

**LOWELL CITY COUNCIL MINUTES  
REGULAR COUNCIL MEETING  
AUGUST 16, 2022**

**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 6:36pm.

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

**CONSENT AGENDA ITEMS:**

Lowell City Council Minutes Regular Meeting – July 19, 2022  
Financial Statement – July 2022

**Motion to approve the Consent Agenda.**

**Motion:** Eric Schein

**Second:** Kendell Stucki

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

**Vote Nay:** None

**Motion to approve the Consent Agenda approved.**

**PUBLIC FORUM:** Open: 6:38PM Close: 6:44PM

Rebecca Powers – 303 Edgehill – Addressed the council on behalf of the animals who needed to be adopted. She wanted the ownership of animals to be unlimited as long as the home was clean. Free adoption of animals is available. She asked why city makes change as there is an abundance and overpopulation of animals. She would like to see positive leadership. Model compassionate laws for animals. Match area cities. She had concerns about homes taking advantage of ordinance; changing ordinance allows families to take in more animals; families may take in more animals they can care for.

**PLANNING COMMISSION REAPPOINTMENTS:** Brian Clark and Chase Henrichs were reappointed to the Planning Commission and were affirmed by unanimous voice vote of the city council.

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

**Motion to dispense with the rule and read all Ordinances one time by title only.**

**Motion:** David Adams

**Second:** Kendell Stucki

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

**Vote Nay:** None

**Motion to dispense with the rule and read all Ordinances one time by title only approved.**

**OLD BUSINESS:** None

**NEW BUSINESS:**

**1 – ORDINANCE – REZONING CERTAIN LANDS FROM SUBURBAN NEIGHBORHOOD (R-1) AND URBAN THOROUGHFARE COMMERCIAL (C-2) TO URBAN NEIGHBORHOOD (R-3) IN THE CITY OF LOWELL, ARKANSAS.**

Taylor Lindley, Crafton Tull, requested changing zoning on Old Wire Road and Apple Blossom; Southeast corner is commercial and rest is R-3. Changing zoning would avoid variance request in the future and make it more flexible. A Public Hearing was held for the city of Lowell AR on August 1, 2022 to hear public comments regarding the rezoning of approximately 6.27 acres of Parcel #12-00265-051 from suburban neighborhood (R-1) to urban neighborhood (R-3) and 18.72 acres of Parcel #12-00618-050 from urban thoroughfare commercial (C-2) urban neighborhood (R-3) located at S. Old Wire Road, Lowell, AR. The City Council has reviewed the rezoning and determined that it would be in the best interest, and benefit of the citizens of Lowell to approve of the rezoning request.

**Motion to approve Ordinance.**

**Motion:** David Adams

**Second:** Kendell Stucki

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

**Vote Nay:** None

**Motion to approve Ordinance approved.**

**City Clerk read Ordinance one time by title only.**

**Ordinance assigned No. 1111.**

**2 – ORDINANCE TO REPEAL ORDINANCE NUMBER 1005 OF 2017 IN ORDER TO RESCIND THE EXISTING TWO PERCENT (2%) ADVERTISING AND PROMOTION TAX WITHIN THE CITY OF LOWELL AND TO PROVIDE FOR THE EXPENDITURE OF ALL FUNDS COLLECTED FROM THIS TAX PRIOR TO THE RESCISSION AND STRICT ADHERENCE TO STATE LAW AND FOR OTHER PURPOSES.**

Council voted to rescind the A&P tax. Approximately \$600,000 remains in this account and the A&P will meet this month to decide how to spend the remaining funds.

**Motion to approve Ordinance.**

**Motion:** Eric Schein

**Second:** Kendell Stucki

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

**Vote No:** None

**Motion to approve amended Ordinance approved.**

**City Clerk read Ordinance one time by title only.**

**Ordinance assigned No. 1112**

**3 – RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COST SHARE AGREEMENT FOR THE PURPOSE OF SEWER IMPROVEMENTS FOR THE CITY OF LOWELL, ARKANSAS**

Riverwood Homes, LLC. And NWA I.D, LLC intend to develop subdivisions for an anticipated total unit density of 507 residential units in the city of Lowell. It is necessary that improvements be made to the sanitary sewer system in order for the City to provide adequate sewer services to the developments and provide necessary capacity for future developments and sewer capacity needs. The developers proposed a Sewer Improvement Cost Share Agreement to facilitate and assist with the cost of such improvements.

**Motion to approve Resolution.**

**Motion:** Kendell Stucki

**Second:** Steve Whitehead

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

**Vote Nay:** None

**Motion to approve Resolution approved.**

**Resolution assigned No. 22-40.**

**4 – RESOLUTION DECLARING CERTAIN POLICE DEPARTMENT EQUIPMENT AS SURPLUS AND PRESCRIBING THE METHOD OF SELLING THE EQUIPMENT.**

The Lowell Police Department has declared two vehicles are no longer of use to the city and should be disposed of as surplus property.

**Motion to approve Resolution.**

**Motion:** D. Adams

**Second:** Lisa DeGifford

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

**Vote Nay:** None

**Motion to approve Resolution approved.**

**Resolution assigned No. 22-41**

**5 – RESOLUTION APPROPRIATING FUNDS FOR THE INSTALLATION OF A SPASH PAD AT WARD NAIL PARK IN THE CITY OF LOWELL, ARKANSAS.**

City of Lowell has entered into a contract provided by Cunningham Recreation. The Mayor and City Council approve appropriation of funds for engineering services required for the installation of a Splash Pad at Ward Nail Park.

**Motion to approve Resolution.**

**Motion:** David Adams

**Second:** Lisa DeGifford

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

**Vote Nay:** None

**Motion to approve Resolution approved.**

**Resolution assigned No. 22-42**

**ANNOUNCEMENTS / DISCUSSION**

Lowell Animal Ordinance: We have no problem in Lowell. Animals are picked up based on complaint by citizen. Ordinance would give police tool to direct public; mainly cats and dogs. Police Chief Kuth stated current ordinance works, but he would think about the new ordinance and come back with his recommendations to the next council meeting.

Puppy Creek Update: Currently removing trees. Cox Cable is relocating utilities. Big Box culvert coming is September 12<sup>th</sup>; contractors' goal is to have work done by November.

Bellview & Hwy 264: Plan to put in a temporary signal. TACT approved amount and Lowell will do the design. Working with ARDOT and it is on their books to do construction in 2023.

Zion Drainage Project: Project completed.

Bloomington & Monroe: Full designed and ARDOT finalized for late summer/fall 2023.

Brookhaven – Center Point Park Overlay – overlay streets; waiting on bids by August 2023. Homes can connect to sewer system end of 2022.

Sabre Heights – Bids awarded; starting construction in August. First of next homes can connect to sewer system end of 2022.

Monroe Extension – Design contract needs to go to ARDOT.

Apple Blossom & I49-71B – Working with Developer to pay for Engineering.

Wendy's – Good progress on Independence Plaza.

**ADJOURNMENT:** Entertain a motion to adjourn. Motion to adjourn: Steve Whitehead. Second: Lisa DeGifford. There being no objections, the meeting adjourned at 8:00p.m.

ATTEST:



City Clerk/Elizabeth Estes

City of Lowell



APPROVED:



Mayor/Chris Moore

Minutes of the Regular Council Meeting

August 16, 2022