

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

Mayor Long welcomed Carlos Chicas, Media Coordinator and Juan Sandoval, President, and players of the Manchester Soccer Team to the Lowell City Council Meeting.

CALL TO ORDER OF REGULAR COUNCIL MEETING: The Regular Meeting of the Lowell City Council was called to order at 6:34PM by **Mayor Long** at the Lowell Council Chambers.

INVOCATION: The Invocation was given by **Councilman Connor Jones**.

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, Connor Jones**. No one was absent. There was quorum. **Deputy Attorney Kieklak** was also present. A roster of all others in attendance is on file with these minutes.

Carlos Chicas, 3502 Stoney Point Road – Anything we can do to keep our children off the streets and playing in sports, everybody's going to win. We have a unique story here in the City of Lowell. I want to introduce you to the President of the Manchester Soccer Club, Mr. Juan Sandoval, along with a legend, a living legend, and the athletic director for the club. He has won nine national championships. He's the former Guatemalan National Men's Team; he played in four gold cups. In twenty years of being in soccer here in Northwest Arkansas, I've never seen anything like that. I had the privilege to play against him when I was 15 and that's how we met. I became a sports broadcaster and then I follow his career. Without me saying thank you so much and I want to turn it to Mr. Juan Sandoval.

Juan Sandoval, 1714 Cunningham Ave, Rogers – I'm glad to be here. I feel very comfortable and I want to thank you for allowing us to be here today. It is an honor for us to represent Lowell, Arkansas everywhere we go. Our team plays hard. Like Carlos mentioned they beat all the high ranking teams in Oklahoma and they win first place. We have a gift for the City of Lowell and we want to present that gift to the City of Lowell and it's the trophy that we brought from Tulsa. From the boys U-15, they win this trophy and they want to give it to the city mayor.

Mayor Long accepted the trophy on behalf of the City of Lowell.

Eric Schein – Mr. Mayor, there is one other thing. They did tell me they have a little bit of an issue with everything going on and with the time change they have a problem. They have about three weeks of practices. They have another awesome tournament, if I'm correct, another tournament coming up. This tournament is even more impressive than the one they were just at. This is a tournament where collegiate scouts are going to be at; and, they are trying to see if there is a way that they could use our baseball fields so they can use lights. I've been trying to jump through some hoops and find out who they need to contact. Kris, can you help them out with that? I would love to see them get that extra time Monday, Wednesday and Friday 6-8 o'clock. If we could get that taken care of, that would be awesome.

Mayor Long – We'll check into that tomorrow and see what we can do to help with that. Young men, I am really proud of your achievement. It's outstanding. Thank you for gracing us tonight with your presence and I couldn't be more proud of each of you. Let's give them one more round of applause. We'll give them a few minutes to leave and then we will reconvene.

CONSENT AGENDA:

**Lowell City Council Minutes Regular Meeting – October 15, 2013
Lowell City Council Minutes Special Meeting – October 22, 2013
Financial Statement – October, 2013**

Motion was made to approve Consent Agenda.

Motion: Janette Lasater

Second: Eric Schein

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to accept Consent Agenda was approved.

PUBLIC FORUM: No one spoke.

OLD BUSINESS: None.

NEW BUSINESS:

1. ORDINANCE AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR ON PREMISES CONSUMPTION PURSUANT TO ARKANSAS CODE ANN. 3-9-203 (AS AMENDED), AND FOR OTHER PURPOSES.

Councilman Bitner - Mr. Frank Jamison, Fastlane, spoke to the Ordinance Committee. They are asking to be allowed to receive liquor on premises, not talking about beer and wine, hard liquor. They want to be able to receive the liquor on the premises as opposed to current practice under current ordinance that requires them to go get it at the liquor distributor and transport it back to their location. The proposed ordinance will allow them to receive delivery of hard liquor at their facility. The ordinance is in line with what our sister cities around us have done. The Ordinance Committee unanimously recommended the ordinance be sent to the council for approval.

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

Motion: Keith Williams

Second: Eric Schein

Vote Aye: Schein, Bitner, Williams, Stucki, Evers, Jones

Vote Nay: Lasater, Breland

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 Ordinance as presented.

Motion: Eric Schein

Second: Kendell Stucki

Vote Aye: Williams, Schein, Stucki, Bitner, Jones, Evers

Vote Nay: Breland, Lasater

Motion to approve Ordinance as presented was approved.

Ordinance was assigned No. 940.

2. RESOLUTION ADOPTING THE 2014 BUDGET FOR THE CITY OF LOWELL, ARKANSAS.

Mayor Long - This budget meets all the measurable criteria for providing the citizens with a sound and solid responsible budget and I would strongly suggested the council's approval with a due pass recommendation in its current draft form with any necessary amendments. Copy of Mayor's remarks is included in City Council book.

Councilman Schein - His problem was with the fire station. NFPA 1710, Section 5333 - states the amount of time we have to respond to fire or medical situations, and he felt we were currently incapable of responding to the west side of town as quickly as we should. He didn't feel the current budget supported the fire station or men to work it. He submitted a proposed budget of his own that he believed would address the situation. He addressed the ISO rating and how it would increase the citizens' insurance rates if it were to change.

Discussion followed among the councilmen and Chief Morris concerning the proposed new fire station and when and how it could be built in the future. Councilman Dean Bitner addressed the response time and the fact that every city is dealing with the same compliance issues.

Chief Morris – I need to make sure everyone understands. The money that is going into the account every year for the fire station is not just what comes out of general fund, which you all are talking about roughly \$30,000 under the current setup. There's an additional average, correct me if I'm wrong sir, of about \$135,000/\$138,000 per year that does not come out of the general fund that goes into the fire department building fund and that is through impact fees that was passed by the council several years ago and also we have committed the Act 833 money for the past three years and will continue to do so and those two sums together about \$138,000 and that will continue to go whether you pass the budget or we change it or whatever we do. That money is designated to go directly to that project.

Recess began at 7:37PM and meeting reconvened at 7:52PM.

Mayor Long asked Jerry Hudlow to describe a bond and how the payments are collected and how the city might consider doing that in combining some of the other bonds we have in a package and how it would play out with the city's finances.

Jerry Hudlow – We currently have three issues that are out. One of them is a TIFF district and that is being funded through our property tax and it is a specialized district and the property tax in that district is paying for that particular bond. You also have a sewer bond that is being paid each month by those payments there, or the collection of funds there. You have a franchise fee bond. The franchise taxes, a portion of that is going to pay that bond. In my opinion, we probably should look at consolidating those three if we were to try to pass a bond for fire station. Consolidate those three and take that into consideration and run the numbers on it. The bond investment bankers can run those numbers very quickly, very easily, via a computer program. They can tell you how much you can bond with the revenue stream you have. If you wanted to consider something new such as a ¼ cent sales tax or something of that nature, they could run that number very quickly for us. That would be the direction I would recommend going.

Mayor Long – A ¼ of a penny would roughly, an approximate figure, generate approximately \$300,000 a year?

Jerry – Yes.

Councilman Schein - Where would that ¼ of a penny come from?

Jerry – Sales tax is really your best mechanism.

Councilman Schein – So you are saying increasing sales tax?

Jerry – That would be your best mechanism, yes sir.

Councilman Schein – So, what you are suggesting is that we increase the taxes to pay for something that as I've pretty much already put out here could just about be paid for with the taxes we are currently being paid.

Jerry – Any bond issue would have to go before the voters. So, the voters would decide whether they would want to increase it or not.

Councilman Schein – I understand that. But, I'm just saying what we propose is supposed to be a feasible, responsible suggestion to our voters before we get there. If we are able to provide for this before we get there, then we don't need to ask for more sales tax.

Jerry – That's up to the council. That's not up to me.

Councilwoman Lasater – I've heard several people say they are not for the 4% across the board. My question to you is why did you say okay to the budget at the work session if you weren't okay with the 4%? I would like to propose, and I'll do it in the form of a motion if you want, but I would like to propose that this go back to the cutting board, the budget go back with these things that Eric has suggested in mind, with Jerry running the actual figures for bonds so we are not talking so hypothetically, but go back and come back with another budget that takes these things into consideration.

Councilman Stucki – There was four of votes yes for 4%; you were absent, that left three of us that didn't vote. So the majority won. That's the way it is.

Councilman Bitner – That's why it came forward to council.

Objections to the proposed budget were:

- 4% increase across the board to all employees is too much; should not be more than 1.5%.
- Not putting money in reserve for new fire station.
- Raises for police and fire employees to make their starting salaries competitive with other cities.
- All of the money was being spent instead of putting some into reserves to cover future bond payments (\$180,000/year) should the voters agree to a bond issue to build the fire station.
- Distribution of monies was an issue.
- Would rather give small raises each year than to give one big raise this year.
- Recommended sending the budget back to committee for changes.

Reasons for supporting approving the budget:

- Increased business activity in Lowell will provide increased income for budget.
- We don't have the property for the fire station yet.
- We don't have the SAFER Grant yet.
- 4% is appropriate raise for all employees across the board.
- General Fund capital improvements include adding police officers, patrol vehicles, additional street department vehicle; additional storm warning system; additional step system tractor.
- Suggested bond issue could be put before the citizens to fund the new fire station and firemen.
- Could ask voters to support ¼ cent tax increase.

Councilman Williams made a motion and withdrew it in favor of Councilman Stucki's motion to pass the resolution.

Motion was made to approve Resolution as presented.

Motion: Kendell Stucki

Second: Dean Bitner

Vote Aye: Williams, Bitner

Vote Nay: Evers, Stucki, Jones, Lasater, Breland, Schein

Motion to approve Resolution as presented was not approved.

Budget Committee will reconvene the next workshop on November 26, 2013 at 5:30PM.

3. RESOLUTION APPROPRIATING FUNDING FOR PURCHASE OF POLICE VEHICLE FOR THE LOWELL POLICE DEPARTMENT.

Chief Harvey reported a police vehicle was involved in an accident on September 29, 2013 on McClure and Oak. The insurance company totaled the vehicle and the department needs to purchase a new vehicle.

Motion was made to approve the Resolution as presented.

Motion: Janette Lasater

Second: Eric Schein

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

Vote Nay: None

Motion to approve the Resolution as presented was approved.

Resolution was assigned No. 13-26.

4. CITY PROJECTS AND UPDATES:

Mudfest Recap – Successful and everyone who attended had a great time.

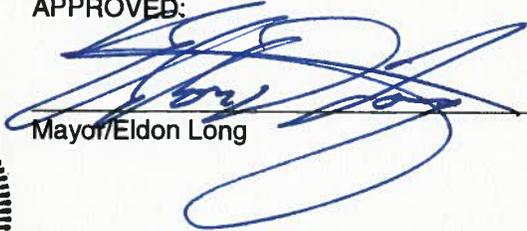
5. COMMITTEE REPORTS: Ordinance Committee – Dean Bitner – Last meeting they talked about 457 and 401Ks offered through Nation Wide. He wants the city to talk about a Prepared Food and Hotel/Motel tax. Next meeting will be after the first of the year. Councilman Evers asked the committee to consider the topics of paving for parking lots and signage.

6. ANNOUNCEMENTS

2014 AML Conference, January 29-31, 2013 at John Q. Hammons Center
Employee Christmas Party – December 12th – RSVP to Melanie

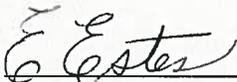
ADJOURNMENT: Motion to adjourn was made by Councilman Bitner and second was made by Councilman Stucki. There being no objections, the meeting adjourned at 8:26PM.

APPROVED:



Mayor/Eldon Long

ATTEST:



City Clerk/Elizabeth Ester



City of Lowell

Minutes of the Regular Council Meeting

November 19, 2013