provisions in the Tontitown Municipal Code – Tim (Tabled to September’s Committee of the Whole meeting per City Attorney’s Request)

8. New Business:

A. Discussion of a resolution authorizing the mayor to submit an application to the Arkansas Department of Parks, Heritage, and Tourism – Angie/Planning

The City of Tontitown is seeking to improve its recreational facilities and wishes to seek grant funding assistance.

Amber Ibarra motioned to approve and move to the next City Council Meeting.
Second by Mike Washkowiak

Motion Passes Unanimously

- B. Discussion of an ordinance to rezoning property at 1530 Kissinger Ave from A-1 Agriculture to R-1 Residential <informational only> – Angie/Planning

Misty Piazza Arrived at this time.

The owners for this rezone request are Robert and Mary McAllister. The property is located at 1530 Kissinger Ave. The city's code doesn't allow 1.00 acre of the total 9.60 acres to be rezoned, that is why the owners are requesting that the total 9.60 acres be rezoned, and then they can sell the 1.00 acre to a family member.

The Tontitown Planning Commission voted unanimously to approve and has been forwarded to the next City Council Meeting.

Discussion only and will be on the next City Council Meeting Agenda.

- C. Discussion of a bid tabulation for the Wildcat Creek Water Line Improvement – Angie/James

Tim Burress motioned to Table.
Second by Amber Ibarra

Motion Passes Unanimously

- D. Discussion of a resolution approving the water and wastewater impact fee study and adopting the capital improvement plans for the water and wastewater services – Angie/James

The City of Tontitown is seeking council approval for the Water and Wastewater Impact Fee Study that has been prepared by Duncan Associates and Garver Engineering, Inc.

Tim Burress motioned to accept and move to the next City Council Meeting.
Second by Daniel Montez

Motion Passes Unanimously

- E. Discussion of an ordinance to enact water and wastewater impact fees – Angie/James

Discussion on adopting rules and regulations.

Misty Motioned to Table to the next Committee of the Whole Meeting.
Second by Amber Ibarra

Motion Passes Unanimously

- F. Discussion of refinancing the .75 cent sales tax – Angie/James

Stephens Public Finance presented financing options for the city and answered any questions the council had. Reference YouTube for lengthy discussion.

9. Comments from Council Members

Daniel Montez

1. Thanked everyone for attending tonight's meeting.

Misty Piazza

1. Grape Festival starts tomorrow, and it will be hot so stay safe.

Amber Ibarra

1. Thanked Larry Ardemagni for helping her and he furnished the Blessing Box in leu of payment.

Mike Washkowiak

1. Good information was given at tonight's meeting. We have a lot to think about with the impact fees and financing options.
2. Thanked everyone for attending tonight's meeting.

Larry Ardemagni

1. Thanked everyone for attending tonight's meeting.

10. Comments from Mayor

1. Happy Birthday to Brad Spurlock, Officer Low, and Rhonda Ardemagni.
2. Special Meeting to follow.

11. Comments from Attorney

12. Adjournment- All in Favor

ORDINANCE NO. 2023-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

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

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

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

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

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

Section 1. That Section 110.04: Licenses Required for Each Place of Business of the Tontitown Municipal Code is hereby amended, as set forth in the attached Exhibit "A".

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

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

Section 4. Declaration of Emergency. It is hereby found and determined that Section 110.04: Licenses Required for Each Place of Business of the Tontitown Municipal Code should be immediately amended in order to provide updated regulations for operating a business in the City of Tontitown. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance

is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this _____ day of September 2023.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

§ 110.04 LICENSES REQUIRED FOR EACH PLACE OF BUSINESS.

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

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

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

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

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

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

§ 110.04 LICENSES REQUIRED FOR EACH PLACE OF BUSINESS.

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

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

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

(B) For the purpose of construing this chapter, ~~“moreMORE thanTHAN oneONE placePLACE ofOF business”~~**BUSINESS** shall mean ~~any~~ business operations conducted within two or more separate buildings or upon two or more separate tracts of real estate.

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

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

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

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

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RESOLUTION NO. 2023-___

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE BID SUBMITTED BY GOODWIN & GOODWIN, INC. FOR THE WILDCAT CREEK WATER IMPROVEMENTS PROJECT IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, as required by law, the City of Tontitown received bids from eight contractors for the Wildcat Creek Water Improvements project; and

WHEREAS, all of the eight bids for the project were carefully reviewed by the city's engineer and low bid proposal from Privcon Development, Inc. for the project was found to be unbalanced and the firm not well qualified to be able to complete the project on time as set forth in the Recommendation of Award letter and bid tabulation attached as Exhibit "A" hereto; and

WHEREAS, the next low bid proposal in the amount of \$787,650.00 was submitted by Goodwin & Goodwin, Inc. and the engineer for the project has recommended that this bid be accepted by the city; and

WHEREAS, the City Council has determined that Goodwin & Goodwin, Inc. is experienced and qualified, and has the skill, judgment and integrity necessary for a faithful performance of the contract that will be required for the project, and thereby City Council finds Goodwin & Goodwin, Inc. to be the lowest responsible bidder pursuant to Ark. Code. Ann. § 22-9-203; and

WHEREAS, the City Council has further determined that the best interests of the City of Tontitown would be served by finding Goodwin & Goodwin, Inc. to be the lowest responsible bidder for the Wildcat Creek Water Improvements and by authorizing the Mayor to negotiate and execute a contract with Goodwin & Goodwin, Inc. for the same.

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

Section 1. The City Council of the City of Tontitown hereby authorizes the Mayor to accept the lowest responsible bid submitted by Goodwin & Goodwin, Inc. in the amount of \$787,650.00, as reflected in the attached Exhibit "A", for the Wildcat Creek Water Improvements Project, and to negotiate and execute a contract for the same.

Section 2. The City Council of the City of Tontitown further finds that the best interest of the City of Tontitown would be served by finding Goodwin & Goodwin, Inc. to be the lowest responsible bidder for the Wildcat Creek Water Improvements.

Section 3. The Mayor and her designee are hereby authorized to take all such action in connection therewith.

PASSED AND APPROVED this ___ day of _____ 2023.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

**CITY OF TONTITOWN
Wildcat Creek Water Improvements
BID TABULATION**

BID OPENING: July 21, 2023 11:00 AM

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	Privcon Developments, Inc.		Goodwin and Goodwin, Inc.		Brothers Construction		Goins Enterprises		Tri-Star Contractors, Inc.		Sy-Con		Boyles Construction		Diamond Construction	
					UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	1	Erosion Control	LS	1	\$4,657.00	\$4,657.00	\$15,000.00	\$15,000.00	\$29,250.00	\$29,250.00	\$8,000.00	\$8,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00	\$21,678.00	\$21,678.00
2	1	Traffic Control	LS	1	\$5,785.00	\$5,785.00	\$5,000.00	\$5,000.00	\$11,000.00	\$11,000.00	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00	\$2,500.00	\$2,500.00	\$7,000.00	\$7,000.00	\$14,375.00	\$14,375.00
3	1	Mobilization (Not to Exceed 5 Percent)	LS	1	\$33,500.00	\$33,500.00	\$35,000.00	\$35,000.00	\$16,700.00	\$16,700.00	\$40,000.00	\$40,000.00	\$41,611.59	\$41,611.59	\$34,375.00	\$34,375.00	\$30,000.00	\$30,000.00	\$50,312.50	\$50,312.50
4	1	Trench Excavation Safety	LS	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$13,350.00	\$13,350.00	\$8,000.00	\$8,000.00	\$5,000.00	\$5,000.00	\$3,900.00	\$3,900.00	\$6,500.00	\$6,500.00	\$7,475.00	\$7,475.00
5	1	Construction Staking	LS	1	\$6,525.00	\$6,525.00	\$7,500.00	\$7,500.00	\$11,000.00	\$11,000.00	\$12,000.00	\$12,000.00	\$12,500.00	\$12,500.00	\$12,000.00	\$12,000.00	\$12,500.00	\$12,500.00	\$11,500.00	\$11,500.00
6	1	Bonds and Insurance	LS	1	\$50,000.00	\$50,000.00	\$20,000.00	\$20,000.00	\$8,500.00	\$8,500.00	\$36,000.00	\$36,000.00	\$24,239.76	\$24,239.76	\$25,000.00	\$25,000.00	\$15,000.00	\$15,000.00	\$34,500.00	\$34,500.00
7	1	Material and Acceptance Testing	LS	1	\$1,750.00	\$1,750.00	\$5,000.00	\$5,000.00	\$6,950.00	\$6,950.00	\$8,000.00	\$8,000.00	\$10,000.00	\$10,000.00	\$2,500.00	\$2,500.00	\$6,250.00	\$6,250.00	\$12,075.00	\$12,075.00
8	1	Clearing and Grubbing (Tree Removal)	LS	1	\$9,840.00	\$9,840.00	\$10,000.00	\$10,000.00	\$26,162.00	\$26,162.00	\$5,000.00	\$5,000.00	\$18,000.00	\$18,000.00	\$8,000.00	\$8,000.00	\$37,500.00	\$37,500.00	\$17,250.00	\$17,250.00
9	1	Flowable Fill Bedding	LF	290	\$40.00	\$11,600.00	\$50.00	\$14,500.00	\$63.00	\$18,270.00	\$6.00	\$1,740.00	\$200.00	\$58,000.00	\$51.73	\$15,001.70	\$57.00	\$16,530.00	\$152.68	\$44,277.20
10	1	Dewatering	LS	1	\$3,657.00	\$3,657.00	\$5,000.00	\$5,000.00	\$10,800.00	\$10,800.00	\$3,000.00	\$3,000.00	\$13,000.00	\$13,000.00	\$2,750.00	\$2,750.00	\$4,000.00	\$4,000.00	\$14,375.00	\$14,375.00
11	1	Groundwater Mitigation Dam	EA	4	\$321.00	\$1,284.00	\$1,000.00	\$4,000.00	\$990.00	\$3,960.00	\$975.00	\$3,900.00	\$2,500.00	\$10,000.00	\$1,125.00	\$4,500.00	\$2,500.00	\$10,000.00	\$3,593.75	\$14,375.00
12	1	8" PVC Water Line (AWWA C900, DR-14)	LF	4,700	\$71.75	\$337,225.00	\$65.00	\$305,500.00	\$43.00	\$202,100.00	\$67.00	\$314,900.00	\$65.00	\$305,500.00	\$66.00	\$310,200.00	\$50.00	\$235,000.00	\$52.64	\$247,408.00
13	1	Water Service Line	LF	1,000	\$70.10	\$70,100.00	\$40.00	\$40,000.00	\$36.00	\$36,000.00	\$26.00	\$26,000.00	\$55.00	\$55,000.00	\$15.00	\$15,000.00	\$61.25	\$61,250.00	\$56.64	\$56,640.00
14	1	Water Meter Setting	EA	25	\$1,771.26	\$44,281.50	\$2,500.00	\$62,500.00	\$2,150.00	\$53,750.00	\$1,500.00	\$37,500.00	\$2,250.00	\$56,250.00	\$1,220.00	\$30,500.00	\$2,600.00	\$65,000.00	\$2,235.60	\$55,890.00
15	1	6"x6" Tapping Sleeve and Valve	EA	1	\$6,500.00	\$6,500.00	\$7,000.00	\$7,000.00	\$18,200.00	\$18,200.00	\$6,675.00	\$6,675.00	\$7,291.98	\$7,291.98	\$4,500.00	\$4,500.00	\$7,050.00	\$7,050.00	\$5,807.50	\$5,807.50
16	1	Cut and Plug Existing 3" Water Line	EA	2	\$4,151.95	\$8,303.90	\$650.00	\$1,300.00	\$2,575.00	\$5,150.00	\$3,500.00	\$7,000.00	\$2,700.00	\$5,400.00	\$3,500.00	\$7,000.00	\$2,100.00	\$4,200.00	\$3,162.50	\$6,325.00
17	1	8" Gate Valve	EA	6	\$796.31	\$4,777.86	\$2,750.00	\$16,500.00	\$800.00	\$4,800.00	\$1,800.00	\$10,800.00	\$2,100.00	\$12,600.00	\$3,500.00	\$21,000.00	\$1,880.00	\$11,280.00	\$1,820.84	\$10,925.04
18	1	Fire Hydrant Assembly	EA	9	\$4,691.22	\$42,220.98	\$4,500.00	\$40,500.00	\$5,750.00	\$51,750.00	\$6,900.00	\$62,100.00	\$6,500.00	\$58,500.00	\$5,000.00	\$45,000.00	\$4,400.00	\$39,600.00	\$5,085.56	\$45,770.04
19	1	Ductile Iron Fittings	LB	3,000	\$2.71	\$8,130.00	\$10.00	\$30,000.00	\$22.50	\$67,500.00	\$19.00	\$57,000.00	\$15.00	\$45,000.00	\$24.00	\$72,000.00	\$10.00	\$30,000.00	\$18.60	\$55,800.00
20	1	Remove and Replace Wood Privacy Fence and Gate	LF	60	\$34.31	\$2,058.60	\$70.00	\$4,200.00	\$69.00	\$4,140.00	\$60.00	\$3,600.00	\$200.00	\$12,000.00	\$60.00	\$3,600.00	\$5,000.00	\$300,000.00	\$100.00	\$6,000.00
21	1	Pavement Repair	LS	1	\$6,287.00	\$6,287.00	\$12,000.00	\$12,000.00	\$36,000.00	\$36,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$18,000.00	\$18,000.00	\$8,750.00	\$8,750.00	\$43,700.00	\$43,700.00
22	1	Class 7 Backfill	CY	130	\$62.27	\$8,095.10	\$55.00	\$7,150.00	\$74.00	\$9,620.00	\$29.00	\$3,770.00	\$65.00	\$8,450.00	\$50.00	\$6,500.00	\$64.00	\$8,320.00	\$106.16	\$13,800.80
23	1	Seeding and Mulch	LS	1	\$3,610.00	\$3,610.00	\$15,000.00	\$15,000.00	\$60,000.00	\$60,000.00	\$15,000.00	\$15,000.00	\$27,500.00	\$27,500.00	\$33,945.00	\$33,945.00	\$19,000.00	\$19,000.00	\$17,825.00	\$17,825.00
24	1	Undercut and Backfill	CY	100	\$26.58	\$2,658.00	\$25.00	\$2,500.00	\$30.00	\$3,000.00	\$150.00	\$15,000.00	\$45.00	\$4,500.00	\$60.00	\$6,000.00	\$72.00	\$7,200.00	\$115.00	\$11,500.00
25	1	Rock Excavation	CY	500	\$2.00	\$1,000.00	\$200.00	\$100,000.00	\$250.00	\$125,000.00	\$250.00	\$125,000.00	\$40.00	\$20,000.00	\$450.00	\$225,000.00	\$50.00	\$25,000.00	\$345.00	\$172,500.00
26	1	Flow Meter Vault	LS	1	\$15,155.00	\$15,155.00	\$12,500.00	\$12,500.00	\$20,100.00	\$20,100.00	\$15,000.00	\$15,000.00	\$18,500.00	\$18,500.00	\$26,000.00	\$26,000.00	\$16,800.00	\$16,800.00	\$48,875.00	\$48,875.00

TOTALS						<u>\$699,000.94</u>		<u>\$787,650.00</u>		<u>\$853,052.00</u>		<u>\$854,985.00</u>		<u>\$873,843.33</u>		<u>\$944,771.70</u>		<u>\$998,730.00</u>		<u>\$1,040,959.08</u>
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Corrected Prices





February 15, 2022

To whom it may concern

Re: Privcon Developments, Inc.
Sewer Main Relocation - Cantrell Road, Sam Peck RD. to Pleasant Valley Drive
Halff Project No. 036931.001 / LRWRA Project No. 5180201 / ARDOT Job No. 061331

Dear,

This project was for the relocation of gravity sewer lines and services associated with Cantrell Road / Hwy 10 widening, from Sam Peck Road to Pleasant Valley Drive. It included approximately 6,000 lf of 8-inch PVC and Ductile Iron pipe, located within the traveled lanes, medians, and against retaining walls at rights-of-way, at depth up to 24-feet. Additionally, maintenance of traffic and trench safety systems were a significant part of this overall project, as well as scheduling with a multitude of other entities.

Bids were received on October 8, 2020, with Privcon Developments, Inc. being the lowest of 3 bidders at \$ 1,470,360, and 11% below the average bid.

The Notice To Proceed was issued on February 3, 2021, and the project was completed in October 2021, on time.

Privcon Developments, Inc. satisfactorily executed this very difficult project with no significant issues or delays.

Respectfully,
Halff Associates Inc

Julian Brown

Julian Brown
Sr. Project Manager



McGuire Engineering, Inc.
3734 Rogers Avenue
Fort Smith, AR 72903
479-484-9020

July 28, 2023

To whom it may concern:

My name is Patrick McGuire, P.E. I am a graduate of the Missouri University of Science and Technology (formerly the University of Missouri – Rolla) in civil engineering with over 38 years of experience licensed in Arkansas, Oklahoma, and Virginia.

This letter is a recommendation concerning the capabilities and quality of work of Jerry Smith and his construction company, Privcon Developments Inc. I have worked with Privcon and Jerry Smith on water and sewer construction projects for almost five years. Approximately four years ago, Privcon constructed waterlines I had designed for a client of mine totaling \$1.1 million. They did a very good job with construction and clean up. The project was performed within the allotted construction days and the customers were pleased with the product. Since that project, I have worked with Mr. Smith and Privcon Development Inc. on various minor tasks for other projects.

I understand that there might be some trepidations concerning his low price of rock excavation. While the price is very low, Privcon is very efficient in rocky conditions, especially when lines 8” or smaller are concerned. In our project, Privcon dealt with rock extremely well. Privcon feels this is an area where they have an advantage over their competition. Also, Mr. Smith believes that the amount of rock excavation needed has been over estimated. (In my many years of experience, this is an area where the design engineer will make sure he covers himself well, “just in case” because there is no way of knowing the amount for sure)

I have found Mr. Smith to be an honest and trustworthy businessman with excellent construction experience.

Feel free to contact me if needed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick D. McGuire', with a long horizontal flourish extending to the right.

Patrick D. McGuire, P.E.
President – McGuire Engineering, Inc.
479-484-9020 W
479-420-3694 C

Jerry A. Smith, Jr.
Privcon Developments, Inc.
President

909 W. Main Street, Box 180
Jacksonville, AR. 72076

815 Brazos St., Ste. 500
Austin, TX. 78701

P: (501) 605-4161
E-mail: Privcon_dev@yahoo.com

**Project: 12" WATER LINE IMPROVEMENTS
ALONG HWY 112 RWD #2 POCOLA, OK.**

Title: Prime Contractor
Engineer: McClelland Consulting Engineers, Inc.
Contact: Andy Dibble
P: (479) 262-4111
Email: adibble@mce.us.com

**Date: 2023 August thru January 11, 2024
Contract Amount: \$ 689,369.43**

Consisted of approx. 5,220 LF of 12" PVC Water Lines and appurtenances including relocation of 31 existing water service meters and the addition of 6 Fire Hydrant Assemblies.

**Project: DOWNTOWN BOND PROJECT
PACKAGE 1 – WATERLINE REPLACEMENTS FOR
S. MOCK ST., S. NEAL ST., & S. PITTMAN ST. BY
CITY OF PRAIRIE GROVE ARKANSAS**

Title: Prime Contractor
Engineer: Burns & Mc Donnell
Contact: William Pattengill
P: (479) 936-1833
Email: wppattengill@burnsmcd.com

**Date: 2022 thru October 6, 2023
Contract Amount: \$1,511,504.22**

Consisted of 1,600 LF of 12" PVC, 200 LF of 8" PVC, 1,700 LF 8" PVC, 1,100 LF OF 8" PVC, All Pipe installed in the (3) major city streets. Other items of Work included connecting to the existing water line system multiple locations; abandoning the existing water line; Fire Hydrant Assemblies: water service connections; Asphalt/Concrete repair, and appurtenances.

**Project: HWY 10 GRAVITY SEWER MAIN
RELOCATION, SAM PECK-PLEASANT VALLEY
ARDOT & KIEWIT & LRWRA – LITTLE ROCK, AR.**

Title: Prime Contractor
Engineer: HALFF Associates, Inc.
Contact: Julian Brown – Halff Assoc.
P: (501) 801-2677
Email: Julian.Brown@halff.com
Contact: Vince Hotho – LRWRA
P: (501) 688-1452
Email: steven.hotho@lrwra.com

Date: 2021 Contract Amount \$1,769,942.95

Consisted of 5,570 LF of 8" Ductile Iron & PVC Gravity Sewer Pipe, 29 Manholes, 9 service stubs and over 1,200 SY of temporary pavement repair (mostly installed in center lane along Hwy 10/Cantrell Rd.) together with incidental and ancillary work. Weekly Microsoft Team Meetings along with ARDOT, KIEWIT, HALFF & LRWRA Reps. to coordinate and timely Install. Some Phases installed during 8:00 pm – 6:00 am.

*See Attached Character Letter

**Project: McIntosh Co. RWD No. 5 – WATER
SYSTEM IMPROVEMENTS – CONTRACT – 1**

Title: Prime Contractor
Engineer: Holloway, Updike & Bellen, Inc.
Contact: Jay Updike
P: (918) 682-7811
Email: jupdike@hubengineers.com

**Date: 2019 – 2020 Contract Amount
\$462,719.34**

Consisting of 4" & 6" waterline extensions line had approx. 2100 LF and 9200 LF of PVC. Road Bores, Valves, Co. Road cut & repairs, connect to existing lines, tie- in's, meters, and appurtenances.

**Project: PVWFB – TRANSMISSION &
DISTRIBUTION – MULLBERRY, AR**

Title: Prime Contractor
Engineer: McGuire Engineering
Contact: Pat McGuire
P: (479) 484-9020
Email: mcguire_eng@yahoo.com

Date: 2018 Contract Amount \$1,103,874.00.

Consisted of adding five (5) waterline extensions lines had approx. 65,000 LF of 8", 6", 4" and 3" PVC Class 200 & 250 combined. Several road crossings, gate valves, ductile iron fittings, casing, pressure reducing & air release valves, 59 water meters with appurtenances.

*See Attached Character Letter

Project: WESTSIDE WATER EXT.

Title: Sub-Contractor
Contractor: S & J Construction Co., Inc.
Contact: David Shinn
P: (501) 920-8288
Contact: Jerry Smith, Sr.
P: (501) 985-2111
Email: sandjconstr@aol.com

Date: 2017 Contract Amount \$702,563.01

Consisted of approximately 8,000 LF of 12" Ductile Iron. 5,000 LF of 8" Ductile Iron. D. I. Fittings, gate valves and appurtenances.

Project: CAVE SPRINGS – SEWER EXTENSION

Title: Sub-Contractor
Contractor: S & J Construction Co., Inc.
Contact: Jerry Smith, Sr.
P: (501) 985-2111
Contact: David Shinn
P: (501) 920-8288
Email: sandjconstr@aol.com

Date: 2016 Contract Amount \$432,988.22

Consisted of 12" PVC Sewer Pipe
approximately 10,000 LF and appurtenances.

**Project: LONOKE WHITE WATER CONTRACT 2-
WATER TRANSMISSION MAIN & RAW WATER
LINE**

Title: Sub-Contractor
Engineer: Bond Consulting Engineers
Contact: David Shinn
P: (501) 920-8288
Contact: Jerry Smith, Sr.
P: (501) 985-2111
Email: sandjconstr@aol.com

Date: 2012 Contract Amount \$793,998.28.

Consisted of 43,100 LF of 12" CI 200 PVC,
4,450 LF of 10" CI 200 PVC, Ductile Iron
fittings, 480 LF 20" Bore, Gate valves, Blow
offs, and appurtenances.

**Project: OZARK MOUNTAIN REGIONAL PUBLIC
- WATER TRANSMISSION MAIN - CONTRACT IX**

Title: Sub-Contractor
Engineer: ESI
Contact: Jerry Smith, Sr.
P: (501) 985-2111
Contact: David Shinn
P: (501) 920-8288
Email: sandjconstr@aol.com

Date: 2011 Contract Amount \$654,387.50

Consisted of 20,710 LF of 8" CI 350 Ductile
Iron Water Main, 540 LF of 8" CI 350 RJ
Ductile Iron Water Main, 8" paved road
crossing, 475 LF Concrete Enc. For Creek
Crossing, Leak detector and appurtenances.

**Project: PIGEON HILL EXTENSION –
SOUTHEAST BRADLEY COUNTY WATER
ASSOCIATION**

Title: Prime Contractor
Engineer: Blaylock Threet Engineers
Contact: Carl J. Meurer, Jr.
P: (501) 224-3922
Email: cmeurer@blaylockthreet.com

Date: 2010 Contract Amount \$564,090.35.

Consisted of 1,289 LF of 8" PVC, 14,020 LF of
6" PVC pipe, 23,310 LF of 4" PVC, 29,656 LF
of 3" PVC pipe, HDPE CL 200 Directional Bore,
and appurtenances.

- See Attached Summary

Jerry A. Smith, Jr.

Privcon Developments, Inc.

**909 W. Main Street, Box 180
Jacksonville, AR. 72076**

**815 Brazos St., Ste. 500
Austin, TX. 78701**

**P: (501) 605-4161
E-mail: Privcon_dev@yahoo.com**

Construction career started with S&J Construction Co., my father's company, around the year of 1994.

- Operator/Foreman the City of Centerton, AR. This project consisted of approx. 15,000 LF of 12" sewer main 6'-18' deep along with blasting, hammering, service ways, 45 manholes, and 4-20" bores. (\$2,300,000)
- Operator/Forman installing 24" D.I. pipe for the TWO-TON LOOP. I installed all the 24" D.I. pipe water line from HWY 412 to Gravette, AR. with several 36" bores. (ESI-Engineers) (\$6,000,000)
- Operator/Forman in Bella Vista, AR. This project consisted of approx. 25,000 LF of 18" D.I. Water Main along with a few 30" bores approx. 60' long. (\$4,700,000)
- Foreman on the Russellville AR. project consisting of 12,000 LF 36" D.I. WATER pipe crossing approx. 1500' of Lake Dardanelle, AR. (GARVER Engineering) (\$6,500,000)
- Operator/Forman, and a Superintendent in the City of Paragould, AR This project consisted of 5,200 LF of 30" clay pipe approx. 32' deep along with a 100' 48" bore. (\$7,200,000)
- Operator/Foreman installing 30,000 LF of 12" – 8" Gravity Sewer with Pump station for the City of Knoxville, AR. (\$4,000,000)
- Operator/Foreman installing 25,000 LF of 12" – 8" Gravity Sewer with Pump station for the City of Pottsville, AR. (\$3,100,000)
- Operator/Foreman for project in the two cities of Avinger/Jefferson TX. consisted of approx. 17 miles of 18" D.I. Pipe (KSA Engineering) (\$5,000,000)
- Operator/Foreman for Ore City, TX. consisted of 14,000 LF of 21" – 12" D.I. Pipe (KSA Engineering) approx. 3.5 miles (\$4,800,000)

- Superintendent on the 30,000 LF 24" PVC force main pipe and 2-36" bores approx. 120 long in Little Rock, AR. project started around Rodney Parham Rd. and ended in front of the Bill and Hilary Clinton Airport (LITTLE ROCK SEWER) (\$4,000,000)
- Superintendent/Operator on the Benton, AR. HWY 5 PROJECT. project was an ARDOT relocate, we had to relocate the 12" water and 12" sewer lines that were in the middle of Hwy 5 consisting of Safety Traffic Control. Including approx. 50 water meters, 200' of open cut 24" casing also testing and sampling. (Affiliated Engineering) (\$1,300,000)
- Superintendent/Operator in the City of Clarksville, AR. this project consisted of 9,000 LF 8" D.I. water pipe. We had to refurbish all the water pipe and approx. 150 water meters, testing and sampling in a residential neighborhood. (\$750,000)
- Operator/Forman in the City of Knoxville, AR. This project consisted of approx. 15,000 LF approx..40 manholes of 8" sewer along with a few 16" bores approx. 60' long (\$1,900,000)
- Operator/Foreman the City of Jacksonville, AR. (GENERAL SAMUELS ROAD) Project consisted of approx. of 10,000 LF of 18" water main, 18" tap., several head walls, 1- 30" bore 150' long, several new water services, testing, pigging the line, then installing the butterfly valves. (Garver Engineering) (\$2,000,000)
- Bore-man/Part-time superintendent in the City of Hot Springs. This project consisted of pipe bursting, relocation of sanitary sewer, and 48" bores that were drilled under the HWY and Interstate. (\$5,700,000)

During times between the above referenced projects, I have installed water and sewer lines for three (3) neighborhoods in the City of Jacksonville, AR. These jobs included approx. 150 water meters and 150 sewer services, along with several 12" to 16" bores.

Acquired State of Arkansas Contractors License and started pursuing construction bids, have successfully completed awarded projects.

*Please see attached projects on Resume

Certificate of Substantial Completion

Project: Downtown Bond Projects – Package 1 – WL Replacements for S. Mock, S. Neal, & S. Pittman

Owner: City of Prairie Grove

Contractor: PrivCon Developments, Inc.

Engineer of Record: Burns & McDonnell

Contract Price: \$1,490,988.17 (Original)

This Certificate of Substantial Completion applies to:

All Work under the Contract Documents: The following specified portions of the Work:

June 28, 2023
Date of Substantial Completion

October 6, 2023
Date of Final Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Dates of Substantial Completion of the Project or portion thereof designated above is hereby declared. The warranty period for the work will begin from final completion date and acceptance of ALL WORK by the Owner.

A final list of items to be completed or corrected is:

- Will be generated following the final walkthrough.

This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance and warranties shall be as provided in the Contract Documents except as amended as follows:

Amended Responsibilities

Not Amended

Owner's Amended Responsibilities:

None

Contractor's Amended Responsibilities:

None

EJCDC C-625 Certificate of Substantial Completion

Prepared by the Engineers Joint Contract Documents Committee and endorsed by the Construction Specifications Institute.

Page 1 of 2

The following documents are attached to and made part of this Certificate:

None

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract Documents.

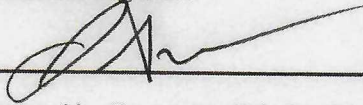
William Pattengill, PE

Digitally signed by William Pattengill, PE
DN: C=US, E=wpattengill@burnsmcd.com, O=Burns
& McDonnell, OU=TRN, CN="William Pattengill, PE"
Date: 2023.08.22 12:59:41-0500

08-22-2023

Executed for Engineer of Record, Burns & McDonnell Date

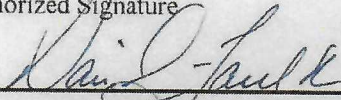
Authorized Signature



8-25-2023

Accepted by Contractor, PrivCon Developments, Inc. Date

Authorized Signature



8.24.2023

Accepted by Owner, City of Prairie Grove Date

Authorized Signature

Date



2049 E. Joyce Blvd.
Suite 400
Fayetteville, AR 72703

TEL 479.527.9100
FAX 479.527.9101

www.GarverUSA.com

July 25, 2023

Privcon Development, Inc.
Attn: Mr. Jerry Smith, Jr.
909 W. Main St, Box 180
Jacksonville, Arkansas, 72076

Re: Rock Excavation Bid Price
Wildcat Creek Water Improvements

Dear Mr. Smith:

In the bid for the above-referenced project, your company bid a unit price of \$2.00 per cubic yard of rock excavation. This letter will confirm to the City of Tontitown that you plan to charge \$2.00 per cubic yard, regardless of how many cubic yards of rock excavation are required for the project.

Please sign the statement below and return this letter to Garver.

Please call me if you have any questions.

Sincerely,

GARVER

Chris Buntin, P.E.
Project Manager

I, Jerry Smith, Jr., certify that Privcon Developments, Inc. will charge the City of Tontitown \$2.00 (two dollars) per cubic yard of rock excavation, regardless of the total quantity of rock that is required to be removed.

Jerry Smith, Jr., President
Privcon Developments, Inc.

ORDINANCE NO. 2023-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO ENACT WATER AND WASTEWATER IMPACT FEES; ADOPTING RULES AND REGULATIONS RELATED THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Tontitown operates a water and wastewater system for the citizens of the City of Tontitown and for certain properties outside of the municipal limits of the City of Tontitown;

WHEREAS, the City of Tontitown is experiencing substantial growth in population, business and industry which has put a strain on existing water and wastewater services and facilities and has created a need for the expansion of such water and wastewater services and facilities;

WHEREAS, Ark. Code. Ann. § 14-56-103 allows a city to enact development impact fees upon or against a development in order to generate revenue for funding for recouping expenditures of the municipality that are reasonably attributable to the use and occupancy of the development;

WHEREAS, the City Council of the City of Tontitown finds that the cost of increasing the capacity of existing wastewater distribution systems within the City of Tontitown to accommodate the anticipated growth in the City of Tontitown should be borne by those developments that make such increases necessary; and

WHEREAS, the City Council of the City of Tontitown finds that such development impact fees are necessary for the health, safety and welfare of the citizens of the City of Tontitown as well as for other reasons set forth in this Ordinance.

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

Section 1. Legislative Findings.

The City Council of Tontitown, Arkansas, finds, determines and declares that:

a) System expansion required. The protection of the health, safety, and general welfare of the citizens of the City of Tontitown requires that the City's water and wastewater facilities be expanded and improved to accommodate growth and development with the city.

b) System demand. New residential and nonresidential development imposes increased and excessive demands upon the existing water and wastewater facilities and often overburdens the existing system facilities. Provided, further, new development is

expected to continue, and will place ever-increasing demands on the city to provide these facilities to serve new development.

c) Revenues. Revenues generated from new development often does not generate sufficient funds to provide the necessary water and wastewater facilities to accommodate new development; therefore, the creation of an equitable local water and wastewater impact fee system would enable the city to impose a proportionate share of the costs of the needed improvements to capital facilities to accommodate new development.

d) Study conducted. In order to implement equitable local impact fees, the city caused to be a prepared Water and Wastewater Impact Fee Study with a Capital Plan contained therein, hereinafter termed “Technical Report.” Said Technical Report is incorporated herein by reference and sets forth reasonable methodologies and analysis for determining the impacts of various types of development on the City’s system capital facilities, and for determining the costs of acquiring the improvements necessary to meet the demands for such services created by new development.

e) Standards established. The City hereby establishes as City standards the assumptions and level of service standards in the study as part of its current plans for future expansions to the City’s system capital facilities.

f) Impact fee use limited. The impact fees described in this ordinance are based on the study, and do not exceed the costs of improvements to serve new development that will pay the impact fees. This is intended to be a local improvement impact fee as to water and wastewater.

g) Benefit. Those capital water and wastewater facilities/improvements listed in the Technical Report will benefit all new development that depends on City Services, and it is therefore appropriate to treat the entire system as a single service area for purposes of calculating, collecting, and spending the local government impact fees as to water and wastewater.

h) Impact fee relationship. There is both a rational nexus and rough proportionality between the development impacts created by each type of development covered by this ordinance and the impact fees that such development will be required to pay for water and wastewater.

i) Impact fee purpose. This ordinance creates a system by which water and wastewater impact fees paid by new development will be used to finance, defray or reimburse all or a portion of the costs incurred by the City to construct improvements for system’s capital water and wastewater facilities in ways that benefit the development that paid each fee within a reasonable period of time after the fee is paid.

Section 2. Intent.

a) Capital improvement plan. This ordinance is adopted to assist in the implementation of the Capital Improvement Plan for water and wastewater as set forth in the Technical Report, which plan was reviewed and approved by the City Council and used in the independent fee calculation study. To that end, the intent of this ordinance is to ensure that new development bears a proportionate share of the costs of improvements to capital wastewater facilities; to ensure that such proportionate share does not exceed the costs of improvements for capital wastewater facilities required to accommodate new development; and to ensure that funds collected from new development are actually used for improvements for capital wastewater facilities that benefit such new development.

b) Impact Fee purpose. It is further intent of this ordinance that new development pays for its fair share of the costs of local improvements for capital water and wastewater facilities required to accommodate new development through imposition of impact fees that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the City to construct improvements to the City capital water and wastewater facilities that serve or benefit such new development. It is not the intent of this ordinance to collect any money from any new development in excess of the actual amount necessary to offset new demands for capital water and wastewater facilities.

c) Funds restricted. It is not the intent of this ordinance that any monies collected from any local impact fee deposited in the wastewater impact fee trust ever be commingled with monies from any other city trust funds or account, or ever be used for a type of facility or equipment different from that for which the fees are paid, or are ever used to replace or rehabilitate existing improvements.

Section 3. Water and Waste Water Impact Fee Imposed.

Water and Wastewater Impact Fees are hereby adopted with such regulations as set forth in the attached Exhibit "A" and which shall be codified as a new § 155.03 Water and Wastewater Impact Fees section in the Tontitown Municipal Code.

Section 4. Penalty.

The penalty for violation of this ordinance shall, upon conviction in the Tontitown District Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Tontitown Municipal Code as may now or hereafter be enacted by the City Council.

Section 5. Declaration of Emergency.

It is hereby found and determined that there is an immediate need to institute development impact fees for the City of Tontitown water and wastewater system and facilities in accordance with Ark. Code Ann. § 14-56-103 as amended, in order to address and accommodate the substantial residential, commercial and industrial growth experienced by the City of Tontitown and in order to offset costs to the city's water and wastewater system which is attributable to the new development. Therefore, an

emergency is declared to exist, and this Ordinance being immediately necessary for the above-stated purposes, shall become effective immediately from and after the date of its passage, to take effect as provided by the terms of this Ordinance.

PASSED AND APPROVED this ____ day of _____, 2023.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

EXHIBIT A

§ 155.03 WATER AND WASTEWATER IMPACT FEES.

The provisions of this section shall apply to all of the territory within the jurisdiction of the City of Tontitown and areas outside of the City's jurisdiction where the City provides water and wastewater service.

(A) Definitions

When used in this section, the terms listed below shall have the following meanings unless the context requires otherwise. Singular terms shall include their plural.

“City” means the City of Tontitown, Arkansas or its authorized representative.

“City Council” means the governing body of the incorporated City of Tontitown.

“Eligible Improvements” means improvements that enhance the capacity of the water or wastewater system, including planning, engineering, acquisition, construction, and interest on debt incurred to finance capital improvements, but does not include the operation, maintenance, replacement, or repair of existing improvements. Eligible improvements do not include water distribution lines of less than 12 inches in diameter, wastewater gravity lines of less than 12 inches in diameter, or wastewater force mains of less than 6 inches in diameter. A replacement of an existing improvement or facility with a new improvement or facility of greater capacity shall be partially eligible based on the increase in capacity.

“Technical Report” means the “City of Tontitown Water and Wastewater Impact Fee Study” prepared by Duncan Associates in March 2023 and adopted by the City, or a subsequent similar study, which serves as the basis for the calculation of the water and wastewater impact fees and is hereby adopted and incorporated by reference.

“Wastewater System” means the set of eligible wastewater collection facilities owned and operated by the City.

“Water System” means the set of eligible water distribution facilities owned and operated by the City.

(B) Fee Assessment and Collection

(1) No water meter shall be installed or wastewater connection made until the applicable water and wastewater impact fees have been paid based on the size of the water meter according to the following schedule. These represent 25 percent of the maximum fees calculated in the Technical Report. The fees will be adjusted annually to account for cost inflation, as provided in subsection (B)(2).

<u>Meter Size</u>	<u>Water</u>	<u>Wastewater</u>
-------------------	--------------	-------------------

5/8" x 3/4"	\$ 1160	\$ 872
1"	\$ 3480	\$ 2615
2"	\$ 11600	\$ 8715

(2) To account for cost inflation, effective July 1 of each year following the year of adoption, the impact fees shall be multiplied by the ratio of the *Engineering News-Record's* Construction Cost Index for the most recent month for which it is available to the index for the same month from the previous year. If the cited index is no longer available, an equivalent index shall be used. The calculation and assessment of the inflation-adjusted fees shall be done administratively, and shall not require approval by the City Council.

(3) In the event of the replacement of an existing water meter with a larger one, the applicable impact fee shall be the difference between the fees for the two meter sizes.

(4) In the event that the proposed water meter size is not shown in the schedule set forth in subsection (B)(1) above, the City shall calculate the appropriate impact fee using the same methodology used in the Technical Report.

(5) No wastewater impact fee shall be assessed for meters that are dedicated exclusively for irrigation purposes.

(6) The amount of the fees due will be net of the value of available credits pursuant to subsection (E) requested at time of payment.

(C) Accounting and Expenditure of Funds

(1) For both water and wastewater, a special interest-bearing impact fee account that is distinct from the general fund of the City is created, and the impact fees received shall be deposited in the special account, along with accrued interest. No other revenues or funds shall be deposited in the impact fee account.

(2) The funds in the water and wastewater impact fee accounts shall be used only for the following purposes:

- (a) to acquire or construct Eligible Improvements;
- (b) to pay debt service on the portion of any current or future general obligation bond or revenue bond used to finance Eligible Improvements and attributable to excess capacity available to serve new water or wastewater customers;
- (c) to pay fees to an independent qualified professional, who is not an employee of the City, for the preparation or updating of the Technical Report; or
- (d) to make refunds pursuant to subsection (D).

(3) The City shall maintain accurate records of each impact fee paid, including the name of the person paying the fee, the tax parcel number and address for which the fee was paid, the date of payment, and the amount received in payment.

(D) Refunds

(1) Fees not spent within seven (7) years after the date on which the fee was paid shall be eligible for refund according to the following provisions. Money in each impact fee account shall be considered to be spent in the order collected on a first-in/first-out basis.

(2) A refund shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.

(3) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the present owners of the property no later than thirty (30) days after the date on which the refund becomes due.

(4) The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.

(5) The refund shall be made on a pro rata basis.

(6) The refund shall be paid in full not later than ninety (90) days after the date certain upon which the refund becomes due.

(E) Credits

(1) An applicant may obtain credit for up to 100 percent of impact fees otherwise due or to become due by offering to dedicate land and/or construct Eligible Improvements. To receive a credit, applicants must file an impact fee credit application and provide required information and documentation as required by this section or as determined necessary by the City. Any claim to utilize credits must be made no later than the time of payment of the impact fee. Credits shall expire if not used within seven (7) years of the date of creation. Credits shall only be available for use against fees otherwise due for the development project for which the dedication or improvement is made, and shall not be transferrable to another development project, unless otherwise provided in the credit agreement.

(2) An offer to make capital improvements or dedicate land in lieu of paying impact fees shall be made in an application filed with the City identifying the capital improvements and/or land dedications for which credits are requested. The applicant shall specify the dollar amount of the credit requested. The credit claimed by the applicant as the basis for the credit requested shall be no more than fair market value as determined by the City. It is the obligation of the applicant to submit documentation to the satisfaction of the City that supports the amount of the credit requested and indicates the basis on which the amount requested was calculated.

(3) If the City accepts such an offer, the credit shall be determined and provided in the following manner.

(a) The City shall determine credits for the dedication of land on the following values: 115 percent of the most recent assessed value for purposes of property taxation; or at the option of the applicant, by fair market value determined by the City, based on an appraisal accepted by the City.

(b) The City shall determine credits for the construction of a capital improvement from the engineering criteria and construction cost estimates as provided by the applicant and accepted by the City.

(4) Once the City has made a credit determination, a credit agreement shall be provided to the applicant. The applicant shall sign and date the agreement and return the document to the City, which shall be binding on the applicant as to the terms and conditions of the credit.

(5) Once the amount and terms of the credit are determined, credits for land dedication will be provided following delivery of a fully executed deed or other appropriate conveyance document, and acceptance of the dedication by the City Council. Credits for construction will be made upon completion in compliance with all applicable local state and federal design specifications, laws and regulations and acceptance by the City Council.

(6) Any person who offers land and/or improvements in exchange for credits may withdraw the offer of dedication at any time prior to the transfer of legal title to the land or improvements in question and pay the full impact fees required by this section.

(G) Appeals

Any determination made by an official of the City charged with the administration of any part of this ordinance may be appealed to the City Council by filing with the Clerk within fifteen (15) days of the date of the determination being appealed: (1) a written notice of appeal on a form provided by the City, (2) a written explanation of why the appellant feels that a determination was in error, and (3) an appeal fee established by the City, if any. The City Council shall promptly fix a time and place for hearing the appeal, and the City Clerk or designee shall mail notice of the hearing to the appellant at the address given in the notice of appeal by first-class mail postage prepaid. The hearing shall be conducted at the time and place stated in such notice given by the City Council. The determination of the City Council shall be the final administrative determination of the City.

(H) Effective Date

The provisions of this section shall be effective on and after September 6, 2023.

RESOLUTION NO. 2023-__

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION TO APPROVE AND ADOPT A TEN-YEAR CAPITAL IMPROVEMENT PLAN FOR THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, the City of Tontitown has prepared a ten-year capital improvement plan for the purpose of providing a foundation for future investments and establishing priorities in order to promote responsible and orderly growth for the community; and

WHEREAS, after review and consideration, the City Council has determined it is in the best interest and benefit of the community to approve and adopt the Ten-Year Capital Improvement Plan, attached hereto as Exhibit "A", in order to promote responsible and orderly growth in the City of Tontitown.

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

Section 1. The City Council hereby approves and adopts the Ten-Year Capital Improvement Plan, attached hereto as Exhibit "A".

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

PASSED AND APPROVED this ___ day of September 2023.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

10-Year Plan (2024-26)					
Project	Priority Rank	Cost	Funding	Explanation	Year
Water Tower	High Priority	4 Million	Bond Refinancing	Required by Water Authority	2024
12 inch waterline	High Priority	1.4 Million	Bond Refinancing	Required to Fill Tower	2024
New Police Station	High Priority	6.5 Million	Bond Refinancing	Improve Public Safety	2025
412/Barrington	High Priority	1.2 Million	Pay as go/new sales tax	Improve Public Safety	2024-26
Ladder Truck	High Priority	1.4 Million	Lease-Purchase	Improve ISO Rating	2024
Sbanotto Park/Community Building	High Priority	1.0 Million	Bond Refinancing	Benefits Majority of Citizens	2024-25
10-year Plan (2026-27)					
112 Widening Relocation	High Priority	1.0 M/200,000	Pay as go	Requirement of ArDOT	2026
Brush Creek Gravity Sewer	Medium	6.0 Million	Bond Refinancing (2025)	Removal of Lift Station	2025-26
412/612 Gravity Sewer	Medium	1.6 Million	Bond Refinancing (2025)	Service to Commerical Area	2026-27
Osage Creek Lift Station	High Priority	1.8 Million	Bond Refinancing (2025)	Update out of flood area	2026-27
Fletcher Ave.	High Priority	1.5 Million	Pay as go/new sales tax	Improvement traffic east/west	2024-25
S. Pinalto Lift Station Upgrade	Meduim	2.0 Million	Bond Refinancing (2025)	Upgrade for additional services	2026-27

10-year Plan (2026-27)					
South Barrington (3 Lane)	High Priority	2.5 Million	Pay as Go/new sales tax	Improve Safety	2026
WildCat (Klenc to Bausinger)	High Priority	2.5 Million	Pay as Go/new sales tax	Improvement traffic east/west	2028
New Fire Truck	High Priority	\$800,000	Lease-Purchase	Improve Public safety	2026
S. Barrington 12' WL Upgrade	Medium	\$600,000	Pay as Go	Upgrade Service	2027
WL from Barrington to Klenc	Medium	\$400,000	Pay as Go	Upgrade Service	2027
WL from Harmon to Pianalto	Medium	\$650,000	Pay as Go	Upgrade Service	2027
10-year Plan (2028-30)					
Barrington Gravity Sewer	Medium	2.5 Million	Bond Refinancing (2029)	New Services	2029
Barrington LS Upgrade	Medium	4.0 Million	Bond Refinancing (2029)	Upgrade Services	2029
Piazza Lift Station	Medium	2.0 Million	Bond Refinancing (2029)	Upgrade Services	2030
North Barrington (3 Lanes)	High Priority	2.5 Million	Pay as Go/new sales tax	Improvement traffic Volume	2029
New Water Tower (68)	High Priority	5.0 Million	Bond Refinancing (2029)	Upgrade Services	2031
Purchase land for Park	Medium	1.5 Million	Pay as Go	Benefits Majority of Citizens	2028

10-year Plan (2030 - 2033)					
Southern Corridor	High Priority	4.0 Million	Federal and City	Improve traffic east and west	2028-31
WL Harmon to Wildcat	Medium	\$650,000	Pay As Go	Upgrade Services	2029
Morsani WL	Medium	\$480,000	Pay As Go	Upgrade Services	2030
Upgrade WL to 12" on 68	Medium	\$450,000	Pay As Go	Upgrade Services	2031
WL Barrington to Maestri	Medium	\$500,00	Pay As Go	Upgrade Services	2032
WL Jones Rd to 112	Medium	\$400,00	Pay As Go	Upgrade Services	2033

ORDINANCE NO. 2023-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE APPROXIMATELY 1.561 ACRES OF REAL PROPERTY LOCATED AT 290 SOUTH BARRINGTON ROAD FROM COMMERCIAL (C-2) TO COMMERCIAL TRADES (C-T) IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, a Public Hearing was held before the Planning Commission for the City of Tontitown, Arkansas to hear public input to the question of an application to rezone approximately 1.561 acres of real property located at 290 South Barrington Road in Tontitown, Arkansas from Commercial (C-2) to Commercial Trades (C-T); and

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

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

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

Section 1. The City of Tontitown hereby changes the zone classification from Commercial (C-2) to Commercial Trades (C-T) for approximately 1.561 acres of real property located at 290 South Barrington Road, more particularly described in the attached Exhibit “A”.

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

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

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

PASSED and APPROVED this ____ day of September 2023.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)



LEGAL DESCRIPTION

A PARCEL OF LAND IN THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION ONE (1), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH (5TH) PRINCIPLE MERIDIAN IN WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF BLOCK FORTY-FOUR OF THE ORIGINAL TOWN PLAT OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS, AND RUNNING THENCE N 89 DEGREES 56' 48" E 210.00 FEET, THENCE S 00 DEGREES 17' 00" E 324.89 FEET TO THE CENTERLINE OF COLUMBUS AVE., THENCE S 89 DEGREES 59' 58" W ALONG SAID CENTERLINE, 210.00 FEET, THENCE N 00 DEGREES 17' W 324.70 FEET TO THE POINT OF BEGINNING, CONTAINING 1.57 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

NOW BEING MORE PRECISELY DESCRIBED AS FOLLOWS ACCORDING TO SURVEY BY BLEW & ASSOCIATES, PA, DATED 4/19/21, JOB #21-2156:

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 17 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPLE MERIDIAN IN WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF BLOCK FORTY-FOUR OF THE ORIGINAL TOWN PLAT OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS, THENCE S87°18'19"E 210.00' TO A FOUND 3/4" REBAR, THENCE S02°40'54"W 325.32' TO A FOUND 5/8" REBAR; N87°02'27"W 208.78' TO THE EAST RIGHT-OF-WAY LINE OF SOUTH BARRINGTON ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE N02°27'56"E 324.36' TO THE POINT OF BEGINNING, CONTAINING 1.561 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: August 22, 2023
Project: Taldo **Rezoning**
Planner: Mark Latham, City Planner

PUBLIC HEARING AND PLANNING COMMISSION AGENDA ITEM

REZONING REQUEST

290 South Barrington

Parcel # 830-37553-000
and 830-37557-000

**The Planning Commission unanimously approved
the rezoning at the August 22, 2023 meeting.**

SUMMARY: The applicant is requesting to rezone 1.561 acres from C-2 (Commercial) to C-T (Trades and Services).

CURRENT ZONING: C2 – Commercial

REQUESTED ZONING: CT – Commercial Trades

FUTURE LAND USE CATEGORY: RM– Residential
Medium

CITY WARD: 3- Mike Washkowiak and Tim Burress

INFRASTRUCTURE SERVICE AREAS (not a guarantee of service availability):

Water: Tontitown Water

Electric: Ozarks Electric

Sewer/Septic: Tontitown

Phone: AT&T

Natural Gas: Source Gas

Cable: Cox Communications and Ozark Go

PROJECT SYNOPSIS:

The owner believes the rezone is a better fit for CT than a C-2. The owner desires to utilize the property as a warehouse/office for commercial operations for trades and services.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for Residential Medium (RM) From the Vision Plan Document adopted by the City Council in June 2023:

R-M, Residential Single-Family district. The purpose of this district is to accommodate single- family residential development which are highly connected, compact blocks with street patterns and reduced setbacks.

STAFF ANALYSIS: This application requests a rezoning for development of an office/warehouse complex for trades and services. The current zoning is C-2, commercial. The request for C-T is well aligned with the request.

APPROVAL CRITERIA:

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

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

STAFF ANALYSIS: The current Future Land Use Plan shows this area as Residential Medium. According to the City's Vision Plan, this request meets the intent of the Future Land Use Map for this area since it is currently zoned as C-2.

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

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

STAFF ANALYSIS: The character of the Commercial Trades and Services along Barrington will not be negatively affected by this rezoning request since the current zoning is C-2.

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

STAFF ANALYSIS: The requested use is for Commercial Trades and Services, is surrounded by C-2 and R-3.

The actual uses of the surrounding properties include Residential Estate.

North- zoned C2

East-zoned C2

South-zoned R-3

West-zoned C2

(4) Extent to which approval of the proposed rezoning will detrimentally affect nearby property

including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.

STAFF ANALYSIS: Nearby properties will not be affected at all by this requested rezoning.

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

STAFF ANALYSIS: This area has remained C-2.

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

STAFF ANALYSIS: The proposed rezoning will not affect services in this area.

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

STAFF RECOMMENDATION: Staff recommends approval of this rezoning request of 1.561 acres from C-2- Commercial to C-T, Commercial Trades and Services.

PROCESS NOTES:

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

ZONING

FUTURE LAND USE

SITE LOCATION

SITE

USE COMPARISON CHART

ORDINANCE NO. 2023-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE APPROXIMATELY 4.338 ACRES OF REAL PROPERTY LOCATED AT 1064 NORTH BARRINGTON ROAD FROM A MIX OF AGRICULTURE (A-1) AND SINGLE FAMILY RESIDENTIAL (R-3) TO RESIDENTIAL ESTATES, 2-ACRE MINIMUM LOT SIZE (R-E) IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, a Public Hearing was held before the Planning Commission for the City of Tontitown, Arkansas to hear public input to the question of an application to rezone approximately 4.338 acres of real property located at 1064 North Barrington Road in Tontitown, Arkansas from a mix of Agriculture (A-1) and Single Family Residential (R-3) to Residential Estates, 2-Acre Minimum Lot Size (R-E); and

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

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

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

Section 1. The City of Tontitown hereby changes the zone from a mix of Agriculture (A-1) and Single Family Residential (R-3) to Residential Estates, 2-Acre Minimum Lot Size (R-E) for approximately 4.338 acres of real property located at 1064 North Barrington Road, more particularly described in the attached Exhibit "A".

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

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

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

PASSED and APPROVED this ____ day of September 2023.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)



LEGAL DESCRIPTION

TRACT 3:

PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP-18-NORTH, RANGE-31-WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND RAILROAD SPIKE MARKING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36, THENCE S02°48'23"W 329.16'; THENCE S87°06'48"E 44.98' TO A SET 5/8" REBAR BEING THE TRUE POINT OF BEGINNING; THENCE N02°52'07"E 269.39' TO A SET 5/8" REBAR; THENCE S87°00'31"E 150.52' TO A SET 5/8" REBAR; THENCE N03°06'50"E 144.40' TO A SET 5/8" REBAR; THENCE S87°00'31"E 483.30' TO AN EXISTING DRAINAGE DITCH; THENCE S07°02'22"W 6.54'; THENCE S47°23'13"W 48.80'; THENCE S66°21'16"W 48.76'; THENCE S50°50'48"W 42.74'; THENCE S31°07'09"W 26.82'; THENCE S06°55'29"W 28.89'; THENCE S13°09'22"W 149.97'; THENCE S15°48'07"W 94.34'; THENCE S34°05'31"W 33.83'; THENCE N87°06'48"W 444.20' TO THE POINT OF BEGINNING, CONTAINING 4.338 ACRES MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **August 22, 2023**
Project: **Zulpo Rezoning**
Planner: Mark Latham, City Planner

PUBLIC HEARING AND PLANNING COMMISSION AGENDA ITEM

REZONING REQUEST

1064 North Barrington
Road

Parcel # 830-38014-
000, 830-38015-000,
and 830-38014-002

**The Planning Commission unanimously approved
the rezoning at the August 22, 2023 meeting.**

SUMMARY: The applicant is requesting to rezone 4.338 acres from A-1 (Agriculture) and R-3 (Residential) to R-E (Residential Estates, 2-acre minimum lot size).

CURRENT ZONING: AG – Agriculture and R-3 (Single Family)

REQUESTED ZONING: RE – Residential Estates

FUTURE LAND USE CATEGORY: RE– Residential Estates

CITY WARD: 2 – Larry Ardemagni and Daniel Montez

INFRASTRUCTURE SERVICE AREAS (not a guarantee of service availability):

Water: Tontitown Water

Electric: Ozarks Electric

Sewer/Septic: Septic

Phone: AT&T

Natural Gas: Source Gas

Cable: Cox Communications

PROJECT SYNOPSIS:

The owners for this rezone request are Patrick and Miriam Zulpo. The property is located at 1064 North Barrington Road.

The owners wish to complete a property line adjustment to complete a non-conforming piece of property under 5 acres to a designated RE.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for Residential Estates (RE) From the Vision Plan Document adopted by the City Council in June 2023:

R-E, Estate Single-Family district. The purpose of this district is to accommodate single-family residential development on low density, large estate type lots. This zone is intended to

help establish and preserve rural/estate character in certain areas of the city.

STAFF ANALYSIS: The request for R-E is well aligned with the Future Land Use Plan.

APPROVAL CRITERIA:

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

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

STAFF ANALYSIS: The current Future Land Use Plan shows this area as Residential Estate. According to the City's Vision Plan, this request meets the intent of the Future Land Use Map for this area.

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

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

STAFF ANALYSIS: The character of the Residential and Agriculture zone along North Barrington will not be negatively affected by this rezoning request since single family homes already exist in this area.

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

STAFF ANALYSIS: The requested use is for Single Family Residential; surrounding properties are zoned A-1 (Agriculture) and R-3 and R-2 , (Residential, Single Family)

The actual uses of the surrounding properties include Residential Estate.

**North- zoned A1
East-zoned A1
and R3
South-zoned R-3
West-zoned R-3,
and R-2**

(4) Extent to which approval of the proposed rezoning will detrimentally affect nearby property

including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.

STAFF ANALYSIS: Nearby properties will not be affected at all by this requested rezoning.

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

STAFF ANALYSIS: This area has remained A1, Agriculture and R-3.

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

STAFF ANALYSIS: The proposed rezoning will not affect services in this area.

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

STAFF RECOMMENDATION: Staff recommends approval of this rezoning request of 4.338 acres from AG- Agriculture and R-3 , Single Family Residential to RE, Residential Estates.

PROCESS NOTES:

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

ZONING

FUTURE LAND USE

SITE LOCATION

SITE

USE COMPARISON CHART

ORDINANCE NO. 2023-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE CERTAIN LANDS LOCATED AT 1076 NORTH BARRINGTON ROAD FROM AGRICULTURE (A-1) TO SINGLE FAMILY RESIDENTIAL, 1/2-ACRE MINIMUM LOT SIZE (R-2) IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, a Public Hearing was held before the Planning Commission for the City of Tontitown, Arkansas to hear public input to the question of an application to rezone lands located at 1076 North Barrington Road in Tontitown, Arkansas from Agriculture (A-1) to Single Family Residential, 1/2-acre minimum lot size (R-2); and

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

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

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

Section 1. The City of Tontitown hereby changes the zone classification from Agriculture (A-1) to Single Family Residential, 1/2-acre lot minimum lot size (R-2) for certain real property located at 1076 North Barrington Road, more particularly described in the attached Exhibit “A”.

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

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

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

PASSED and APPROVED this ____ day of September 2023.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)



LEGAL DESCRIPTION

TRACT 2:
PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF
THE
SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP-18-
NORTH,
RANGE-31-WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY
DESCRIBED
AS FOLLOWS:
COMMENCING AT A FOUND RAILROAD SPIKE MARKING THE NORTHWEST CORNER
OF THE
NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36; THENCE
S02°48'23"W
329.16'; THENCE S87°06'48"E 44.98' TO A SET 5/8" REBAR; THENCE N02°52'07"E 269.39' TO A
SET 5/8"
REBAR BEING THE TRUE POINT OF BEGINNING; THENCE N02°52'07"E 144.40' TO A SET
5/8" REBAR;
THENCE S87°00'31"E 151.14' TO A SET 5/8" REBAR; THENCE S03°06'50"W 144.40' TO A SET
5/8"
REBAR; THENCE N87°00'31"W 150.52' TO THE POINT OF BEGINNING, CONTAINING 0.500
ACRES,
MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **August 22, 2023**
Project: **Zulpo Rezoning 2**
Planner: Mark Latham, City Planner

PUBLIC HEARING AND PLANNING COMMISSION AGENDA ITEM

REZONING REQUEST

1076 North Barrington
Road

Parcel # 830-38014-000

**The Planning Commission unanimously approved
the rezoning at the August 22, 2023 meeting.**

SUMMARY: The applicant is requesting to rezone a track split from A-1 (Agriculture) to R-2 (Residential Estates, 1/2-acre minimum lot size).

CURRENT ZONING: AG – Agriculture

REQUESTED ZONING: R-2 – Residential, single family

FUTURE LAND USE CATEGORY: RE– Residential Estates

CITY WARD: 2 – Larry Ardemagni and Daniel Montez

INFRASTRUCTURE SERVICE AREAS (not a guarantee of service availability):

Water: Tontitown Water

Electric: Ozarks Electric

Sewer/Septic: Septic

Phone: AT&T

Natural Gas: Source Gas

Cable: Cox Communications

PROJECT SYNOPSIS:

The owners for this rezone request are Patrick and Miriam Zulpo. The property is located at 1076 North Barrington Road.

The owners wish to complete a track split to create a lot for residential property.

FUTURE LAND USE PLAN:

The Future Land Use Category shown in this area is for Residential Estates (RE) From the Vision Plan Document adopted by the City Council in June 2023:

R-E, Estate Single-Family district. The purpose of this district is to accommodate single-family residential development on low density, large estate type lots. This zone is intended to

help establish and preserve rural/estate character in certain areas of the city.

STAFF ANALYSIS: The request for R-2 is well aligned with the Future Land Use Plan.

APPROVAL CRITERIA:

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

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

STAFF ANALYSIS: The current Future Land Use Plan shows this area as Residential Estate. According to the City's Vision Plan, this request meets the intent of the Future Land Use Map for this area.

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

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

STAFF ANALYSIS: The character of the Residential and Agriculture zone along North Barrington will not be negatively affected by this rezoning request since single family homes already exist in this area.

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

STAFF ANALYSIS: The requested use is for Single Family Residential; surrounding properties are zoned A-1 (Agriculture) and R-3 and R-2, (Residential, Single Family)

The actual uses of the surrounding properties include Residential Estate.

**North- zoned A1
East-zoned A1
and R3
South-zoned R-3
West-zoned R-3,
and R-2**

(4) Extent to which approval of the proposed rezoning will detrimentally affect nearby property

including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.

STAFF ANALYSIS: Nearby properties will not be affected at all by this requested rezoning.

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

STAFF ANALYSIS: This area has remained A1, Agriculture and R-3.

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

STAFF ANALYSIS: The proposed rezoning will not affect services in this area.

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

STAFF RECOMMENDATION: Staff recommends approval of this rezoning request of a track split from AG- Agriculture to R-2, Residential Single Family.

PROCESS NOTES:

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

ZONING

FUTURE LAND USE

SITE LOCATION

SITE

USE COMPARISON CHART

RESOLUTION NO. 2023-__

CITY OF TONTITWON, WASHINGTON COUNTY, ARKANSAS

**A RESOLUTION AUTHORIZING THE RATE OF PROPERTY TAX
FOR THE CITY OF TONTITOWN, ARKANSAS FOR THE YEAR
2023 TO BE COLLECTED IN 2024.**

WHEREAS, Ark. Code Ann. § 26-25-102 provides that a city may levy a tax on the real and personal property located within the city for general purposes, in any one year, pursuant to the provisions of the Arkansas Constitution; and

WHEREAS, Ark. Code Ann. § 26-73-202 requires the City Council of any municipal corporation to make out and certify to the County Clerk the rate of taxation levied by the city on all the real and personal property within the city; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Tontitown and its citizens to levy the rate of taxation on the real and personal property located within the City of Tontitown as set forth herein, and to certify the same to the Washington County Clerk and authorize the Washington County Quorum Court to levy said tax for the year 2023 to be collected in the year 2024.

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

Section 1. That the property tax rate for the city General purposes on the real and personal property situated with the City of Tontitown to be collected in the year 2023 shall be fixed and levied at the rate of _____mills on each dollar of assessed value of real and personal property.

Section 2. That the Rate of taxation levied herein on the real and personal property within the city shall, by this Resolution, be certified to the County Clerk to be placed upon the tax books and collected in the same manner that the state and county taxes are collected.

Section 3. The Quorum Court of Washington County, Arkansas is hereby authorized to levy the said tax as set forth herein for the real and person property located within the City of Tontitown, Arkansas to be collected in the year 2024, at the appropriate meeting in accordance with state law.

PASSED AND APPROVED this _____ day of September 2023.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer