

**ROGERS/LOWELL AREA CHAMBER OF COMERCE ANNUAL CHAMBER
NIGHT IN LOWELL BEGINNING AT 5:30PM**

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
FEBRUARY 19, 2013 - 6:30 p.m.**

CALL TO ORDER OF REGULAR COUNCIL MEETING: The Regular Meeting of the Lowell City Council was called to order at 6:38 p.m. by **Mayor Long** at the Lowell Council Chambers.

INVOCATION: The Invocation was offered by **Councilman Yeager**.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by **Mayor Long**.

ROLL CALL: **Mayor Long** asked for roll call. City Clerk made a verbal roll call. Council Members present were: **Thomas Evers, Eric Schein, Matthew Yeager, Janette Lasater, Keith Williams, Kendell Stucki, Dean Bitner, Ronnie Breland**. There was quorum. **Deputy Attorney Kieklack** was also present. A roster of all others in attendance is on file with these minutes.

ROGERS LOWELL CHAMBER OF COMMERCE – Mr. Matt Crafton, President of Crafton Tull and Chamber of Commerce Chairman, recognized and honored those who service the City of Lowell in public service.

MAYOR'S STATE OF THE CITY ADDRESS – Copy Attached

Recessed at 6:55PM – Reconvened at 7:04PM

CONSENT AGENDA:

Lowell City Council Minutes Regular Meeting – January 15, 2013

Lowell City Council Minutes Special Meeting – February 8, 2013

Financial Statement – January 2013

Motion was made to approve Consent Agenda and Minutes as corrected.

Motion: Janette Lasater

Second: Ronnie Breland

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to approve Consent Agenda and Minutes as corrected was approved.

PUBLIC FORUM: Public Forum Opened at 7:10PM - Closed at 7:22PM

Ms. Mandy Bolinger, 501 Emerald St. – asked for explanation or cause of the explosion (January 7, 2013) that took place at USA Metal. She questioned the height of the cars, berm with containers on top of them and felt they were not safe, train seems to be louder than before and the odor.

Mayor Long addressed her concerns as did **Mr. Tom Smith**, USA Metal, and **CJ Stephens**, Code Compliance Officer, and promised to continue to work on these issues.

PROCLAMATION:

Mayor Long proclaimed March 2013 as History Month. Councilmen by unanimous voice vote agreed to proclaim March 2013 as History Month.

OLD BUSINESS: None

NEW BUSINESS:

1. ORDINANCE – AMENDING THE CITY OF LOWELL CODE OF ORDINANCES, SECTION 8-102, BY REZONING CERTAIN LANDS FROM RESIDENTIAL (R-D) AND LIGHT-INDUSTRIAL (L-I) TO COMMERCIAL (C).

Ms. Kris Sullivan identified 116 N. Lincoln as the property south of City Hall to be rezoned. The Planning Commission held a public hearing, and since there was no objection from the public, voted unanimously to rezone property commercial.

Motion was made to suspend the rule and place Ordinance on third and final reading by title only.

Motion: Keith Williams

Second: Thomas Evers

Vote Aye: Yeager, Stucki, Williams, Evers, Lasater

Vote Nay: Breland, Bitner, Schein

Motion to suspend the rule and place Ordinance on third and final reading by title only failed.

Motion was made to place Ordinance on first reading by title only.

Motion: Dean Bitner

Second: Ronnie Breland

Vote Aye: Stucki, Yeager, Breland, Williams, Lasater, Evers, Bitner

Vote Nay: Schein

Motion to place Ordinance on first reading by title only was approved.

City Clerk read the Ordinance by title only.

2. ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN POLICE DEPARTMENT SOFTWARE AND THE EXECUTION OF A SHORT TERM FINANCING AGREEMENT COMPLIANT PROMISSORY NOTE PURSUANT TO AMENDMENT 78 OF THE ARKANSAS CONSTITUTION AND CERTAIN DOCUMENTS RELATED THERETO.

Mr. Hudlow explained that this ordinance ties up everything for this software purchase. By stating Amendment 78 outlines the individuals who are authorized to sign the note and that we will make payments.

Deputy Attorney Kieklak informed the council that this procedure was what the state law required them to do to buy this in the way it was arranged to buy it. The ordinance must be passed in order to enter into the five year short-term financing agreement.

Motion was made to suspend the rule and place Ordinance on third and final reading by title only.

Motion: Dean Bitner

Second: Matthew Yeager

Vote Aye: Williams, Evers, Yeager, Stucki, Schein, Breland, Bitner, Lasater

Vote Nay: None

Motion to suspend the rule and place the Ordinance on third and final reading by title only was approved.

City Clerk read the Ordinance by title only.

Motion was made to approve Ordinance as presented.

Motion: Janette Lasater

Second: Keith Williams

Vote Aye: Schein, Stucki, Yeager, Evers, Breland, Williams, Lasater, Bitner

Vote Nay: None

Motion to approve Ordinance as presented was approved.

Ordinance was assigned No. 925.

3. ORDINANCE TO AMEND THE LOWELL CODE OF ORDINANCES TO REQUIRE THE USE OF SPRAY PAINT TO MARK CORNERS IN CERTAIN BUILDING PROJECTS.

Ordinance was pulled from Agenda for further work before it is presented again at a future meeting.

4. ORDINANCE TO AMEND THE LOWELL CODE OF ORDINANCES PERTAINING TO SAFE DRIVING.

Chief Harvey explained the wording of the Ordinance came from the district judge. Currently if the person is found guilty, it is mandatory that the judge require the person to perform public service and take a defensive driving course. The judge would like to make it where he has the option to impose those at his will.

Motion was made to suspend the rule and place Ordinance on third and final reading by title only.

Motion: Ronnie Breland

Second: Kendall Stucki

Vote Aye: Breland, Williams, Yeager, Bitner, Schein, Stucki, Lasater

Vote Present: Evers

Vote Nay: None

Motion to suspend the rule and place Ordinance on third and final reading by title only was approved.

City Clerk read the Ordinance by title only.

Motion was made to approve the Ordinance as presented.

Motion: Kendall Stucki

Second: Dean Bitner

Vote Aye: Lasater, Stucki, Schein, Yeager, Williams, Breland, Bitner

Vote Present: Evers

Vote Nay: None

Motion to approve the Ordinance as presented was approved.

Ordinance was assigned No. 926.

5. RESOLUTION TO APPROVE FUNDS FOR COMPLETION OF THE STAGE AT WARD NAIL PARK.

Councilwoman Lasater had issues with and wanted clarification concerning resolutions and approval of funds combined into a resolution. **Deputy Attorney Kieklak clarified** that we should defer to the person who is giving us advice with our money. **Mr. Hudlow** works with auditors and they are the ones we have to please. If **Mr. Hudlow** is comfortable having a resolution memorializing the appropriation of funds, it is wise to give him that ability. Appropriations are compatible within resolutions.

Motion was made to approve Resolution/appropriation as presented.

Motion: Janette Lasater

Second: Eric Schein

Vote Aye: Williams, Schein, Stucki, Evers, Lasater, Yeager, Bitner, Breland

Vote Nay: None

Motion to approve Resolution/appropriation was approved.

Resolution was assigned No. 13-03.

6. RESIDENTIAL TRASH SERVICE PROPOSALS – APPROVAL OF BID.

Mr. Shawn Ingram requested three bids. Councilman Williams asked that a certain date be placed in contract as to when the trash had to be picked up.

Representatives of **Waste Management** and **Deffenbaugh industries** explained their requirements for trash pickup.

Councilmen decided to go forward with **Deffenbaugh Industries** and review their contract for trash pickup in City of Lowell at the next council meeting.

Motion was made to go forward with Deffenbaugh Industries and review contract for trash pickup in City of Lowell.

Motion: Eric Schein

Second: Janette Lasater

Vote Aye: Williams, Schein, Stucki, Evers, Lasater, Yeager, Bitner, Breland

Vote Nay: None

Motion to go forward with Deffenbaugh Industries and review contract for trash pickup in City of Lowell was approved.

7. COMMITTEE REPORTS

Ordinance Committee – Dean Bitner – Minutes are attached. Next meeting date will be set after this meeting. Signage ordinance will not be addressed at this time. Metal buildings will be addressed at the next meeting.

8. ANNOUNCEMENTS –

Easter Egg Hunt - March 30, 2013 at 2PM at Ward Nail Park.

Chilli Supper – Senior Center – March 15, 2013

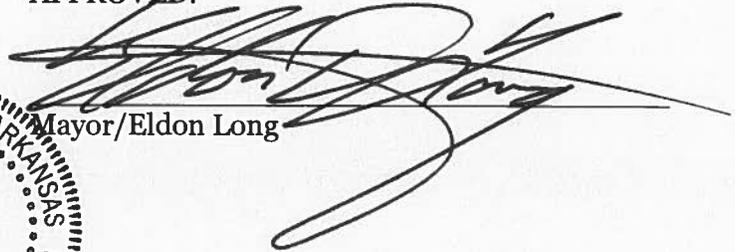
City Yard Sale – April 2013

Mayor Long presented pie charts on breakdown of enforcements made by the Code Enforcement Officer. People involved in setting up the charts were CJ Stephens, Don Harkins, Kim Arnett, and Matt Yeager.

Mayor Long referred Councilmen to his letter addressed to **Mr. Tom Smith, USA Metal**.

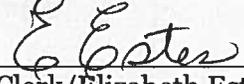
ADJOURNMENT: Motion to adjourn was made by Councilman Bitner and seconded by Councilwoman Lasater. There being no objections, the meeting adjourned at 8:40 p.m.

APPROVED:



Mayor/Eldon Long

ATTEST:



City Clerk/Elizabeth Estes



City of Lowell

Minutes of the Regular Council Meeting

February 19, 2012

MAYOR ELDON LONG
2013 STATE OF THE CITY
LOWELL, ARKANSAS

I would like to begin by expressing my sincere gratitude to the Rogers-Lowell Chamber of Commerce for hosting the reception tonight and to the wonderful sponsors who helped make this reception possible. I would also like to thank the Chamber for their continued partnership with the City in promoting our economic development by offering key programs to over 400 different businesses licensed in Lowell. These programs and events help businesses to grow stronger, become more sustainable and ensure their success. As a city, we thank the Chamber and staff for all that you are doing to improve commerce here in Lowell.

It is also my privilege to acknowledge the members of the Lowell City Council, Deputy City Attorney, City Clerk, City Directors, Members of the Planning Commission, City employees, members of the press, visitors and our fellow citizens – welcome to each of you and thank you for being here for this 2013 State of the City Address.

It is with a grateful heart and a spirit of enthusiasm that I report to you tonight. I count myself truly blessed to lead with the full realization that it is with God's help and the willingness of each of us to do our part, that our city continues to prosper. I also understand that the past achievements of our city forefathers, coupled with our efforts today promise a prosperous city for tomorrow as we keep our eye upon Him – the One who has the power to set cities apart for His glory and His purposes. This is the city that I pray for, this is the city that each of us love and care about, this is the city that God is placing His hand upon for even greater things in the future...if we will do one thing – and that is to trust in God!

Proverbs 3:5-6 states, "Trust in the Lord with all your heart and lean not to your own understanding. In all your ways acknowledge Him and He will make your paths straight."

With that said, let me begin with our financial condition.

Last year, Lowell's sales tax collections were higher than at any other point in our history. Combined city and county sales tax revenue was up 5.9% over 2011. These revenues have grown steadily and are up 12.6% over 2009, with the largest growth reported in 2011 and 2012. This indicates that the economy in Lowell is improving at a healthy rate. With the addition of Camping World last year and Atwood's retail outlet coming this year, these businesses and others, including the new Arvest Operations expansion project, continue to bring hundreds of new jobs opportunities to the city. Lowell is poised to experience additional growth in sales tax revenues for 2013.

An overwhelming majority of voters passed the continuation of a 1% sales tax in 2011, effective January 1st of this year. I believe this shows the commitment our citizens have to improving our infrastructure and paving the way for new development, as well as providing quality of life amenities and improved services in our city.

We began this year with a new Financial Director and a new budget as Lowell welcomed Jerry Hudlow as City Finance Director and we are pleased to have you on our staff, Jerry.

Concerning the 2013 budget, our General Fund Revenues are projected to exceed 2012 by \$413,183. We have also seen a 194% increase in business permits from 2011 to 2012. These increases are giving clear indication of stronger economic activity in Lowell and a slow, but sure increase of that activity in the future.

This year's revenue is expected to peak at \$8,111,478 , compared to 7.1M last year. Expenditures are estimated at \$7,813,557, of which \$725,200 is set aside for a fire sub-station.

Lowell's bond debt dropped \$230,000 in 2012 and the city is on schedule with all bond payments. Current property tax collections exceeded the payment amounts on our TIF District debt by approximately \$85,000 in

2012. A 3.5% property tax increase in 2012 will eventually result in paying down the TIF bond.

Other financial highlights include:

Business licenses increased in 2012 by 11.7% over 2011.

License funds collected in 2012 increased by 5.2% over 2011.

Our required cash reserve is adequately funded with approximately \$800,000. (\$796,386).

The ½ percent Issue One Highway Tax (passed during the last election) is estimated to raise street project revenue \$130,509 a year.

The City's cash position is good, sales tax revenues are on a positive upward slope, and permit collections are indicating substantial building taking place within the City.

So, as our Nation slowly recovers from one of the most significant financial collapses in its history, the fact that the City is rebounding at a substantial rate, when compared to many other cities in the Nation, is both promising and encouraging. These are all positive signs of local economic recovery and we should pause and praise God for what we are experiencing.

Concerning our City infrastructure:

I would like to highlight some important projects that were completed in 2012.

The Highway 264 West sewer extension

The McClure Street drainage project

The shoulder extension work along Bellview Road

The Franklin subdivision street project

The North Zion Road chip and seal project

The Monroe improvement project between 71B and Lincoln

Sidewalk projects along Monroe Avenue

Multiple re-surfacing projects on the East side of town

Numerous upgrades to our City parks, including a new pavilion at the Museum

Goals for 2013 include:

First phase of McClure between 71B and Lincoln Street

Completion of master sewer plan

The design and construction of sewer connection to Bellview

Construction of a stage at Ward Nail Park

Mt. Hebron Road extension along the new Janie Darr Elementary

Traffic signalization at 264 West & N. Goad Springs Road

Continued cooperation with AHTD on various improvements to Exit 78 and Highway 264 West

We have made substantial progress in improving public safety within the city...

The Fire Department now has THREE certified paramedics with ALS-Advanced Life Support training. Joe West, Jason Elam and Vanessa Gutierrez.

We also placed into service a new fire engine and received a license to operate it from the Arkansas Department of Health for paramedic-level responses.

We installed a new diesel exhaust removal system to help keep our firefighters safe

We will begin construction on a new fire sub-station on the west side of the City, which will enhance service to our growing population.

The Fire Department conducted another CERT (certified emergency response training) class, led by Captain Joe West this past year, which helps ensure our community will be better prepared in the event of disaster.

The Fire Department, led by Chief Mike Morris, will soon establish a new Fire Marshall to help with fire prevention and public education through enhanced programs. My sincerest congratulations to Captain Nolan Jones.

Our Police and Court Departmental facilities received multiple security upgrades this past year, including cameras, fenced parking, electronic key access and door locks, bullet-resistant service window, just to name a few.

The Police Department, under the leadership of Chief Randy Harvey, is committed to keeping our schools and streets safe. He continues to lead his department in providing the necessary training for officers and dispatchers, allowing and encouraging them to excel in all aspects of maintaining a safe community.

We also completed the installation of the City's first early storm warning system – located at Lincoln & Monroe - this past year.

Soon, under the direction of Information Technology Director, Eric Seyfried, we will install an additional warning system at Zion Road and 264 West.

By this incremental process, we should have our City completely covered by 2015.

All these things are collectively helping to improve our public safety.

Concerning quality of life amenities and public services:

On November 20, 2012, the long-awaited J.B. Hunt Senior Activity Center opened its doors under the direction and management of the Area Agency on Aging. The Center is now operating and focused on meeting the needs of our senior community. Programs continue to develop that are making a positive difference in the health and well-being of many lives.

The Razorback Greenway is well on its way and construction is scheduled to begin this year. Families and visitors can look forward to jogging, walking, and bicycling along this 36 mile regional trail system. It will be accessible in our City from different points along Goad Springs Road.

Concerning Other Note-Worthy mentions:

I am proud to announce that the City of Lowell was recently chosen as a recipient of the Arkansas City of Distinction Award for outstanding technology advancement. This recognition was essentially due to the new security measures and innovative new technologies introduced in our Courts Building. The award was recently presented during the Municipal League Conference in Little Rock and I would like to acknowledge and thank Eric Seyfried for his diligence and hard work in making this possible.

The second annual Employee of the Year Award was presented to Don Harkins during the 2012 Employee Christmas Party. Don does an outstanding job as he serves the City as Building Services Director, overseeing building and code compliance issues. He also serves as Assistant Fire Chief.

Each year, the Rogers-Lowell Chamber of Commerce recognizes a citizen from Lowell for exemplary community service. This past year, Aaron Pile was presented with the Graham/Tucker Service Award.

We are so proud of each of these fine men and the contributions they have made to our city. (Please stand and be recognized)

The City Council displayed diligence through difficult challenges this past year.

We settled a long-term law suit concerning the Park Central Bond issue through mediation and was awarded \$400,000 in the settlement.

We faced the arduous journey and process through committees, sub-committees and the Planning Commission to produce a much-needed noise ordinance.

In special session, we settled the domicile issue with the former City Attorney.

We established our first ordinance dealing with beer and wine regulations.

The Council did all these things and many more. They have shown the taxpayers of this City that, when called upon, they will rise to meet the challenges presented to them with a spirit of discernment and fairness.

So, in closing, how do I summarize an entire year passed – compared to this year's goals? As I thought about it, I finally arrived at the conclusion that we, the citizens of Lowell, should continue to do what we have always done and that, my friends, is to **CONTINUE TO INVEST!**

Continue to invest in our infrastructure: Sewer is certainly not the most exciting subjects to talk about but, when it comes to economic development, it is the life-blood of commerce and essential to our continued growth and revenue streams. This year, I will be urge the Council to consider a Bond (while rates are low) to meet some of these infrastructure needs.

Continue to invest in our quality of life amenities like the Kathleen Johnson Memorial project – 100 acres recently donated for use by non-profit organizations and future public service needs. This property is located along Bellview Road and holds great promise and potential for the right projects. It is destined to be a popular attraction for the citizens of Lowell and for thousands in the region. We are excited regarding the distinction the right development projects could afford our City. The proper blend of public services and non-profit organizations could positively change the quality of life for generations to come. It is a tremendous opportunity and an enormous responsibility, worthy for this City Council to consider funding appropriate projects with a bond initiative.

Continue to invest in our community: The importance of volunteerism and the giving of one's time is one of the most important attributes of this City. Everyone doing a little amounts to a LOT. I would just like to caution each of us about being caught up in counting the things we do but instead, encourage us to do the things that count; knowing that the spirit of giving back and investing in our community will change lives.

Continue to invest in prayer for our community: when we lost our beloved Joe Landers in a tragic accident in Panama City, Florida – we prayed. As the community forged ahead and worked through our grief, it became evident that the prayers of our churches, the prayers of surrounding communities and the prayers of those in our City enabled us to have the strength we needed for each day.

We will forever be indebted to Eddie Davis and his team, sent to us in our time of greatest need. We will not forget the gracious acts of First Baptist Church, Lowell and Fellowship Bible Church as they opened their doors and their hearts to minister to us. While Joe will always be missed and will never be forgotten, through this tragedy we see the power of prayer and how it united this community as I have never witnessed before.

Your Mayor believes in the power of prayer.

I believe it changes hearts and lives.

I believe it changes churches and institutions.

I believe it changes businesses and organizations and

I believe, if we continue to invest in prayer as a community, it has the power to change and transform our City!

May God's light continue to shine upon this nation, upon this state and upon this City for His glory and His purposes.

May God bless each and every one of you.