

**LOWELL CITY COUNCIL MINUTES  
REGULAR COUNCIL MEETING  
JULY 16, 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 6:34 p.m. by **Mayor Long** at the Lowell Council Chambers.

**INVOCATION:** The Invocation was given by **Kendall Stucki**.

**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, Kendell Stucki, Dean Bitner, Ronnie Breland**. Absent: **Keith Williams**. There was quorum. **Deputy Attorney Kieklak** was also present. A roster of all others in attendance is on file with these minutes.

**CONSENT AGENDA:**

**Lowell City Council Minutes Regular Meeting – June 18, 2013  
Financial Statement – June, 2013**

**Motion was made to approve Consent Agenda.**

**Motion: Eric Schein**

**Second: Kendall Stucki**

**Voice Vote Aye: Unanimous**

**Voice Vote Nay: None**

**Motion to accept Consent Agenda was approved.**

**PUBLIC FORUM:** Opened at 6:37PM - Closed at 6:38PM

**OLD BUSINESS:** NONE.

**NEW BUSINESS:**

**1. RESOLUTION TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE FIVE EASEMENTS IN ORDER TO FACILITATE DEVELOPMENT AND CONSTRUCTION OF THE RAZORBACK GREENWAY TRAIL.**

Councilman Yeager – Obviously the offers were made several months back and these were the offers that weren't accepted. I'm just curious if there was feedback as far as to why the offers were not accepted. Is it the amount or is it the fact that they simply don't want to sell these properties to us?

Mayor Long – Kris Sullivan, would you like to address that please?

Kris Sullivan – I am thinking about it. I am thinking if I could actually respond to that. I would like, is it because of the money or is it because they don't want to sell the property?

City Attorney Kieklak – Kris, what's the gentleman's name who's been carrying on the negotiations again, please remind me?

Kris Sullivan – Dennis Blind, with Alta.

City Attorney Kieklak – Unfortunately he could not be with us tonight.

Kris Sullivan – That is correct.

City Attorney Kieklak – and it's, you almost either have to ask the property owner or him

Kris Sullivan – Correct.

City Attorney Kieklak – Kris has been involved.

Kris Sullivan – I have from the beginning.

Matthew Yeager – There's five properties involved. Is he speaking for all five?

Mayor Long - He has tried, let me address Matt for a moment. He has addressed all these landowners several times with their concerns and he is going to be the most familiar with these settlements that have not occurred already. I would say, in my estimation, most of them have been probably because of a dispute of just compensation. Of course, that's what you always get into with any eminent domain, what is true and accurate, true compensation. Let me also state that we used Reed and Associates as appraisers who come highly respected and set a standard of fair and accurate appraisals across the region and so we know we have a professional appraisal on this. So, I would tend to reply to your question, Matt, in the sense that it is probably more than likely the argument of just compensation than it is the property itself. What we have found is that I don't believe I found anyone opposes the greenway.

Kris Sullivan – No. And, Matt, I can tell you that the three property owners I have spoken to, it does have to do with the compensation. I can't speak for all of them.

Councilman Bitner – Could we go through these parcels one at a time? Start with tract 354 and if there's a representative here to speak on that one, let's hear from them? Could we do it that way?

Kris Sullivan – We have one property owner here.

Mayor Long – Since we are going to do it one by one and Mr. Perry has already asked to speak on Public Forum on Item I, let's go ahead and allow him to do that now. Bob, if you would like to come, state your name and address. You've got their full attention for two minutes, here.

Councilwoman Lasater – Which parcel will this be?

Mayor Long – This parcel is actually 353.

Bob Perry – 8699 S. Tilly's Hill Road, Decatur, AR – We own property on S. Goad Springs Road. The only thing, I only have two questions about this proceeding. Whenever you acquire the property with an easement rather than purchasing the property outright, it's my understanding there is like three levels of restrictions of property owners on these easements: 1) negligible restrictions, 2) variable restrictions, or 3) exclusive restrictions. So my question to you all tonight is which one do you all plan on using?

Mayor Long – I'm going to allow the city attorney to address that.

City Attorney Kieklak – Sir, I'm not familiar with that nomenclature. I will describe to you it will be exclusive in other words the easement will be occupied by a trail and because it will have a trail on it, it will mean the adjoining property owner, really the fee property owner, you, won't be able to put something else on that which would interfere with the use of a trail. So for that reason it's exclusive. Now, I don't mean exclusive for one person because it will be used by the public on the trail. But it would mean that while it was used as a trail, until the easement is abandoned in the future someday, you would be prohibited from using it for something else.

Bob Perry – Right.

City Attorney Kieklak – Does that answer the question, sir?

Bob Perry – Yes it did; because, my definition of an exclusive restriction was the exclusion of property owner use. So, basically that's what you are saying.

City Attorney Kieklak – Yes, sir.

Bob Perry – My next question is since we are actually, let's say that this goes through and you all get the land through an easement, what liabilities as a property owner do we have? In other words, if someone is injured on that trail, do I have that liability like I do if they were injured on my property?

City Attorney Kieklak – Well, I want you to take my answer, knowing that I represent the City of Lowell and not you, okay?

Bob Perry – Okay.

City Attorney Kieklak - And so what I should tell you is you need to ask your lawyer and your insurance agent about that. But, if I do that, you are going to wave your head at me and say, "Well, that's a lawyer answer for you;" so I think the Mayor would look at me and say, "Well why don't you tell him what you think, Tom?" So I will. As long as you didn't alter that trail in some way that made it unreasonably dangerous, there's no liability to the adjoining property owner if someone hurts themselves on that trail. The liability is going to be nonexistent because the trail is going to be operated for the benefit of the public and so it's probably going to have status of tort immunity. That is my anticipation. I am going to urge you to ask your own insurance agent and your own lawyer. I'm not going to tell you that your liability purposes might with regard to your home be different because of people walking up and down the (trail). Of course I know your home won't be there to that property.

Bob Perry – Okay. Right. Okay.

City Attorney Kieklak – Okay.

Bob Perry – The only other question that I have, I was going to ask two, but one came to my – since I will still be responsible for the taxes on that parcel, when you do an easement, is there any way that I can get that subtracted from my taxes? My taxes on that piece of property are extremely high. It's not as high as the Parker properties' parcel, but it is extremely high.

City Attorney Kieklak – So, we know that when you have an issue about that, of course you access the Equalization Board in the county.

Bob Perry – Right.

City Attorney Kieklak – So, I can't, I'm afraid I don't have enough experience with Equalization Boards to know if they take that into account. It's a square footage situation, right. You could no longer use

Bob Perry – It's like .39 acres.

City Attorney Kieklak – Right. You take the tract and now you know that you can't use the .39 acres for commercial use and so you'd like to put that in front of the Equalization Board. I anticipate they can take that into account, you know, in other words, they have accessed the value and now that land doesn't have that value because it's not that much land. When you get assessed, I expect you would take that to the Equalization Board.

Bob Perry – Okay.

City Attorney Kieklak – I don't know of any mechanism the city has to change your tax liability.

Mayor Long – Bob, let me add to that. I think both the trailway folks, Alta, and I know that the city would support that with a written letter. You know, as far as being removed from your usage, that would help carry a little weight with the Equalization Board.

Bob Perry – Okay. All right, that's all I have.

Councilman Bitner – Mr. Perry, assuming your questions are answered, is it safe to assume that you don't have any problem with using the property from this point forward as, I guess my question to you is there going to be any dispute from this point forward or are you satisfied with the dollar amount and was that about half?

Bob Perry – Well, the last dollar amount I heard was about half enough.

Councilman Bitner – Of what you think it is worth, the appraisal?

Bob Perry – Well, what I know it's worth.

Councilman Bitner – Okay.

Bob Perry – Because the state just purchased 1.14 acres from us and their appraisal, they paid us \$105,000 an acre. This is an adjoining property. The appraisal from you guys was like \$50,000. So it's about half of what it's actually valued at.

Councilman Bitner – Okay.

Councilman Yeager – So, with this being an easement, I mean, normally with easements the property owner still ends up maintaining it, correct?

Mayor Long – No, this will be maintained by the greenway

Councilman Yeager – So this will be different than the other easements.

City Attorney Kieklak – Very different.

Mayor Long – We have an O&M agreement that we all researched, what was that, two years ago, Kris or was it last year?

Kris Sullivan – It was last year.

Mayor Long – Operating & Maintenance Agreement and we critiqued it and changed that to where it wasn't going to be a terrible financial burden on the city, but obviously, there's some things that we are obligated to participate in as a partner in the greenway. And so, what that document basically does tell who and how and what bank account that's coming out of; and so, that's been settled. These properties and the route will be maintained by city employees.

Councilman Evers – I have a question, and maybe Tom can answer it. It's kind of a follow-up to Dean's question. Mr. Perry said that that the highway department had bought some land from you previously. Could there possibly be a difference in the cost or the valuation of right-of-way easements supposedly to full out purchasing it?

Mayor Long – Yeah, it certainly could, but there's also other things that these appraisers look at such as zoning issues, proximity to other businesses, residences and all types of things. That's why it takes a professional appraiser to look at these properties.

Bob Perry – Can I address those, Mr. Mayor?

Mayor Long – Yes, Bob.

Bob Perry – That's why I was asking this exclusive restrictions because whenever they go to appraise these properties, if they use the exclusive restrictions what percentage the actual market value is, you

have to pay 90-100% plus and what the plus is, is damages because you are going to exclude my use and you are going to substantially change the highest use of the land, and it is being severed from a larger parcel. So, I will be asking for damages. So in reality, you'll pay anywhere from 90-100% of what the actual value is plus the damages that we may be awarded.

Councilman Bitner – Mr. Perry, what do you believe this parcel is worth?

Bob Perry – It's worth \$105,000 an acre and it's .39 acres of it. I don't have a number right in my head.

Councilman Bitner – So, roughly \$40-41,000 is what you believe it's worth?

Bob Perry – Yes, yes. But it's going to cost the city more than that if they do the easement. They could have bought the property outright for that, but we're going to ask for damages on this easement thing.

Councilman Bitner – Okay, let's leave that aside.

Bob Perry – Okay.

Councilman Bitner – And maybe I'm entering a path I'm not even, I don't know.

Mayor Long – We cannot get another appraisal at this point, Dean.

City Attorney Kieklak – This gentleman has the state constitutional right to have a jury determine the value of his land. And, he absolutely has that right and so we respect that and unfortunately that's the route we have to go.

Councilman Yeager – Regarding the actual finances though, am I correct that the finances for these easements and the properties are actually coming not directly out of the finances. So, is that everything?

Mayor Long – You don't have any other questions? Okay, please be seated.

Bob Perry – Thank you very much.

Councilman Yeager – The finances for the properties being purchased and things like that, as I recall, there's actually a separate fund that the city gets reimbursed from as the properties are required for the trail. Is that not correct?

Mayor Long – That's correct. So whatever the settlements might be between now and a court date, if someone were to take this to court, would not come out of the city's coffer, it would come out of the greenway's coffer. Am I correct on that, Kris? I think you've got something in writing. Why don't you state that exactly as the answer came from Dennis Blind today. And, we apologize that he could not be here tonight, but he had a wedding he overlooked that he had to be at.

Kris Sullivan – You wanted me to, I'm sorry.

Mayor Long – State his answer as he gave it to us on that.

Kris Sullivan – On the overages of the appraisals?

Mayor Long – Yes.

Kris Sullivan – I asked the questions if a value over the appraisal is awarded, than who pays the difference? And his answer was the Razorback budget will pay any overages, not the city.

Kendell Stucki – So the purpose tonight is for us if we move forward with this is so we can begin the process of breaking the ground ceremony essentially the trail through Lowell, correct?

Kris Sullivan – We will begin the initiation, yeah, we will begin the process.

Kendell Stucki – And these are the last ones holding us up from moving?

Mayor Long – Yes.

Kris Sullivan – That's correct.

Councilman Yeager – We're not the only ones as I recall having this issue. And, I know personally, I despise eminent domain. Absolutely despise taking, forcibly taking someone's property. You give them money, but you're taking their property and I just despise it.

Kris Sullivan – We hate that too.

Kendell Stucki – But it sounds like to me if there was, and I don't know how the appraisals, why they are so varied from the state versus this one, but I'm sure that will all be worked out in due time and so we have to move forward as a city. We can't, you know, come to Springdale and hit Lowell and go come up from Rogers and everyone jump around Lowell. We don't have a choice.

Councilman Yeager – But are you going to deprive someone of their constitutional right to their land and property as well though?

City Attorney Kieklak – Just to be clear, I'm sorry, but I have to be careful there. The Fifth Amendment of the Constitution of the United States of America, you want to glance right back there at that flag, okay. It's very clear you can't take someone's property unless you compensate them for it. Nowhere in the Constitution does it say you can't take someone's property. It says the Government shall not without compensating them. So we need to be clear when we're talking about the Constitutional right of people not to have their property taken. No. The Constitutional right is to have it taken only if you're compensated and so what the gentleman who's just addressed us is doing is he is enforcing that Constitutional right. He's saying, "I don't feel that's just compensation." And we say, Okay, then we have to go to the next step of the process" which unfortunately is litigation and has lately gotten a terrible reputation but is as American as anything else in the Constitution.

Councilman Yeager – Eminent Domain has been used since the beginning of the country, but I, it's just me, I personally don't like the practice of kind of more or less forcing someone's hand I guess you could say; forcing them to a sale versus having the approach of giving them that amount of money.

Kris Sullivan – May I say something? We actually don't have another choice. At this point we can't offer them anything more than what these appraisals are. We can't offer them anymore than what these are and that's what is offered on each of these.

Councilwoman Lasater – And we have already voted to participate in the greenway system.

Mayor Long – Yes ma'am. Dean, you had a comment.

Councilman Bitner – I don't know, it seems silly to me to fight about it. I'm sure that due diligence has been done and the appraisals have been made and, unfortunately, you're right, Tom, that's what we have to do. We have to find a mediator, if you will, to settle the disagreement, and that's unfortunate, Mr. Perry, for you, but you'll have to hire an attorney and move forward, it's unfortunate for the city that we'll have to employ Mr. Kieklak and move forward but that's where we are. I don't see holding this thing up the entire greenway through our city because of five property owners and the dispute on the value of the acreage.

Councilman Evers – And that simply is it. I didn't hear Mr. Perry say he didn't want to sell it, he just wanted to be justly compensated.

Councilman Bitner – Right. And I think that Mr. Kieklak is right and we let him move forward. With that said, is a motion in order Mayor?

Mayor Long – Well, before you make that motion, Matt, I share your feeling for eminent domain and being a subject with that with AHDT a few years ago, I've been through the entire process, and know there were times of passion and emotion and all of that. It finally came down to the fact that what does the law state and what was my rights. And I chose not to settle and I settled somewhere between the process being initiated and before it went to the court. Now I don't know if the greenway folks will have any latitude in that. I'm told they probably will not because of the way this particular project has been situated. But I can tell you that eminent domain is not a bad thing in the sense of how it does allow the individual as a land owner to take proper recourse. And at some point there is a point of agreement made, or at least someone at the county court level with a jury that can decide whether it was an unfair taking. It all comes down to two words: what is just compensation? So the Perrys will more than likely get an appraisal themselves, they may already have one, go to a court jury and be decided at that point. If they are awarded X-number of dollars in addition to this, it will not come out of the city's coffer. But if we do not do our diligence, then we are in the danger of slowing down the process and the deadlines we are trying to make; to make this greenway a possibility for our community.

Ronnie Breland – Mayor, I see some of this is on one side of the road, but where is this in conjunction with the other properties that we already have for the greenway project?

Mayor Long – Why don't we just take these one by one as was suggested and then we will discuss the location of them so that we are familiarized with them little better.

Ronnie Breland – I know with all of them coming in together (voice drops off).

Mayor Long – Kris, I'd ask you to come back to the microphone, please, in case there are any questions regarding any of these groups that we have.

Mayor Long, Kris and councilmen had a GIS map put on screen and they went from property to property discussing the locations, ownership, etc. They started with the properties on the north and went south. Since the map isn't visible, this part of the minutes are not transcribed. Kris said that anyone who wanted to see the plans of the trails could see them in her office anytime.

Mayor Long – Are there any others that you would like to look at here other than the summary or any other questions other than the summary Kris Sullivan has brought to us on these.

Councilman Yeager – What's driving, I guess, the desire for condemnation versus I guess, I don't know if they are called the Razorback Greenway Commission or the entity running this project, what's driving the condemnation proceedings versus them coming back with higher offers?

Mayor Long – What's driving it is a deadline and if we don't have the construction started, actually receiving the federal aid in funding that's promised to this project. So, it's now a time sensitive issue.

Kris Sullivan – Well, also, and Tom correct me if I am wrong, we are stuck with what the appraisal value says, right Tom.

City Attorney Kieklak – What's been indicated to us is that they've offered everything that they are allowed to offer.

Kris Sullivan – We are not allowed to offer anything more than the appraised value.

City Attorney Kieklak – There's at least two major funding sources right there. There's maybe the combination of state and federal money but also private foundation money and with that funding came certain restrictions on how they are going to negotiate these and so the agent that has, that they've hired the gentleman works for the company

Mayor Long – Reed and Associates.

Mayor Long - Dennis Blind works for Alta and so does Chuck Flink.

City Attorney Kieklak – and they have restrictions, they basically have a set of rules they have to go by and they've offered the maximum they're permitted to offer under those rules.

Councilman Yeager – And so once it goes to a litigation standpoint where they have to find damages, it's going to be a fight for the same money effectively. They have a pool of money that they have to work with; they are going to have to pay damages for it, and wait for a jury to rule that the damages are awarded or they are going to pay it up front right now and avoid the condemnation process completely and to me, I would rather find that money now than to go through court and force someone to sell that easement.

Councilwoman Lasater - That's not our choice.

Councilman Evers – We would rather do that as well.

Kris Sullivan – We would rather do that too.

Councilman Evers – We're saying it's out of our hands.

Councilman Yeager – It is our choice to or not to vote for this condemnation though. We have the right represent people and vote against it.

Mayor Long – I would precaution us as being the city that holds up such a project of regional significance.

Councilwoman Lasater – We would be having liability ourselves then.

Mayor Long – Apart from these Foundations to help us with this, the process is in place to be able to address this.

City Attorney Kieklak – I don't know if there would be liability.

Councilwoman Lasater – Would we not be in breach of an agreement if we don't make this property available?

City Attorney Kieklak – We are expected, yes, to certainly to assist in acquiring the property and the acquisition process has led to this. Again, sounds extraordinary, but it is simply the property owner being permitted to utilize the state court system to make sure he gets all the money he thinks he deserves for his property. That's really all that's happening here.

Mayor Long – This puts it in the proper process to get it done.

Ronnie Breland – When you talk about damages, how do you know what damages you are going to incur for each one of these five pieces of property?

Councilwoman Lasater – We don't have to worry about that.

Ronnie Breland – You can't decide that right now because?

Kris Sullivan – You don't decide that at all.

Councilwoman Lasater – We don't decide that, we're not liable.

Ronnie Breland – What I am saying, the question was thrown out there about paying for the damages right now. You can't because you don't know what damages would be incurred.

Mayor Long – That's precisely why you hire professional appraisers that take care of this issue.

Ronnie Breland – I have another question on the appraisals. Was one done by the city and was a couple done by the city?

Mayor Long – No, the city has made no evaluation of this property whatsoever.

Ronnie Breland – Or they didn't have an appraisal?

City Attorney Kieklak – It was ordered by the trail commission and they're performed by the trail commission's hired appraiser.

Ronnie Breland – Okay. And this is the higher price? Ok, that's what I wanted to know.

Councilman Schein – Condemnation is one of those things that I definitely do not like because I am a big firm believer once I have my property it's my property and you can tear it out of my cold dead hands. But on the flip side I do remember when you went through the same process and sitting with you and your family and hearing everything that was going on and I do understand that we're only allowed to offer X-amount and I do know that one of the greatest reliefs that you had going through this was the fact that you were able to move on and start to go down that next path. Just with that being said that we know this is going to happen one way or the other. If this council approves the condemnation or not, the trails going to happen and we can only offer X-amount of dollars, it would keep from dragging this on and everybody can go to the next step if they do desire to do so. I'm going to make a motion that we approve this.

Mayor Long – We have a motion by Eric Schein and a second by Dean Bitner. Just because of the significance of this, I am going to ask the City Clerk to read the resolution one more time, please.

City Clerk read the resolution as follows: RESOLUTION TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE FIVE EASEMENTS IN ORDER TO FACILITATE DEVELOPMENT AND CONSTRUCTION OF THE RAZORBACK GREENWAY TRAIL.

**Motion was made to approve Resolution as presented.**

**Motion: Eric Schein**

**Second: Dean Bitner**

**Vote Aye: Lasater, Bitner, Stucki, Breland, Schein, Evers**

**Vote Nay: Yeager**

**Motion to approve Resolution as presented was approved.**

**Resolution was assigned Resolution #13-11.**

**2. REAPPOINT JAMES WALKER TO THE LOWELL PLANNING COMMISSION WITH TERM EXPIRING JUNE 13, 2016.**

**Motion was made to reappoint James Walker to the Lowell Planning Commission with term expiring June 13, 2016.**

**Motion: Janette Lasater**

**Second: Ronnie Breland**

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

**Vote Nay: None**

**Motion to reappoint James Walker to the Lowell Planning Commission with term expiring June 13, 2016 was approved.**

**3. REAPPOINT LLOYD SHOWALTER TO THE LOWELL PLANNING COMMISSION WITH TERM EXPIRING JUNE 13, 2016.**

**Motion was made to reappoint Lloyd Showalter to the Lowell Planning Commission with term expiring June 13, 2016.**

**Motion: Eric Schein**

**Second: Janette Lasater**

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

**Vote Nay: None**

**Motion to reappoint Lloyd Showalter to the Lowell Planning Commission with term expiring June 13, 2016 was approved.**

**4. REAPPOINT JAMES MILNER TO THE LOWELL PLANNING COMMISSION WITH TERM EXPIRING JUNE 13, 2016.**

**Motion was made to reappoint James Milner to the Lowell Planning Commission with term expiring June 13, 2016.**

**Motion: Dean Bitner**

**Second: Ronnie Breland**

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

**Vote Nay: None**

**Motion to reappoint James Milner to the Lowell Planning Commission with term expiring June 13, 2016 was approved.**

**5. COMMITTEE REPORTS:**

Ordinance Committee – Dean Bitner – Next meeting will be end of July or early August.

Report from Planning Commission: Chairperson Salena Wright-Brown – I wanted to update you. At the last meeting I believe I came before you and asked that we address issues of public notice for public hearing items and I want to say a huge thank you to the city because some of you may have already noticed, especially to Kris and Eric, that they have already taken steps to alter our web page so that on the calendar on first of the web page when you open it up, if there's a public hearing for any of the meetings, yours, Planning Commission, Board of Adjustments, that that will show up underneath that agenda item. Kris and I also talked about doing a news blip in the next upcoming newsletter that just points people to say that's there and that's a change so that we can maybe publicize that word. And so I just want to say a big thank you, that's already been in place; so we've taken a step forward into the digital age like we talked about before.

Councilman Yeager – I really appreciate you leading that and Kris and Eric both, thank you all for doing that.

Salena Wright-Brown – CJ are you going to talk about your report tonight? Okay. I am going to just mention what we talked about at the meeting last night; just wanted to let you know that. The second thing we are going to do, we're working on, and we've been working on for a couple of meetings now is Mr. Stephens's report which is in your packet. I feel and I think the commissioners mostly share my feeling that we are missing some of those zoning, conditional use kinds of complaints that we don't hear through the traditional web, phone or in the field. But, they come before us as part of a Planning Commission meeting or could be as part of one of your meetings. As they come before us and I have an example from our June 3<sup>rd</sup> meeting. We had several people from the community that addressed the Planning Commission about a variety of things, but in the body of one of those statements a resident mentioned that a business that we had given a conditional use to was violating that conditional use. So, to my thinking, she is before a body of this city complaining. She's making a statement that then deserves to be followed up. I know that CJ did go and follow that up but we had no mechanism of really capturing that as part of any report. So what the commission has asked Mr. Stephens to do is to alter that report to include things like that which come up in the context of a meeting that address, especially for my perspective, address zoning or conditional use violation complaints or things like that. Because he had already gone and investigated those issues that were brought forward at that meeting but then we didn't wrap it up in any way. So, we've asked him to alter that report and in the future you will see that either as an other or another comment on there that we are hoping then will wrap up any issues that come forward as part of a meeting. Any questions? I just wanted you to know how we were proceeding with trying to address citizen, resident issues and complaints.

Mayor Long – We believe that will help communications a lot. Another thing we might mention, too, concerning Don's department is Kim Arnett is the one who put that all together. She did such a good job, changed that form a few times. She has worked well with that whole department. She's just fit into that

department like a glove. She has been with them for six months and she is so efficient; the reports and graphs we see are a reflection on her ability. Next time you are in city hall, stop by and say thank you to her. It means a lot, especially from the council and commissioners recognizing her work.

**6. ANNOUNCEMENTS:**

Lowell Historical Museum – 2 new exhibits – Liz Estes  
Employee Christmas Party Meeting – Immediately following council meeting

Councilman Yeager – CJ, concerning tall grass complaints weren't you working on a new ordinance or changes to help speed along the process of what you can do?

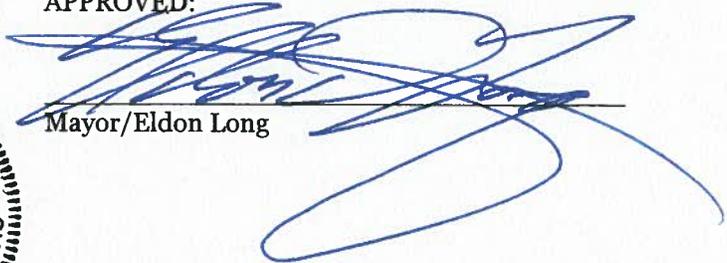
CJ – Yes. What we have in place right now is working. We post placards on property and we got immediate action on one and still nothing on the other so we moved forward as a city, took control of that property as far as the maintenance thereof and are maintaining it. Unfortunately there will be a lien, working with Mr. Kieklak on that, to follow up and make sure there's a lien placed against that property for the reimbursement back to the city for those services.

Councilman Yeager – so there aren't any changes that are needed at this point?

CJ – I think it's working well as far as I can see.

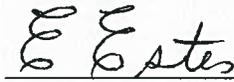
**ADJOURNMENT: Motion to adjourn was made by Councilwoman Lasater and seconded by Councilman Breland. There being no objections, the meeting adjourned at 7:42 p.m.**

APPROVED:



Mayor/Eldon Long

ATTEST:



City Clerk/Elizabeth Estes



City of Lowell

Minutes of the Regular Council Meeting

July 16, 2013