

**LOWELL CITY COUNCIL MINUTES  
REGULAR COUNCIL MEETING  
OCTOBER 15, 2013 - 6:30 p.m.**

**PUBLIC HEARING**

**1) PROPOSED ADJUSTMENT TO SPRINGDALE SEWER RATES FOR CITIZENS WHO LIVE IN LOWELL**

**Open Public Hearing #1: 6:35PM**

**Shawn Ingram** explained that back in 2006 we entered into a bond agreement, general funds have been supplementing them, the way the increases were built into them over a 20-year period, it has come to a point that we have to raise the cost to cover the increases as they grow. We haven't had a rate increase. We reduced the rates. It was a minimum of \$6.50; it was lowered to \$4.75 and it's been that way since either 2005 or 2004. This will stay in effect through the life of the bonds or until 2026. It is structured each year there are some increases and what I did to come up with this proposal is that I took zero growth of where we are at and covered all the increases all the way through the life of the bond. We are going to be money ahead and be building up money to be able to have some money to put back for seed to do infrastructure improvements and repairs as needed. We have several issues that need attention. We have had no way to fund those except to draw from the general fund every year at budget time.

**Mayor Long** said another motivating driver was the bond taken out by Bank of America. Previous and current finance directors were not able to negotiate a new rate that was set at 5%. It began to escalate in cost between September 1 of last year and this year which moved it to an interest increase of \$58,625 opposed to \$10,125. Our bills have to be paid and that was why we took it to the Springdale Water Utilities. Heath Ward and Terry Phillips apologized they could not be here tonight because of prior engagements.

**Close Public Hearing #1: 6:41PM**

**Open Public Hearing #2: 6:42PM**

**2) CITY OF LOWELL PURSUING ARKANSAS COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAM FUNDS.**

**Kris Sullivan** introduced Cassie Elliot. **Cassie Elliott**, Visionary Milestones, explained the grant and the national objectives of the program as being beneficial: 1) to low and moderate income persons, 2) urgent need, and 3) eliminate conditions of slum and blight. Keith Sheffler, Creative Things, LLC, an established company in Northwest Arkansas, is moving the corporate headquarters to Lowell in order to complete this grant. They have received additional funds and incentives over the next three years in order to create 12 full-time, permanent positions in the first year and then graduating up on the third year to 26 positions. In the long term the city benefits in that there is job creation in the city and the company benefits from the incentives.

**Tom Kieklak** said it was fantastic to see Cassie and when you see Cassie come to town it is always good news and he thanked her for coming.

**Keith Sheffler** explained it was injection molding plastics and they were completely vertically integrated except for printing. They would be located at 406 South Lincoln Street, the Old West-Ark Building. The building will be renovated. They sell to all the big box retailers, particularly Wal-Mart.

**Closed Public Hearing #2: 6:53PM**

**CALL TO ORDER OF REGULAR COUNCIL MEETING:** The Regular Meeting of the Lowell City Council was called to order at 6:54pm by **Mayor Long** at the Lowell Council Chambers.

**INVOCATION:** The Invocation was given by **Councilman Thomas Evers**.

**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, Janette Lasater, Kendell Stucki, Dean Bitner, Ronnie Breland. Keith Williams was absent.** 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 – September 17, 2013  
Financial Statement – September, 2013**

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

**Motion: Kendell Stucki**

**Second: Janette Lasater**

**Voice Vote Aye: Unanimous**

**Voice Vote Nay: None**

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

**PUBLIC FORUM: Opened at 7:00PM - Closed at 7:04PM**

**Rick Black, Sr.**, 108 Green Acre Street - I have been told there is a project in the works for McClure Street but only one side of the street is going to have sidewalks. I don't like this idea at all. I prefer they both sides have sidewalks from 71B to Lincoln Street. As we all know, traffic is terrible in the morning. You go up and down that street and you see kids walking, people pushing carriages and little kids. Highly dangerous. We also have the same problem down there at 71/Bloomington and Monroe. There's no crosswalk signs. There's no buttons to push to cross and lot of us walk, face this, dangerous, very dangerous. Again, we push a stroller. I have a child that's going to be a year old next month. Have you ever tried to dodge traffic with a stroller? My fear is that someday somebody's going to get killed, child or a baby. I understand the city's under financial constraints as to what they can do, but I don't think you can put a price on a child or infant. So, that's my issue and that's why I brought it up. This concerned me that I came to talk to you about it on behalf of my kids. I hope you will take this into consideration as you go forward. I appreciate this time.

**Mayor Long** – On McClure I believe we have some right-of-way issues with sidewalks on both the sides of the street but we will look at that engineering project again and see if a sidewalk could be added into that design. We are broadening that to four lanes through there. There's going to be a turn lane for the school and so that's one of the limitations we have right there.

**Shawn Ingram** – One of those restraints was already addressed, but from Jackson Street onto Jefferson, next to the church north and south, there's not enough area there nor is it cohesive with the slope of that property to be able to get a sidewalk in without it being in those people's back porch. What we have done previously in the sidewalk project is you cross along Jackson and then go up Washington in front of the church and then that brought you to that piece and there's cross walks. We're redoing that intersection as well. So it will have crosswalks at this intersection. So there's a lot of improvements coming with that. As long as we have the space, we are putting sidewalks. It's just this south stretch out is pretty limited. On McClure is what we have utilized all the way out to the park at this point.

**Mayor Long** – Concerning Bloomington and Monroe we are going to be asking the state to take another look as well.

**CITY PROJECTS AND UPDATES:**

1. **Mt Hebron – Jimmy Hendrix, Public Works Director.** Wrapping up that project, finishing the top soils. As for McClure, we will be putting it out to bid Sunday. That's the two main projects we have going on now. The stop sign at Honeysuckle and McClure will be changed to a four lane and then a three lane the rest of the way. Years ago it used to be stopping on Honeysuckle and there was no stopping on McClure. Maybe with a turn lane there we can open McClure up and hopefully we can change that. People are complaining about traffic backing up in the mornings when people stop there.

**OLD BUSINESS:**

1. **ORDINANCE ESTABLISHING NEW RATES FOR SEWER SERVICE FOR THE CITIZENS OF THE CITY OF LOWELL WHO ARE CUSTOMERS OF THE SPRINGDALE SEWER SYSTEM DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

Shawn explained again how the new rates were established and how the city planned to take care of customers on septic and step systems. Mayor Long explained what will happen to the leach fields once customers were put on sewer.

**Motion was made to suspend the rule and place the Ordinance on third and final reading.**

**Motion: Eric Schein**

**Second: Janette Lasater**

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

**Vote Nay: None**

**Motion to suspend the rule and place the Ordinance on third and final reading was approved.**

**City Clerk read the Ordinance by title only.**

**Motion was made to approve the Ordinance as presented.**

**Motion: Janette Lasater**

**Second: Eric Schein**

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

**Motion to approve the Ordinance as presented was approved.**

**Ordinance was assigned No. 939.**

**Motion was made to enact the emergency clause.**

**Motion: Eric Schein**

**Second: Janette Lasater**

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

**Vote Nay: None**

**Motion to enact the emergency clause was approved.**

**NEW BUSINESS:**

1. **RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR ACEDP GRANT FUNDS TO THE STATE OF ARKANSAS.**

**Cassie Elliott**, Visionary Milestones, explained the purpose of this resolution as being the grant application resolution and it authorizes the mayor to sign on your behalf. The city doesn't incur any costs whatsoever in this process. Everything that has to do with the project is reimbursed through the state. She incurs a lot of the cost so that the city doesn't have any budgetary problems. She will handle all of the paperwork and work with Melanie and Kris.

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

**Motion: Dean Bitner**

**Second: Kendell Stucki**

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

**Vote Nay: None**

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

**Resolution was assigned No. 13-20.**

**2. RESOLUTION ESTABLISHING A POLICY PROHIBITING THE USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES WITHIN THE APPLICANT'S JURISDICTION AGAINST ANY INDIVIDUALS ENGAGED IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS.**

**Cassie Elliott**, Visionary Milestones, explained the purpose of this resolution as being required as reminder of laws already in place.

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

**Motion: Kendell Stucki**

**Second: Dean Bitner**

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

**Vote Nay: None**

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

**Resolution was assigned No. 13-21.**

**3. RESOLUTION ESTABLISHING A RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN.**

**Cassie Elliott**, Visionary Milestones, explained the purpose of this resolution is because some projects are tied into a road project where you are having to condemn housing. You are reminded that although this project doesn't include any of that, the city cannot go out and condemn property without providing housing for displaced persons.

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

**Motion: Dean Bitner**

**Second: Kendell Stucki**

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

**Vote Nay: Breland**

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

**Resolution was assigned No. 13-22.**

**4. RESOLUTION ESTABLISHING A FAIR HOUSING PLAN FOR THE CITY OF LOWELL, ARKANSAS.**

**Cassie Elliott**, Visionary Milestones, explained the purpose of this resolution as being a requirement for this project.

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

**Motion: Kendell Stucki**

**Second: Dean Bitner**

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

**Vote Nay: None**

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

**Resolution was assigned No. 13-23.**

**5. RESOLUTION TO SUPPORT THE EXTENSION OF DIXIELAND ROAD.**

**Mayor Long** introduced Ron Petrie, P.E., Garver to explain the project and take questions from councilmen. Mayor tries to keep a project before the committee because it is 80/20 money. McClure was not considered a regional project; Hwy 264 was held up by a recharge study that will take 24-30 months. On this selection, Shawn Ingram, Jim Hendrix, myself and Garver Engineering found a project to represent to the committee that would be seriously considered and qualify for this type of grant. We are bringing it before the council tonight for discussion.

**Ron Petrie, P.E.** - Being part of the council, you are familiar with the traffic in that area and obviously, there are some very important businesses that utilize that road on a local level. We also know that Dixieland extends all the way from the north all the way to Hwy. 62. From a regional standpoint, this is an alternative to I-540 when you are wanting to go locally so you are not having to get on a major thoroughfare. From a regional standpoint, it meets all the criteria and I think you understand why if we can extend that road to Apple Blossom, it creates another connection. Hopefully the road will continue south and will continue as a frontage road and will open up property for development. It also will provide that alternative route from I-540.

**Major objections to this project were:**

Springdale would probably not want to join this project.

Would rather extend Sixth Street.

Cost of \$90,000 for design money was more than they wanted to commit.

Was Bellview and Spring Creek looked at?

At this time, businesses have not located on existing Dixieland.

Route from Dixieland to Apple Blossom would put too much traffic onto Apple Blossom and it cannot carry a large amount of traffic.

Would prefer another route for Dixieland other than joining Apple Blossom, such as moving it farther west and using it as a frontage road.

Money could be used for other critical needs of the city.

Concern for push back from some property owners.

**Reasons for supporting extending Dixieland were:**

This project meets all criteria of the grant money.

80/20 grant money is money used for design, construction, etc. which the city will not have to spend.

Growth in this area supports need to make Dixieland a major arterial north/south corridor through Lowell.

Sewer is coming for Dixieland as this was approved two months ago.

We need frontage roads and should take advantage of this opportunity. Have the option to change the route.

This project makes it affordable to the city. If approved, the city would pay \$90,000 of the \$450,000.

Councilman Breland moved to make a motion to not approve the Resolution. However, a negative motion cannot be brought before the council, so he withdrew his motion.

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

**Motion: Dean Bitner**

**Second: Thomas Evers**

**Vote Aye: Evers, Bitner**

**Vote Nay: Stucki, Lasater, Schein**

**Vote Abstain: Breland**

**Motion to approve the Resolution as presented was not approved.**

Mayor asked for a five minute recess. Recess began 8:00PM and ended at 8:05PM.

**Motion was made to expunge vote on support of extension of Dixieland Road.**

**Motion: Dean Bitner**

**Second: Kendell Stucki**

**Vote Aye: Bitner**

**Vote Nay: Evers, Lasater, Schein, Stucki**

**Abstain: Breland**

**Motion to expunge vote on support of extension of Dixieland Road was not approved.**

Further discussion among the council determined:

**In support of this project:**

\$90,000 was a small amount to spend to support this project.

Future growth of Lowell stems from commercial, retail property and parallel to I-540 would be attractive to business.

We can determine the route it will take.

**Objections to this project:**

Consider Sixth Street because it would incur fewer expenses to build it.

Apple Blossom cannot take the traffic and Springdale may not improve this road any time soon.

We have not developed north Dixieland and should do so before developing it further south.

Property owner may not be willing to sell his land and if he does, it will be at a ridiculous price.

**6. RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A PURCHASE AGREEMENT FOR REAL PROPERTY LOCATED WITHIN THE CITY LIMITS OF LOWELL, ARKANSAS.**

Purpose is to purchase 1.38 acres for trailhead on Puppy Creek and Goad Springs Road.

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

**Motion: Dean Bitner**

**Second: Kendell Stucki**

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

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

**Resolution was assigned No. 13-24.**

**7. INTERVIEW ALDERMAN APPLICANTS FOR WARD 2, POSITION 2.**

Both applicants spoke before the council, answering questions posed by the councilmen.

**Motion was made to adjourn for executive session.**

**Motion: Janette Lasater**

**Second: Ronnie Breland**

**Voice Vote Aye: Unanimous**

**Voice Vote Nay: None**

**Motion to adjourn for executive session was approved.**

Recess for executive session to discuss alderman applicants began at 8:29PM and reconvened at 8:56PM.

**Motion was made to affirm appointment of Connor M. Jones for the vacant seat for Ward 2, Position 2 for remainder of term.**

**Motion: Dean Bitner**

**Second: Kendell Stucki**

**Voice Vote Aye: Unanimous**

**Voice Vote Nay: None**

**Motion to affirm appointment of Connor M. Jones as for the vacant seat for Ward 2, Position 2 for remainder of term was approved.**

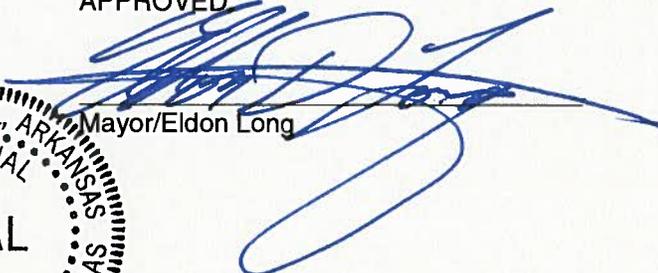
**8. COMMITTEE REPORTS: Ordinance Committee – Dean Bitner – Last meeting was September 30 and passed out a resolution to look at to bring Nationwide Retirement Services to the City of Lowell. Budget Committee - Next meeting will be November 5, 5:30PM, in Council Chambers for all department heads. Next budget meeting to approve budget on November 19<sup>th</sup> prior to council meeting at 5:30PM.**

**9. ANNOUNCEMENTS**

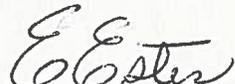
MudFest – October 26, 2013 – See Melanie to volunteer  
2014 AML Conference, January 29-31, 2013 at John Q. Hammons Center  
Salute to Veterans Past and Present – November 7, 12Noon – 2:00PM at Museum  
Museum Open House – December 20, 2014 – Breaking Silence Band – Refreshments  
Trunk or Treat – First Baptist Church – Halloween  
BCAlert Agreement – Our participation to be a member

**ADJOURNMENT:** Motion to adjourn was made by Councilman Schein and seconded by Councilman Bitner. There being no objections, the meeting adjourned at 9:13PM.

APPROVED:

  
Mayor/Eldon Long

ATTEST:

  
City Clerk/Elizabeth Estes



City of Lowell

Minutes of the Regular Council Meeting

October 15, 2013