

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
OCTOBER 17, 2023**

INVOCATION: Council Member Steve Whitehead

PLEDGE OF ALLEGIANCE: Mayor Chris Moore

CALL TO ORDER OF REGULAR COUNCIL MEETING: The regular Meeting of the Lowell City Council was called to order at 6:30pm.

Roll Call: Mayor Moore asked City Clerk to for a verbal roll call. Council Members present were Eric Schein, Lisa DeGifford, Bryant Sands, Roy Burnson and Adrian Flores. Deputy City Attorney Tom Kieklak was present. Kendell Stucki, Bill Adams, and Bryant Sands were absent.

CONSENT AGENDA:

Lowell City Council Minutes Regular Meeting – July 18, 2023 – (No August or September Meeting)
Financial Statement – July 2023 and August 2023 & September 2023

Motion to approve Consent Agenda.

Motion: Steve Whitehead

Second: Eric Schein

Vote Aye: Schein, Flores, DeGifford, Brunson, Whitehead

Vote Nay: None

Motion to approve Consent Agenda is approved.

EMPLOYEE RECOGNITION - Fire Chief Pete Melnicki promoted three men to firefighter: Connor McCune, Coleman Grubbs and Trentin Flick.

PUBLIC FORUM OPEN: 6:37PM CLOSE: 6:43PM

Council Member Schein commended the staff and community for a successful Touch-A-Truck event.

Chief Melnicki acknowledged Jacob Simms for his part in Touch-A-Truck.

Darrell Thurmon with Carroll Electric reminded the council members that their present way of installing electrical equipment on the front/side lawn of houses would be extremely expensive to change. Due to odd hours they have to fix problems (at night, in the early morning) and dogs in the back yards, they are installing electric boxes with electric meters, etc. in front/side lawns. These boxes can service more than one home at a time. Most of the homes in Lowell, however, do have electric meters mounted on the side/rear of houses. Electrical boxes have usually been installed in the back yards of homes.

Bradley Hardin, SWEPCO, shared the same concerns as Darrell.

PROCEDURAL MOTION TO DISPENSE WITH THE RULE AND READ ALL ORDINANCES ONE TIME BY TITLE ONLY.

Motion to approve Procedural Motion.

Motion: Roy Brunson

Second: Eric Schein

Vote Aye: Whitehead, DeGifford, Schein, Flores, Brunson, Moore

Vote Nay: None

Motion to approve Procedural Motion approved.

OLD BUSINESS:

1. **ORDINANCE TO AMEND SECTION 16-1006: GENERAL PLANNING AND ORIENTATION STANDARDS OF THE LOWELL MUNICIPAL CODE IN ORDER TO CLARIFY COMMERCIAL DEVELOPMENT REQUIREMENTS. 2ND READING.**
City Clerk read the ordinance for 2nd reading. Ordinance will move to next city council meeting for 3rd reading.

NEW BUSINESS:

1. **ORDINANCE TO AMEND SECTION 16-145: COMMERCIAL AND INDUSTRIAL DISTRICT USES PERMITTED OF THE LOWELL MUNICIPAL CODE.**

Section 16-145 was amended to allow religious organization meeting space in an industrial zone.

Motion to approve Ordinance.

Motion: Eric Schein

Second: Steve Whitehead

Vote Aye: Whitehead, Flores, Schein, DeGifford, Brunson

Vote Nay: None

Motion to approve Ordinance approved.

**City Clerk read Ordinance one time by title only,
Ordinance Assigned No. 1125.**

2. **ORDINANCE TO ADOPT AN AMENDED MASTER STREET PLAN FOR THE CITY OF LOWELL, ARKANSAS.**

The City of Lowell has determined it is necessary to adopt an amended Master Street Plan to provide a safe alternative route to the trail system and in order to promote orderly and responsible development to best protect the safety and enhance the transportation needs of the citizens of Lowell.

Motion to approve Ordinance.

Motion: Roy Brunson

Second: Adrian Flores

Vote Aye: Schein, Flores, Whitehead, DeGifford, Brunson

Vote Nay: None

Motion to approve Ordinance approved.

**City Clerk read Ordinance one time by title only,
Ordinance Assigned No. 1126.**

3. ORDINANCE TO AMEND SECTION 16-865: EXCAVATION IN STREETS OF THE LOWELL MUNICIPAL CODE.

It has become necessary to amend Section 16-865; *Excavation In Streets of the Lowell Municipal Code* in order to provide updated regulations for making and repairing street cuts in the City of Lowell, Arkansas.

Motion to approve Ordinance.

Motion: Adrian Flores

Second: Steve Whitehead

Vote Aye: Brunson, Schein, Flores, DeGifford, Whitehead

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read Ordinance one time by title only,

Ordinance Assigned No. 1127.

4. ORDINANCE TO AMEND CHAPTER 16: LAND DEVELOPMENT CODE OF THE LOWELL MUNICIPAL CODE IN ORDER TO PROVIDE FOR REGULATIONS PERTAINING TO TOWNHOUSES IN THE CITY OF LOWELL, ARKANSAS.

City Council became aware that a need exists to amend Chapter 16: Land Development Code of the Lowell Municipal Code to provide the addition of regulations pertaining to townhouses in the City of Lowell, Arkansas.

Motion to approve Ordinance.

Motion: Steve Whitehead

Second: Adrian Flores

Vote Aye: Brunson, Schein, Flores, DeGifford, Whitehead

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read Ordinance one time by title only,

Ordinance Assigned No. 1128.

5. ORDINANCE TO AMEND SECTION 16-977: SUBDIVISIONS AND SINGLE-FAMILY DEVELOPMENT OF THE LOWELL MUNICIPAL CODE.

A need exists to amend Section 16-977 Subdivisions and Single-Family Development of the Lowell Municipal Code to provide for the addition of regulations for utility equipment in subdivisions and single-family developments.

Motion to table Ordinance for more information.

Motion: Steve Whitehead

Second: Roy Brunson

Vote Aye: Brunson, Schein, Flores, DeGifford, Whitehead

Vote Nay: None

Motion to table Ordinance for more information Approved.

6. ORDINANCE TO SIMPLIFY AND CLARIFY THE LOWELL CODE OF ORDINANCES BY REMOVING ALL REFERENCES TO FEES SET AND COLLECTED BY THE CITY AND TRANSFERRING ALL FEES TO THE FEE SCHEDULE CONTAINED IN APPENDIX "B" OF THE LOWELL CODE OF ORDINANCES.

The City Council has determined that it is in the best interest and benefit to the community to remove any fees contained within the City of Lowell Code of Ordinances, other than the Fee

Schedule, so that reference can be made to the single Fee Schedule contained in the Code of Ordinances.

Motion to approve Ordinance.

Motion: Steve Whitehead

Second: Eric Schein

Vote Aye: Brunson, Schein, Flores, DeGifford, Whitehead

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read Ordinance one time by title only,

Ordinance Assigned No. 1129.

7 – RESOLUTION TO AMEND THE FEE SCHEDULE IN APPENDIX “B” OF THE LOWELL MUNICIPAL CODE.

City Council determined that there is a need to amend the fee schedule codified in Appendix “B” of the Lowell Municipal Code in order to provide an updated list of fees for use by the City of Lowell, Arkansas.

Motion to approve Resolution.

Motion: Roy Brunson

Second: Eric Schein

Vote Aye: Whitehead, DeGifford, Schein, Flores, Brunson

Vote Nay: None

Motion to approve Resolution approved.

Resolution Assigned No. 23-29.

8 – RESOLUTION AUTHORIZING THE RATE OF PROPERTY TAX FOR 2023 TO BE COLLECTED IN 2024.

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

Motion to approve Resolution.

Motion: Eric Schein

Second: Lisa DeGifford

Vote Aye: Whitehead, DeGifford, Schein, Brunson, Moore

Vote Abstain: Flores

Vote Nay: None

Motion to approve Resolution approved.

Resolution Assigned No. 23-30.

9. RESOLUTION TO APPROVE AND AUTHORIZE THE MAYOR TO EXECUTE CHANGE ORDER NO. 4 FOR THE KATHLEEN JOHNSON MEMORIAL PARK PHASE 1 PROJECT IN THE CITY OF LOWELL, ARKANSAS.

It is apparent that the project will require a change order in order to expand the scope of services required to complete the Kathleen Johnson Memorial Park Lowell Greenway Connector Trail at an estimated cost of \$153,198.00. City Council authorizes the Mayor to execute Change Order No. 4 to expand the scope of services required in order to complete the Kathleen Johnson Memorial Park Greenway Connector Trail in the City of Lowell, Arkansas.

Motion to approve Resolution.

Motion: Lisa DeGifford

Second: Steve Whitehead

Vote Aye: DeGifford, Schein, Brunson, Whitehead, Moore

Vote Abstain: Flores

Vote Nay: None

Motion to approve Resolution approved.

Resolution Assigned No. 23-31.

10. RESOLUTION – TO AUTHORIZE THE MAYOR TO EXECUTE WORK ORDER NO. 3 WITH MCCLELLAND CONSULTING ENGINEERS, INC. FOR THE HWY 264 RAZORBACK GREENWAY TUNNEL CROSSING AND TRAIL EXTENSION PROJECT IN THE CITY OF LOWELL ARKANSAS.

The City of Lowell has applied for the ARDOT Transportation Alternatives Program (TAP), the Carbon Reduction Program (CRP), and the Surface Transportation Block Grant Program-Attributable (STBGP-A) to assist with right-of-way acquisitions and utility locations required for this project. The City Council determined it is in the best interest and benefit of the community to authorize the Mayor to execute Work Order No. 3, in order to expand the scope of services required to complete the HWY 264 Razorback Greenway Tunnel Crossing and Train Extension Project in the City of Lowell.

Motion to approve Resolution.

Motion: Eric Schein

Second: Lisa DeGifford

Vote Aye: DeGifford, Schein, Brunson, Whitehead, Moore

Vote Abstain: Flores

Vote Nay: None

Motion to approve Resolution approved.

Resolution Assigned No. 23-32.

11. RESOLUTION APPROPRIATE REMAINING GRANT FUNDS FOR THE PURCHASE OF EQUIPMENT FOR THE POLICE DEPARTMENT IN THE CITY OF LOWELL, ARKANSAS.

City of Lowell previously received grant funding in the amount of \$100,000.00 to purchase new “dash cams” for the Lowell Police Department. The city originally budgeted to utilize \$45,000.00 of aid grant funds for the new “dash cams;” but, it has become apparent that the remainder of the available grant funds is required for this purchase. The City Council determined it is in the best interest and benefit of the community to appropriate the remaining of the grant funds received by the Lowell Police Department in the amount of \$55,000.00 for the purchase of new “dash cams.”

Motion to approve Resolution.

Motion: Lisa DeGifford

Second: Eric Schein

Vote Aye: DeGifford, Schein, Brunson, Whitehead, Flores

Vote Nay: None

Motion to approve Resolution approved.

Resolution Assigned No. 23-33.

12. RESOLUTION TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE MAYOR TO EXECUTE THE PURCHASE OF ONE (1) 2023 CHARGER POLICE RWD FROM SUPERIOR DODGE CHRYSLER JEEP RAM OF NORTHWEST ARKANSAS

FOR THE LOWELL POLICE DEPARTMENT AND TO APPROPRIATE FUNDS FOR THE SAME.

City Council has determined that sufficient funds are available and that it is in the best interest and benefit of the community to waive competitive bidding and authorize the Mayor to execute the purchase of one 2023 Dodge Charger Police RWD from Superior Dodge Chrysler Jeep Ram of Northwest Arkansas for the amount of \$37,825.00 for the Lowell Police Department, and appropriate funds for the same.

Motion to approve Resolution.

Motion: Lisa DeGifford

Second: Steve Whitehead

Vote Aye: DeGifford, Schein, Brunson, Whitehead, Moore

Vote Nay: Flores

Motion to approve Resolution approved.

Resolution Assigned No. 23-34.

13. RESOLUTION TO WAIVE COMETITIVE BIDDING AND AUTHORIZE THE MAYOR TO EXECUTE THE PURCHASE OF ONE (1) 2023 CHARGER POLICE RWD FROM SUPERIOR DODGE CHRYSLER JEEP RAM OF NORTHWEST ARKANSAS FOR THE LOWELL POLICE DEPARTMENT AND TO APPROPRIATE FUNDS FOR THE SAME.

City Council has determined that sufficient funds are available and that it is in the best interest and benefit of the community to waive competitive bidding and authorize the Mayor to execute the purchase of one 2023 Dodge Charger Police RWD and related equipment from Superior Dodge Chrysler Jeep Ram of Northwest Arkansas for the amount of \$51,277.00 for the Lowell Police Department, and appropriate funds for the same.

Motion to approve Resolution.

Motion: Eric Schein

Second: Lisa DeGifford

Vote Aye: Flores, DeGifford, Schein, Brunson, Whitehead

Vote Nay: None

Motion to approve Resolution approved.

Resolution Assigned No. 23-35.

14. RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO AN AMBULANCE SERVICE AGREEMENT WITH PAFFORD MEDICAL SERVICES, INC. FOR THE CITY OF LOWELL, ARKANSAS.

The City of Lowell has received an Ambulance Service Agreement for Pafford Medical Services, Inc. to provide emergency and non-emergency ambulance response and transportation to the residents of Lowell, Arkansas.

Motion to approve Resolution.

Motion: Eric Schein

Second: Lisa DeGifford

Vote Aye: Brunson, Flores, DeGifford, Whitehead, Schein

Vote Nay: None

Motion to approve Resolution approved.

Resolution Assigned No. 23-36.

15. RESOLUTION TO APPROPRIATE GRANT FUNDS INTO THE 2023 BUDGET FOR THE CITY OF LOWELL, ARKANSAS.

The City Council determined it is necessary and in the best interest of the community to appropriate grant funds in the amount of \$183,183.00 to account for said funds in the 2023 budget for the City of Lowell.

Motion to approve Resolution.

Motion: Eric Schein

Second: Steve Whitehead

Vote Aye: Whitehead, Flores, DeGifford, Schein, Brunson

Vote Nay: None

Motion to approve Resolution approved.

Resolution Assigned No. 23-37.

16. RESOLUTION AUTHORIZING MAYOR TO ENTER INTO A CONSENT ADMINISTRATIVE ORDER WITH THE ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT DIVISION OF ENVIRONMENTAL QUALITY (DEQ) FOR THE CITY OF LOWELL, ARKANSAS.

Upon consultation with a professional engineer, the Mayor and Public Works Director of the City of Lowell have developed a plan of action to address the issues listed in the proposed Consent Administrative Order. The City Council has authorized the Mayor to enter into an agreement with DEQ and resolve the violations of the Arkansas Water and Air Pollution Control Act listed in the proposed Consent Administrative Order.

Motion to approve Resolution.

Motion: Steve Whitehead

Second: Adrian Flores

Vote Aye: Whitehead, Flores, DeGifford, Schein, Brunson

Vote Nay: None

Motion to approve Resolution approved.

Resolution Assigned No. 23-38.

17. RESOLUTION TO AUTHORIZE CHANGE ORDER NO. 3 FOR THE SABRE HEIGHTS LOW-PRESSURE SEWER SYSTEM PROJECT IN THE CITY OF LOWELL, ARKANSAS.

After consulting with the project engineer, it became apparent that the project required a change order for the purpose of reconciling project costs for services that were no longer necessary for the completion of this project, resulting in a cost decrease in the amount of \$138,682.43, and City Council authorized Change Order No. 3 for the Sabre Heights Low-Pressure Sewer System Project in the City of Lowell.

Motion to approve Resolution.

Motion: Steve Whitehead

Second: Roy Brunson

Vote Aye: Whitehead, Flores, DeGifford, Schein, Brunson

Vote Nay: None

Motion to approve Resolution approved.

Resolution Assigned No. 23-39.

18. RESOLUTION – AUTHORIZING THE MAYOR TO ACCEPT THE LOW BID SUBMITTED BY GRANT GARRETT EXCAVATING, INC. FOR THE PUPPY CREEK SEWER IMPROVEMENTS PROJECT IN THE CITY OF LOWELL, ARKANSAS.

City Council has determined that it is in the best interest and benefit of the community to accept the low bid submitted by Grant Garrett Excavating, Inc. in the amount of \$5,795,817.80 for the Puppy Creek Sewer Improvements Project and to authorize the Mayor to negotiate and execute a contract with Grant Garrett Excavating, Inc. for the same.

Motion to approve Resolution.

Motion: Lisa DeGifford

Second: Roy Brunson

Vote Aye: Whitehead, Flores, DeGifford, Schein, Brunson

Vote Nay: None

Motion to approve Resolution approved.

Resolution Assigned No. 23-40.

19. RESOLUTION TO AMEND SECTION 5.9 SICK LEAVE BANK OF THE PERSONNEL POLICY MANUAL FOR THE CITY OF LOWELL, ARKANSAS.

City Council has reviewed and determined the proposed amendment is in the best interest and benefit of the community to amend Section 5.9 of the Personnel Policy Manual for the City of Lowell.

Motion to approve Resolution.

Motion: Steve Whitehead

Second: Roy Brunson

Vote Aye: Whitehead, Flores, DeGifford, Schein, Brunson

Vote Nay: None

Motion to approve Resolution approved.

Resolution Assigned No. 23-41.

ANNOUNCEMENTS/DISCUSSION

DUE TO THE UPCOMING HOLIDAYS, CITY COUNCIL MEMBERS VOTED UNANIMOUSLY TO CHANGE THE NOVEMBER AND DECEMBER COUNCIL MEETINGS TO NOVEMBER 14 AND DECEMBER 12.


1. GRANTS AWARDED, AUGUST 2023:

- **US 71B & HWY INTERSECTION PROJECT - \$1,220,000.00 (STBGP-A)**
- **HWY 264 & BELLVIEW ROAD INTERSECTION PROJECT - \$2,351,850.00 (STBGP-A)**
- **HWY 264 RAZORBACK GREENWAY TUNNEL PROJECT - \$404,400.00 (STBGP-A)**
- **HWY 264 STORMWATER DRAINAGE IMPROVEMENTS - \$477,000.00 (STATE HAZARD MITIGATION GRANT PROGRAM)**

2. CHRISTMAS PARADE – DECEMBER 2

ADJOURNMENT: Entertain a motion to adjourn. Motion to adjourn: Steve Whitehead and Second: Eric Schein. There being no objections, the meeting was adjourned at 8:14PM.

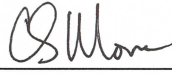
ATTEST:



ELIZABETH ESTES
CITY CLERK



APPROVED:



CHRIS MOORE
MAYOR

City of Lowell

Minutes of Regular Council Meeting

October 17, 2023