

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
APRIL 19, 2022 - 6:30PM**

INVOCATION: Pastor Brian Clark

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 6:32pm by Mayor Chris Moore at the Lowell Council Chambers.

ROLL CALL: Mayor Chris Moore asked the City Clerk for a verbal roll call. Council Members present were Steve Whitehead, Eric Schein, Lisa DeGifford, Kendell Stucki, Bethany Rosenbaum, David Adams. Bill Adams was absent. Deputy Attorney Kieklak was present. A roster of all others in attendance is on file with these minutes.

CONSENT AGENDA

Lowell City Council Minutes Regular Meeting – March 15, 2022
Financial Statement – March 2022

Motion to approve the Consent Agenda.

Motion: Steve Whitehead

Second: David Adams

Vote Aye: D. Adams, DeGifford, Schein, Whitehead, Rosenbaum, Stucki

Vote Nay: None

Motion to approve Consent Agenda approved.

PUBLIC FORUM: Open: 6:34PM Close: 6:38PM

Mary Kalus -118 Samantha Ct. – She as excited about living in Lowell. She found dust on her backyard equipment. The dust was of different colors and was from particles coming from the plastic factory near her home. She can hear the grinding and smell the plastic. She has headaches and the plastic particles were also covering her car and swing set. She contacted the city for help and the situation has not changed. She has concerns for her the health of her family and neighbors. Mayor Moore stated the city was actively working on the situation.

PRESENTATION: Mayor Moore presented Jerry Hudlow, Finance Director, with a plaque honoring him for his nine years of service with City of Lowell. Jerry Hudlow is retiring.

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

Motion to approve Procedural Motion to Dispense with the Rule and Read all Ordinances One Time By Title Only.

Motion: Eric Schein

Second: Steve Whitehead

Vote Aye: Schein, DeGifford, Stucki, Rosenbaum Adams, Whitehead

Vote Nay: None

Motion to approve Procedural Motion to Dispense with the Rule and Read all Ordinances One Time by Title Only approved.

OLD BUSINESS: None

NEW BUSINESS:

1. ORDINANCE REDISTRICTING CITY WARDS IN THE CITY OF LOWELL, ARKANSAS.

Bethany Rosenbaum talked with Municipal League about redistricting wards and was part of the Benton County Redistricting Committee. She offered comments about the different plans and said she would vote for Map No. 4.

Eric Schein liked Plans No. 2 and No. 4. He liked Plan No. 3 except Ward 4 wraps around Ward 2. His choice was Plan No. 3.

Lisa DeGifford agreed with Plan No. 3.

David Adams liked Plan No. 4; but agreed his choice would be Plan No. 3.

Motion to approve Ordinance by adopting Plan No. 3.

Motion: Eric Schein

Second: Lisa DeGifford

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

Vote Nay: Rosenbaum, Adams

Motion to approve Ordinance by adopting Plan No. 3 approved.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1095.

2. ORDINANCE AMENDING SECTION 16-930 LAND DEVELOPMENT CODE OF THE LOWELL MUNICIPAL CODE.

The Lowell Planning Commission has reviewed the amendment, held a public hearing on the same, and voted to recommend its approval to the City Council. The City Council has determined that this ordinance amending Section 16-930 Land Development Code of the Lowell Municipal Code should be approved.

Motion to approve Ordinance.

Motion: Bethany Rosenbaum

Second: Steve Whitehead

Vote Aye: D. Adams, Stucki, DeGifford, Rosenbaum, Schein, Whitehead

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1096.

3. ORDINANCE AMENDING SECTION 16-375 OF THE LOWELL MUNICIPAL CODE PERTAINING TO REQUIRED OFF-SITE IMPROVEMENTS.

The Lowell Planning Commission has reviewed the amendment, held a public hearing, and recommended approval to the City Council. The City Council has reviewed the amendment and determined that amending Section 16-375 of the Lowell Municipal Code pertaining to required off-site improvements should be approved.

Motion to approve Ordinance.

Motion: David Adams

Second: Kendell Stucki

Vote Aye: Schein, D. Adams, DeGifford, Whitehead, Moore

Vote Nay: Stucki, Rosenbaum

Motion to approve Ordinance as presented approved.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1097.

4. ORDINANCE AMENDING SECTION 16-977 OF THE LOWELL MUNICIPAL CODE PERTAINING TO SUBDIVISIONS AND SINGLE-FAMILY DEVELOPMENTS.

The Lowell Planning Commission has reviewed the amendment, held a public hearing, and recommended approval to the City Council. The City Council has reviewed the amendment and determined that Section 16-377 of the Lowell Municipal Code pertaining to subdivision and single-family developments should be approved.

Motion to approve Ordinance.

Motion: David Adams

Second: Eric Schein

Vote Aye: D. Adams, Stucki, DeGifford, Schein, Whitehead

Vote Nay: Rosenbaum

Motion to approve Ordinance approved.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1098.

5. ORDINANCE AMENDING SECTION 16-978 OF THE LOWELL MUNICIPAL CODE PERTAINING TO SUBDIVISIONS AND SINGLE-FAMILY DEVELOPMENTS.

The Lowell Planning Commission has reviewed the amendment, held a public hearing, and recommended approval to the City Council. The City Council has reviewed the amendment and determined that Section 16-978 of the Lowell Municipal Code pertaining to subdivision and single-family developments should be approved.

Motion to approve Ordinance.

Motion: David Adams

Second: Steve Whitehead

Vote Aye: D. Adams, Stucki, DeGifford, Schein, Whitehead

Vote Nay: Rosenbaum

Motion to approve Ordinance approved.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1099

6. ORDINANCE AMENDING SECTION 28-226 OF THE LOWELL MUNICIPAL CODE PERTAINING TO REVIEW PROCESS OF A 12-MONTH PERMIT.

The Lowell Planning Commission has reviewed the amendment, held a public hearing, and recommended approval to the City Council. The City Council has reviewed the amendment and determined that Section 28-226 of the Lowell Municipal Code pertaining to review process of a 12-month permit should be approved.

Motion to approve Ordinance.

Motion: Steve Whitehead

Second: David Adams

Vote Aye: Whitehead, Schein, Stucki, DeGifford, Rosenbaum, D. Adams

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read the Ordinance one time by title only.

Ordinance assigned No. 1100

7. ORDINANCE AMENDING SECTION 16-620 OF THE LOWELL MUNICIPAL CODE PERTAINING TO POLE SIGN REGULATIONS.

Existing pole signs may remain if they are not modified to be taller nor larger in sign area. The Lowell Planning Commission has reviewed the amendment, and following a public hearing of the same, recommended approval to the City Council. The City Council reviewed the amendment pertaining to pole sign regulations and recommended that amending Section 16-620 of the Lowell Municipal Code pertaining to pole sign regulations should be approved.

Motion to approve Ordinance.

Motion: David Adams

Second: Steve Whitehead

Vote Aye: Whitehead, Schein, D. Adams, DeGifford, Rosenbaum, Stucki

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1101

8. ORDINANCE AMENDING SECTION 16-254 OF THE LOWELL MUNICIPAL CODE PERTAINING TO OFF STREET PARKING AND LOADING.

The Lowell Planning Commission has reviewed the amendment, held a public hearing, and recommended approval to the City Council. The City Council has reviewed the amendment and determined that Section 16-254 of the Lowell Municipal Code should be revised.

Motion to approve Ordinance.

Motion: Eric Schein

Second: David Adams

Vote Aye: D. Adams, Stucki, DeGifford, Rosenbaum, Schein, Whitehead

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1102.

9. ORDINANCE AMENDING SECTIONS 3-10 AND 4-1 OF THE LOWELL MUNICIPAL CODE PERTAINING TO STORM STRUCTURES AND PAVEMENT TYPES.

The Lowell Planning Commission has reviewed the amendment, held a public hearing, and recommended approval to the City Council. The City Council has reviewed the amendment and determined that Sections 3-10 and 4-1 of the Lowell Municipal Code should be revised.

Motion to approve Ordinance.

Motion: Bethany Rosenbaum

Second: David Adams

Vote Aye: Rosenbaum, DeGifford, Adams, Stucki, Schein, Whitehead

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1103.

10. ORDINANCE AMENDING SECTION 16-145 OF THE LOWELL MUNICIPAL CODE PERTAINING TO NON-RESIDENTIAL SCHEDULE OF USES.

The Lowell Planning Commission has reviewed the amendment, held a public hearing, and recommended approval to the City Council. The City Council has reviewed the amendment and determined that Section 16-145 of the Lowell Municipal Code should be revised.

Motion to approve Ordinance.

Motion: Bethany Rosenbaum

Second: David Adams

Vote Aye: D. Adams, Stucki, DeGifford, Rosenbaum, Schein, Whitehead

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1104.

11. ORDINANCE AMENDING SECTION 16-146 OF THE LOWELL MUNICIPAL CODE PERTAINING TO STREET SETBACKS FOR NON-RESIDENTIAL USES IN THE C-3 ZONE.

The Lowell Planning Commission has reviewed the amendment, held a public hearing, and recommended approval to the City Council. The City Council has reviewed the amendment and determined that Section 16-146 of the Lowell Municipal Code should be revised.

Motion to approve Ordinance.

Motion: D. Adams

Second: Steve Whitehead

Vote Aye: D. Adams, Stucki, DeGifford, Schein, Whitehead

Vote Nay: Rosenbaum

Motion to approve Ordinance approved.

City Clerk read Ordinance by title one time only.

Ordinance assigned No. 1105.

12. RESOLUTION AMENDING THE FEE SCHEDULE IN APPENDIX B OF THE CODE OF ORDINANCES IN THE CITY OF LOWELL, ARKANSAS.

The City of Lowell has re-inspection fees for buildings. The inspections performed by the Risk Reduction Department have increased substantially. The City Council has been advised that in order to encourage builders and developers to attend more responsibly to the comments and corrections of City Staff, the re-inspection fees should be adjusted.

Motion to approve Resolution.

Motion: D. Adams

Second: Eric Schein

Vote Aye: Schein, Whitehead, DeGifford, Rosenbaum, D. Adams, Stucki

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 22-09.

13. RESOLUTION AMENDING THE FEE SCHEDULE IN APPENDIX B OF THE CODE OF ORDINANCES IN THE CITY OF LOWELL, ARKANSAS.

The City of Lowell has commercial and residential hook-up fees for the sewer system. City Staff has advised that these fees must be adjusted to adequately fund the City's maintenance responsibilities.

Motion to approve Resolution.

Motion: D. Adams

Second: Steve Whitehead

Vote Aye: Rosenbaum, Schein, Whitehead, DeGifford, D. Adams, Stucki

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 22-10.

14. RESOLUTION TO ADOPT AND AMEND THE 2022 A&P BUDGET REGARDING THE APPROPRIATION OF FUNDS TO PARKS ENHANCEMENT FOR THE CITY OF LOWELL, ARKANSAS.

The City Council has determined, through a study of current finances, that there is an immediate need to amend the 2022 A&P Budget to reconcile the actual expenditures and receipts with the 2022 Budget predictions for the appropriation of funds to Parks Enhancement.

Motion to approve Resolution.

Motion: Eric Schein

Second: Kendell Stucki

Vote Aye: Stucki, DeGifford, Whitehead, Schein, Rosenbaum, D Adams

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 22-11.

15. RESOLUTION TO ADOPT AND AMEND THE 2022 GENERAL FUND BUDGET REGARDING THE APPROPRIATION OF FUNDS TO THE PARKS DEPARTMENT FOR THE CITY OF LOWELL, ARKANSAS.

The City of Lowell has adopted the 2022 General Fund Budget. The City has also received certain grant funds for the purchase and installation of an all-inclusive playground structure in Kathleen Johnson Memorial Park. City Council has determined, through a study of current finances, that there is an immediate need to amend the 2022 Budget to reconcile the actual expenditures and receipts with the 2022 Budget predictions for the appropriation of funds to the Parks Department.

Motion to approve Resolution.

Motion: Steve Whitehead

Second: David Adams

Vote Aye: Stucki, DeGifford, Rosenbaum, Whitehead, D. Adams, Schein

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 22-12.

16. RESOLUTION APPROPRIATING FUNDS FOR ADDITIONAL ENGINEERING SERVICES REQUIRED FOR AN INCLUSIVE PLAYGROUND AT THE KATHLEEN JOHNSON MEMORIAL PARK (KJMP).

The Mayor and City Council of the City of Lowell, Arkansas, approve the need for additional engineering services required for the installation of playground equipment at KJMP.

Motion to approve Resolution.

Motion: David Adams

Second: Eric Schein

Vote Aye: Stucki, DeGifford, Whitehead, Schein, Rosenbaum, Adams

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 22-13.

17. RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE LOW BID SUBMITTED BY CURTIS CONSTRUCTION, INC. OF RUSSELLVILLE FOR DRAINAGE IMPROVEMENTS PROJECTS IN THE CITY OF LOWELL, ARKANSAS.

The City Council authorizes Mayor Moore to accept the low bid from Curtis Construction, Inc., authorize negotiation and execution of said contract for Zion Road Drainage Improvements, Puppy Creek Bridge Replacement and Weatherton Projects.

Motion to approve Resolution.

Motion: Eric Schein

Second: David Adams

Vote Aye: Stucki, D. Adams, DeGifford, Whitehead, Schein, Rosenbaum.

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 22-14.

18. RESOLUTION APPROPRIATING FUNDS FOR CONSTRUCTION SERVICES REQUIRED FOR DRAINAGE IMPROVEMENT PROJECTS IN THE CITY OF LOWELL, ARKANSAS.

It has been determined that the cost of construction services for Zion Road Drainage Improvements, Puppy Creek Bridge Replacement and Weatherton Projects will be approximately \$1,420,208.00.

Motion to approve Resolution.

Motion: David Adams

Second: Steve Whitehead

Vote Aye: DeGifford, Stucki, Whitehead, Schein, Rosenbaum, D. Adams

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 22-15.

19. RESOLUTION AUTHORIZING DARCY RICHARD TO FACILITATE CERTAIN DUTIES AND FUNCTIONS RELATED TO THE FISCAL AFFAIRS OF THE CITY OF LOWELL, ARKANSAS.

Darcy Richard is hereby authorized as second party to sign checks and facilitate prudent financial decisions and functions related to the fiscal affairs of the City of Lowell, Arkansas.

Motion to approve Resolution.

Motion: Eric Schein

Second: David Adams

Vote Aye: DeGifford, Stucki, Whitehead, Schein, Rosenbaum, D. Adams

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 22-16.

20. RESOLUTION TO ADOPT AND AMEND THE 2022 GENERAL FUND BUDGET REGARDING THE APPROPRIATION OF FUNDS TO EMS FOR THE CITY OF LOWELL, ARKANSAS.

The City has received certain grants funds for use in support of fire protection and ambulance services. There is an immediate need to amend the 2022 Budget reconcile the actual expenditures and receipts with the 2022 Budget predictions for the appropriation of funds to EMS-Fire Department Equipment.

Motion to approve Resolution.

Motion: Eric Schein

Second: David Adams

Vote Aye: Stucki, DeGifford, Whitehead, Schein, Rosenbaum, D. Adams

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 22-17.

COUNCIL MEMBER DISCUSSION ITEMS / ANNOUNCEMENTS

1. Chasity Taylor resigned from the Lowell City Council. She moved out of Lowell.

Motion to accept Chasity Taylor's resignation.

Motion: Kendell Stucki

Second: Lisa DeGifford

Voice Vote Aye: Unanimous


Voice Vote Nay: None

Motion to accept Chasity Taylor's resignation approved.

2. Lowell A&P Discussion: Funds for Parks Enhancement, Easter Egg Hunt, Mud Town Days.
3. KJMP / Ward Nail Park: Two Master Plans will be released to public for comment. City Council will approve park plan, release to Facebook and website. May send out surveys. Plans created from past public service comments.
4. Tree Giveaway: 100 trees have been donated to City of Lowell; must have City of Lowell identification to get a free tree at Street Department; information on Facebook and website.
5. Spring Bulk Cleanup Scheduled for May 7, 2022: Information of what is required on flyer and Facebook.
6. City Wide Garage Sale: Promote sales within City of Lowell; no permit necessary.
7. Eric Schein thanked Paul, Risk Reduction, for his help in Southfork III.

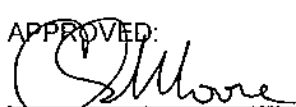
ADJOURNMENT: Motion to adjourn by Eric Schein and second by David Adams. There being no objections, the meeting adjourned at 8:00pm.

ATTEST:


City Clerk/Elizabeth Estes



APPROVED:


Mayor/Chris Moore