

**LOWELL CITY COUNCIL MINUTES  
REGULAR COUNCIL MEETING  
August 21, 2018 - 6:30PM**

**CALL TO ORDER OF REGULAR COUNCIL MEETING:** The Regular Meeting of the Lowell City Council was called to order at 6:31PM by **Mayor Long** at the Lowell Council Chambers.

**INVOCATION:** The Invocation was given by Jacque Eakins.

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

**ROLL CALL:** **Mayor Long** asked for roll call. Thomas Evers and City Clerk, Liz Estes were not present. Deputy City Clerk, Kris Sullivan made a verbal roll call. Council Members present were **Kendell Stucki, Linda Vannoy, Lonnie Jones, Todd Fenix, David Adams and Dean Bitner. 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 – July 17, 2018  
Financial Statement – June 2018**

**Motion made to accept the Consent Agenda.**

**Motion:** Dean Bitner

**Second:** Kendell Stucki

**Voice Vote Aye:** Unanimous

**Voice Vote Nay:** None

**Motion to accept Consent Agenda approved**

**PUBLIC FORUM:** Open: 6:37PM Close: 6:37PM

None.

**PROCLAMATION:** ELZA R. TUCKER DAY, JULY 13<sup>th</sup>.

Mayor Long read aloud the Proclamation declaring July 13<sup>th</sup> Elza R. Tucker day each year.

**PRESENTATION OF ORDINANCES AND RESOLUTIONS**

**PROCEDURAL MOTION TO SUSPEND THE RULE AND READ ALL ORDINANCES ONE TIME BY TITLE ONLY.**

**Motion made to suspend the rule and to read ordinances one time by title only.**

**Motion:** Kendell Stucki

**Second:** Dean Bitner

**Vote Aye:** Bitner, Fenix, Jones, Stucki, Vannoy, Adams

**Vote Nay:** None

**Motion to suspend the rule and to read ordinances one time by title only approved.**

**TABLED:** Resolutions remained tabled.

**RESOLUTION ACCEPTING THE BLACK HILLS ENERGY UTILITY WORK AGREEMENT  
APPROPRIATING FUNDING FOR ON-GOING PROJECTS FROM THE GENERAL FUND  
RESERVES DURING THE FISCAL YEAR OF 2018.**

Finance Director Hudlow requests the assistance from City Attorney Kieklak to find some resolution to this matter. Alderwoman Vannoy makes a motion to remove this tabled item from the agenda and direct City Attorney to address this issue.

Motion made to remove this tabled Resolution from the agenda.

Motion: Linda Vannoy

Second: Dean Bitner

Vote Aye: Fenix, Bitner, Stucki, Vannoy, Jones, Adams

Vote Nay: None.

Motion approved. This tabled item will be removed from future agendas.

OLD BUSINESS: None.

NEW BUSINESS:

**1. ORDINANCE AMENDING THE CITY OF LOWELL CODE OF ORDINANCES, SECTION 16-59, BY REZONING CERTAIN LANDS FROM RETAIL OFFICE (RO) TO COMMERCIAL (C).**

Kris Sullivan presented the .89-acre retail-office parcel, located at 909 McClure Avenue, for the commercial rezone request. This rezone was approved by the Planning Commission on August 6, 2018.

Motion made to approve Ordinance as presented.

Motion: Dean Bitner

Second: David Adams

Vote Aye: Fenix, Bitner, Stucki, Vannoy, Jones, Adams

Vote Nay: None.

Motion to approve Ordinance was approved.

Deputy City Clerk read Ordinance by title only.

Ordinance assigned No. 1018.

**2. ORDINANCE – TO ESTABLISH CERTAIN STANDARDS FOR SMALL WIRELESS FACILITIES TO BE PLACED IN THE CITY RIGHTS-OF-WAY IN THE CITY OF LOWELL, ARKANSAS; AND FOR OTHER PURPOSES.**

City Attorney explains the purpose of the ordinance, smaller facilities trying to serve smaller areas. AT&T and Cox representatives are present to address questions. Literature was distributed and is attached to these Minutes.

Motion to approve Ordinance as presented.

Motion: Dean Bitner

Second: David Adams

Vote Aye: Fenix, Adams, Vannoy, Bitner, Stucki, Jones

Vote Nay: None

Motion to approve Ordinance as presented approved.

Deputy City Clerk read Ordinance by title only.

Ordinance assigned No. 1019.

**3. RESOLUTION APPROPRIATING FUNDING FOR CROSS CREEK SEWER IMPROVEMENT PROJECT FROM THE STEP SYSTEM RESERVES DURING THE FISCAL YEAR OF 2018.**

Finance Director Hudlow explains that this is a housekeeping item and he simply wishes to move these funds to an existing account to prevent the need to order checks and other such fees.

Motion to approve Resolution as presented.

Motion: Dean Bitner

Second: David Adams

Vote Aye: Fenix, Bitner, Jones, Vannoy, Stucki, Adams

Vote Nay: None

Motion to approve Resolution as presented approved.

Resolution assigned No.18-25.

**4. RESOLUTION APPROPRIATING FUNDING FOR ON-GOING PROJECTS FROM THE GENERAL FUND RESERVES DURING THE FISCAL YEAR OF 2018. (KJMP WATER & SEWER LINE PROJECT).**

Finance Director Hudlow explains that this is a housekeeping item. A contract for the KJMP water & sewer line project was approved by Resolution 18-23 at the last City Council meeting. This is to appropriate the funding.

**Motion to approve Resolution as presented.**

**Motion: Kendell Stucki**

**Second: David Adams**

**Vote Aye: Fenix, Adams, Jones, Bitner, Stucki**

**Vote Nay: Vannoy**

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

**Resolution assigned No.18-26.**

**5. RESOLUTION APPROPRIATING FUNDING FOR ON-GOING PROJECTS FROM THE GENERAL FUND RESERVES DURING THE FISCAL YEAR OF 2018. (FIRE STATION PROJECT).**

Finance Director Hudlow explains that this is a housekeeping item. This money is already spent. The account has already been appropriated and received on the revenue side but was not appropriated on the expenditure side.

**Motion to approve Resolution as presented.**

**Motion: Dean Bitner**

**Second: Kendell Stucki**

**Vote Aye: Fenix, Adams, Jones, Bitner, Stucki, Vannoy**

**Vote Nay: None**

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

**Resolution assigned No.18-27.**

**6. RESOLUTION APPROPRIATING FUNDING FOR ON-GOING PROJECTS FROM THE GENERAL FUND RESERVES DURING THE FISCAL YEAR OF 2018. (KJMP TRAILS).**

This resolution is to pave the half-mile gravel trail at the KJMP property.

**Motion to approve Resolution as presented.**

**Motion: Dean Bitner**

**Second: Todd Fenix**

**Vote Aye: Fenix, Adams, Jones, Bitner, Stucki**

**Vote Nay: Vannoy**

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

**Resolution assigned No.18-28.**

**7. RESOLUTION TO APPROVE AND AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF LOWELL, LOCATED NEAR WEST MONROE, LOWELL, ARKANSAS.**

Mayor Long expresses his request for approval to place this property on the market for sale. We have no appraisal. This property was purchased for \$194,275.64 by the City. Any offers will be back before the Council for approval.

**Motion to approve Resolution with the Stipulation we don't take a loss .**

**Motion: Kendell Stucki**

**Second: David Adams**

**Vote Aye: Fenix, Adams, Jones, Bitner, Stucki, Vannoy**

**Vote Nay: None**

**Motion to approve Resolution with the Stipulation we don't take a loss.**

**Resolution assigned No.18-29.**

**8. RESOLUTION DECLARING SURPLUS EQUIPMENT AND PRESCRIBING THE METHOD OF SELLING THE EQUIPMENT**

Fire Chief Morris discusses items on list to be declared as surplus. He removes the side by side refrigerator.

**Motion to approve Resolution as presented.**

**Motion:** Dean Bitner

**Second:** Kendell Stucki

**Vote Aye:** Fenix, Adams, Jones, Bitner, Stucki, Vannoy

**Vote Nay:** None

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

**Resolution assigned No.18-30.**

**9. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN OFFER AND ACCEPTANCE LETTER BY AND BETWEEN THE CITY OF LOWELL AND JEFERY AND DOMINICA FLEMING FOR THE SALE OF CERTAIN PROPERTY KNOWN AS THE LP DAVIS SITE**

Accurate appraisal \$62,000.00. Offer price is \$49,000.00. The sale of this property is earmarked to go to the Museum, however it can't go to the 501(c)3.

**Motion to approve Resolution as presented.**

**Motion:** Linda Vannoy

**Second:** Kendell Stucki

**Vote Aye:** Fenix, Adams, Jones, Bitner, Stucki, Vannoy

**Vote Nay:** None

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

**Resolution assigned No.18-31.**

**10. SHAWN CHENEY, ALDERMAN FOR WARD 2 POSITION 2 IS MOVING OUT OF STATE. THEREFORE, THE WARD 2 POSITION 2 SEAT IS NOW VACANT.**

**Motion to accept the resignation of Shawn Cheney was presented.**

**Motion:** Todd Fenix

**Second:** Linda Vannoy

**Vote Aye:** Fenix, Adams, Jones, Bitner, Stucki, Vannoy

**Vote Nay:** None

**Motion to accept resignation as presented approved.**

Vacancy will be declared at September Council meeting. Alderwoman Vannoy makes motion to direct Mayor Long to extend invitation to newly elected (effective January 2019) Eric Schein, Ward 2, Position 2 to replace Shawn Cheney beginning at the next meeting. He will be appointed by Council vote.

**Motion to extend invitation for early seat was presented.**

**Motion:** Linda Vannoy

**Second:** Todd Fenix

**Vote Aye:** Fenix, Adams, Jones, Bitner, Stucki, Vannoy

**Vote Nay:** None

**Motion to extend invitation for early seat was approved.**

**COMMITTEE REPORTS:**

KJMP Steering Committee 7/26/18. Meeting notes are attached.

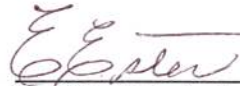
Ordinance Committee. A meeting was scheduled for the Ordinance Committee to discuss unlicensed, uninsured vehicles which are pulled over to be impounded immediately. Also would like to discuss the need for a City impound yard. 1932 unserved warrants are currently on the books. Meeting is scheduled for **September 10 at 6:00pm.**

**ANNOUNCEMENTS:**

1. Sewer Audit was given a qualified opinion. The City Council reviewed the findings. No recommendations at this time.
2. Fire Department, Open House/Dedication Ceremony, September 27<sup>th</sup> from 2-4pm.
3. A & P Commission is meeting at the Grove, August 28<sup>th</sup> @ 6pm.
4. September 15, First Responders Day 6-10p.

**ADJOURNMENT:** Motion to adjourn; motion by Dean Bitner and second by David Adams. There being no objections, the meeting adjourned at 7:58PM.

ATTEST:



City Clerk/Elizabeth Estes



APPROVED:



Mayor/Eldon Long