

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
VIRTUAL MEETING
JULY 21, 2020 - 6:30PM**

INVOCATION: Richard Stone

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 6:34pm 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 Linda Vannoy, David Adams, Chasity Taylor, Dean Bitner, Thomas Evers, Todd Fenix, Eric Schein and Lisa DeGifford. Deputy Attorney Kieklak was present, also. There was quorum. A roster of all others in attendance is on file with these minutes.

CONSENT AGENDA:
Lowell City Council Minutes Regular Meeting – June 16, 2020
Financial Statement – June 2020

Motion to approve the Consent Agenda.

Motion: Dean Bitner

Second: David Adams

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to approve Consent Agenda approved.

PUBLIC FORUM: Open: 6:36PM Close: 6:36PM

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

Motion to approve Procedural Motion.

Motion: Dean Bitner

Second: Linda Vannoy

Vote Aye: Vannoy, DeGifford, Adams, Fenix, Bitner, Evers, Taylor, Schein

Vote Nay: None

Motion to approve Procedural Motion passed.

OLD BUSINESS: None

NEW BUSINESS:

Motion to add Resolution #5: RESOLUTION – APPROPRIATING FUNDING UNDER THE STREET FUND DURING THE FISCAL YEAR OF 2020 and moving Resolution #5 of the Agenda to #6.

Motion: Dean Bitner

Second: Linda Vannoy

Vote Aye: Vannoy, DeGifford, Adams, Fenix, Bitner, Evers, Taylor, Schein

Vote Nay: None

Motion to add Resolution #5 stated above and moving Resolution #5 of the Agenda to #6 passed.

1. ORDINANCE ESTABLISHING A TWO PERCENT (2%) TAX UPON THE GROSS RECEIPTS OF HOTELS AND MOTEL ACCOMMODATIONS IN THE CITY OF LOWELL, ARKANSAS AND A TWO PERCENT (2%) TAX UPON THE SALE OF PREPARED FOOD AND BEVERAGES FOR ON OR OFF

PREMISES CONSUMPTION ON THE CITY OF LOWELL FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS, CALLING AN ELECTION FOR THIS PURPOSE AND FOR OTHER PURPOSES.

Fundamental change in tax for use for parks which requires an election if Benton County puts it on the general election in November. A&P tax as it is now would go away until all funds collected at this point are expended. The new 2% tax would go into effect when the old 2% goes away.

Motion to approve Ordinance as presented.

Motion: Eric Schein

Second: Linda Vannoy

Vote Aye: Vannoy, Taylor, Evers, Schein, DeGifford

Vote Nay: Fenix, Adams, Bitner

Motion to approve Ordinance passed.

City Clerk read the Ordinance by title only.

Ordinance assigned No. 1052.

2. ORDINANCE CALLING FOR AN ELECTION.

Housekeeping with passing Ordinance 1052 so it can be put on November ballot.

Motion to table Ordinance.

Motion: Dean Bitner

Second: Todd Fenix

Vote Aye: Adams, Bitner, Fenix

Vote No: Evers, Vannoy, Schein, DeGifford, Taylor

Motion to table Ordinance failed.

Motion to approve Ordinance as presented.

Motion: Linda Vannoy

Second: Chasity Taylor

Vote Aye: Evers, Vannoy, Taylor, DeGifford, Schein

Vote Nay: Adams, Fenix, Bitner

Motion to approve Ordinance passed.

City Clerk read the Ordinance by title only.

Ordinance assigned No. 1053

Motion to accept the Emergency Clause on Ordinance 1052.

Motion: Thomas Evers

Second: Lisa DeGifford

Vote Aye: Evers, Taylor, Vannoy, DeGifford, Schein

Vote Nay: Fenix, Adams, Bitner

Motion to accept Emergency Clause on Ordinance 1052 failed. (must have 2/3 vote)

Motion to accept the Emergency Clause on Ordinance 1053.

Motion: Eric Schein

Second: Thomas Evers

Vote Aye: Evers, Schein, DeGifford, Taylor, Vannoy

Vote Nay: Adams, Fenix, Bitner

Motion to accept Emergency Clause on Ordinance 1053 failed. (must have 2/3 vote)

3. RESOLUTION APPROVING AND ADOPTING AN UPDATED PROCEDURE FOR REVIEW OF DISCIPLINARY ACTION OF THE PERSONNEL POLICY MANUAL FOR THE CITY OF LOWELL, ARKANSAS.

Currently employees have three appeals: department head, mayor and city council. This resolution would remove third appeal for employees. Department heads would still be able to appeal to city council.

Motion to approve Resolution as presented.

Motion: Eric Schein

Second: David Adams

Vote Aye: Adams, Vannoy, DeGifford, Schein, Taylor

Vote Nay: Evers, Fenix, Bitner

Motion to approve Resolution passed.

Resolution assigned No. 20-11.

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

Equipment has been declared no longer of use to the city and should be disposed as surplus equipment.

Motion to approve Resolution.

Motion: Chasity Taylor

Second: Linda Vannoy

Vote Aye: Adams, Fenix, Vannoy, Taylor, Bitner, Evers, Schein, DeGifford

Vote Nay: None

Motion to approve Resolution passed.

Resolution assigned No. 20-12

5. RESOLUTION APPROPRIATING FUNDING UNDER THE STREET FUND DURING THE FISCAL YEAR OF 2020.

Funding is for replacement of bulldozer. It is more judicial to purchase a new one rather than to rent a bulldozer for a long term.

Motion to approve Resolution.

Motion: Linda Vannoy

Second: Todd Fenix

Vote Aye: Fenix, DeGifford, Vannoy, Evers, Adams, Bitner, Taylor, Schein

Vote Nay: None

Motion to approve Resolution passed.

Resolution assigned No. 20-13

6. DISCUSSION OF SABRE HEIGHTS SEWER OPTIONS

Richard Stone, Director of Special Services, discussed three options to fix sewer problems in Sabre Heights (details spelled out in the council packet). Cost of providing sewer are estimates only. The council must decide how to fund this project. Crafton Tull held a meeting with residents explaining the situation and cost of this project.

City of Lowell asked Crafton Tull to find a feasible remedy to the issue. The plan would be to bring city sewer via a pressure main and grinder pumps and pressure main to 103 homes in this area. Sabre Heights sewer infrastructure plan could supply pressure sewer main connected to Rogers Water and Sewer for approximately \$450,000 or an additional cost to each home of about \$5,000 for grinder pump purchase and installation. Total cost per household would be about \$9,000.

It was the consensus of the city council to find funds available for the City of Lowell to install mains to this subdivision and to include the new homes on Concord. Individual homeowners could then connect to the sewer system at their own expense. The Sabre Heights Sewer Options discussion will be continued on next month's council meeting.

Motion to open discussion to public.

Motion: Dean Bitner

Second: David Adams

Vote Aye: Unanimous

Vote Nay: None

Motion to open discussion to public passed.

Michael Phillips, 1408 Tudor Street, has lived in his house since 2006 and he did know he had a septic system at that time. Majority of his neighbors did not know they were on septic systems because it was not disclosed to them when they purchased their homes. When he bought his house, there was no discount on the price of his home. Most of the lots in this subdivision are on one-half acre lots and adding sewer to them would not give homeowners a return of \$9,000-\$10,000 investment. He agreed that the subdivision should participate in some of the cost such as individual house cost, but they can't pay the cost up front. Whatever the city does, they should take into account that homeowners can't pay this cost in a 60-day time period, but some time should be given to pay out the cost.

Taylor Campbell, 1322 Tudor Street, was made aware his home was on septic and the original owner did receive a discount on his property. He paid money out of his pocket to have it checked and the company said he had two tanks on his property from a previous subdivision. He knew the cost proposed by the city was a rough estimate and if there were problems, the cost could go higher. He was not asking the city to pay the large amount. He felt there was gross negligence on the part of the City of Lowell.

Tammy Cobb, 1424 Lancelot St, corrected the council that it was not a 30-year neighborhood. She did not receive discounted price on her house in 1994. When she bought the house, she was told the city would have sewer within two years. It is 2020 and she still doesn't have city sewer. She agreed with Mr. Campbell that she was willing to pay something, but she shouldn't have to pay the entire bill.

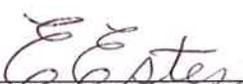
Scott Smith, 1501 Lancelot Street, corrected the council that a lot of their facts were incorrect. When he bought his house, he was told he had septic tank but that in two years the city would have sewer to his house. There were short cuts done in the subdivision and the building inspector didn't do a final inspection. He would make a payment; but he didn't know there were three options. He was told he would have to pay \$44,000 and he doesn't make a lot of money. The situation presently is a health issue and the city should fix it.

Austin Bray, 1417 Lancelot Street, was frustrated the city was not take accountability for this situation and they should be liable for it. The problem has existed since 1996 and it has been swept under the rug. The house has been in foreclosure. The Arkansas State Health Department doesn't have the power to condemn the house and the city should condemn it because it is unlivable.

ANNOUNCEMENTS: None.

ADJOURNMENT: Motion to adjourn by Eric Schein and second by Thomas Evers. There being no objections, the meeting adjourned at 8:40pm.

ATTEST:


City Clerk/Elizabeth Ester



APPROVED:


Mayor/Chris Moore