

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 18, 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 **Liz Estes, City Clerk** at the Lowell Council Chambers.

Motion was made to seat Dean Bitner as Mayor Pro-Temp, for this meeting.

Motion: David Adams

Second: Tomas Evers

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to seat Dean Bitner as Mayor Pro-Temp for this meeting approved.

INVOCATION: The Invocation was given by Jacque Eakins, Chaplain.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Dean Bitner, Mayor Pro-Temp.

Mayor Pro-Temp welcomed Eric Schein as a Ward 2, Position 2 councilman.

ROLL CALL: Mayor Long was absent, Dean Bitner, appointed Mayor Pro-Temp, asked for roll call. City Clerk made a verbal roll call. Council Members present were **Thomas Evers, Eric Schein, Kendell Stucki, Linda Vannoy, Lonnie Jones, Todd Fenix, David Adams and Dean Bitner. Deputy Attorney Kieklak was present, also.** There was a quorum. A roster of all others in attendance is on file with these minutes.

Mayor Pro-Temp announced Mayor Long was absent due to the death of his mother and asked everyone to keep him and his family in their prayers at this time.

CONSENT AGENDA:

Lowell City Council Minutes Regular Meeting - August 21, 2018

Financial Statement – August 2018

Motion made to accept the Consent Agenda with correction of adding Thomas Evers as absent from August 21, 2018 meeting.

Motion: Kendell Stucki

Second: David Adams

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to accept Consent Agenda with correction of adding Thomas Evers as absent from August 21, 2018 meeting approved

PUBLIC FORUM: Open: 6:35PM Close: 6:39PM

Jeff Fleming, 610 Solstice Ave., wanted to purchase 424 McClure (formerly L P Davis Property) but felt the property wasn't ready to be sold due to questions about the size of the lot and how terms of his pre-approved loan might be affected. He asked the city to work it out and for the council to grant the mayor to do negotiations until a settlement is reached. He also asked that easement lines be redrawn. Dean Bitner advised the mayor could negotiate but the property could only be sold by an Ordinance approved by the city council.

RESOLUTION NO. 6, AMENDED COPY, WAS ACCEPTED BY THE COUNCIL TO REPLACE THE RESOLUTION SENT OUT IN THEIR PACKETS.

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: Eric Schein

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

Vote Nay: None

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

OLD BUSINESS: None.

NEW BUSINESS:

1. ORDINANCE AMENDING ORDINANCE NO. 1016 ESTABLISHING PARKING RESTRICTIONS AND AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF LOWELL, ARKANSAS.

Ray Saldivar, 800 Grandy Place, Cambridge Subdivision, wanted to know how ordinance would be enforced if signage has not been installed. He was concerned about people parking in front of his house and leaving oil stains on the road. Chief Morris explained parking would be permitted on one side of any street that is 20' width or greater. This ordinance was amending Ordinance No. 1016 and the word "width" was added for clarity. As to when residents would know when to stop parking before Stop Signs, state laws apply to distances from Stop Signs.

Motion made to approve Ordinance as presented.

Motion: Kendell Stucki

Second: David Adams

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

Vote Nay: None

Motion to approve Ordinance was approved.

Resolution was assigned No. 1020.

2. ORDINANCE TO VACATE A TWENTY (20) FOOT WIDE UTILITY EASEMENT LOCATED AT 302 N. BLOOMINGTON WITHIN THE CITY OF LOWELL, ARKANSAS.

Speedy Splash Car Wash will be built on this property. The utility easement may be abandoned because the City of Lowell concluded it is no longer needed for city purposes and Springdale Water Utilities has approved this action also.

Motion made to approve Ordinance as presented.

Motion: David Adams

Second: Kendell Stucki

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

Vote Nay: None

Motion to approve Ordinance was approved.

City Clerk read Ordinance by title only.

Ordinance assigned No. 1021.

3. RESOLUTION TO APPROVE AND AUTHORIZE A LEASE OF A PORTION OF KATHLEEN JOHNSON MEMORIAL PARK FOR THE DEVELOPMENT OF A SPACE CENTER AND TELESCOPE OBSERVATORY IN THE CITY OF LOWELL, ARKANSAS.

City Attorney advised the lease was in draft form and had been approved by the KJMP Steering Committee. The mayor can execute the lease; but any substantial changes would have to come back to the city council for approval.

Motion to approve Resolution as presented.

Motion: Kendell Stucki

Second: Thomas Evers

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

Vote Nay: None

Motion to approve Resolution as presented approved.

Resolution assigned No. 18-32.

4. RESOLUTION TO APPROVE AND AUTHORIZE A LEASE OF A PORTION OF KATHLEEN JOHNSON MEMORIAL PARK FOR THE DEVELOPMENT OF A CONNECTION AND GROWTH CENTER IN THE CITY OF LOWELL, ARKANSAS.

City Attorney advised the lease was in draft form and had been approved by the KJMP Steering Committee. The mayor can execute the lease; but any substantial changes would have to come back to the city council for approval.

Motion to approve Resolution as presented.

Motion: Kendell Stucki

Second: David Adams

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

Vote Nay: None

Motion to approve Resolution as presented approved.

Resolution assigned No. 18-33.

5. RESOLUTION AUTHORIZING THE RATE OF PROPERTY TAX FOR THE CITY OF LOWELL, ARKANSAS FOR THE YEAR 2018 TO BE COLLECTED IN 2019.

This resolution is a housekeeping item. It is passed each year and is the same as it was last year with no increase in taxes.

Motion to approve Resolution as presented.

Motion: Linda Vannoy

Second: Kendell Stucki

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

Vote Nay: None

Motion to approve Resolution as presented approved.

Resolution assigned No. 18-34.

6. 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.

Black Hills Energy will provide natural gas utility service at the new fire station on Bellview Road. Agreement was reached to split overrun cost (\$32,064.00) down the middle, saving \$15,532.00.

Motion to approve Resolution as amended.

Motion: Kendell Stucki

Second: David Adams

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

Vote Nay: None

Motion to approve Resolution as amended approved.

Resolution assigned No. 18-35.

7. RESOLUTION APPROPRIATING FUNDING FOR ON-GOING PROJECTS FROM THE GENERAL FUND RESERVES DURING THE FISCAL YEAR OF 2018.

Appropriations will finish six new kennels for the City of Lowell Animal Services Department.

Motion to approve Resolution as presented.

Motion: Kendell Stucki

Second: David Adams

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

Vote Nay: None

Motion to approve Resolution as presented approved.

Resolution assigned No. 18-36.

8. RESOLUTION DECLARING CERTAIN FIRE DEPARTMENT RADIO EQUIPMENT AS SURPLUS AND PRESCRIBING THE METHOD OF SELLING THE EQUIPMENT.

Equipment is no longer of use to the city and should be sold as surplus property.

Motion to approve Resolution as presented.

Motion: David Adams

Second: Linda Vannoy

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

Vote Nay: None

Motion to approve Resolution as presented approved.

Resolution assigned No. 18-37.

9. RESOLUTION TO APPROVE AN AGREEMENT TO PROVIDE EMERGENCY SERVICES TO THE CITY OF BETHEL HEIGHTS AND TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT TO DO SO.

After discussion, it was suggested this item be tabled for further review until October 16, 2018 meeting.

Motion to table Resolution No. 9 until October 16, 2018 meeting.

Motion: Kendell Stucki

Second: Todd Fenix

Vote Aye: Vannoy, Stucki, Bitner, Fenix

Vote Nay: Schein, Evers, Adams, Jones

Motion to table Resolution No. 9 until October 16, 2018 meeting failed.

Current contract with Bethel Heights expires end of 2018 and the new contract is a non-renewing contract.

Motion to approve Resolution as presented.

Motion: Eric Schein

Second: David Adams

Vote Aye: Adams, Vannoy, Jones, Evers, Bitner, Schein, Stucki

Vote Nay: Fenix

Motion to approve Resolution as presented approved.

Resolution assigned No. 18-38.

10. RESOLUTION TO APPROVE AN AGREEMENT TO PROVIDE AMBULANCE SERVICE TO THE CITY OF BETHEL HEIGHTS AND TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT TO DO SO.

Several alternative ideas were presented in reaching a decision on this resolution. It was suggested this contract be amended to a six-month contract. A second suggestion was to send a letter with our intentions. Instead councilmen agreed to amend ambulance agreement to expire January 31, 2020 to mirror fire protection agreement.

Motion to amend Resolution No. 10.

Motion: Kendell Stucki

Second: Todd Fenix

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to Amend Resolution No. 10 passed.

Motion to approve Resolution No. 10 as amended.

Motion: Eric Schein

Second: Kendell Stucki

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

Vote Nay: None

Motion to approve Resolution No. 10 as amended passed.

Resolution assigned No. 18-39.

COMMITTEE REPORTS:

1. KJMP Steering Committee met August 30, 2018; meeting notes attached.
2. Ordinance Committee met September 10, 2018; meeting notes attached.

ANNOUNCEMENTS:

1. Job Fair – Harps will hold job fair at city hall October 27th.
2. U of A Heritage Park Project – December 6th commissioners and councilmen were invited to preview results of the students' work on this project.
3. Back-To-School Event – Lowell Historical Museum invited everyone to this event on September 20th, 5:30pm-7:30pm in the museum's backyard.
4. Fire Department's Open House – September 27th, 2:00pm-4:00pm.
5. Coca-Cola Ribbon Cutting September 10th and \$1,000.00 donation was made to the Lowell Historical Museum.

ADJOURNMENT: Motion to adjourn; motion by Todd Fenix and second by Kendell Stucki. There being no objections, the meeting adjourned at 7:40PM.

ATTEST:



City Clerk/Elizabeth Estes



APPROVED:



Mayor Pro-Temp/Dean Bitner

