

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
JUNE 18, 2019 - 6:30PM**

INVOCATION: The Invocation was given by Richard Stone.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Chris Moore.

CALL TO ORDER OF REGULAR COUNCIL MEETING: The Regular Meeting of the Lowell City Council was called to order at 6:32PM by **Mayor Chris Moore** at the Lowell Council Chambers.

ROLL CALL: Mayor Moore asked the City Clerk for a verbal roll call. Council Members present were **Todd Fenix, Linda Vannoy, David Adams, Chasity Taylor, Dean Bitner and Thomas Evers, Eric Schein and Lisa DeGifford.** 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 – May 21, 2019
Financial Statement – May 2019**

Motion made to approve the Consent Agenda.

Motion: Eric Schein

Second: David Adams

Vote Aye: DeGifford, Taylor, Fenix, Bitner, Schein, Vannoy, Evers, Adams

Vote Nay: None

Motion to approve Consent Agenda approved.

Motion to amend the Agenda and add (1) corrected RESOLUTION AUTHORIZING THE MAYOR AND THE CITY CLERK OF THE CITY OF LOWELL, ARKANSAS TO ACCEPT A BID FROM AND ENTER INTO CONTRACT WITH J. JOHNSON CONSTRUCTION CO. INC. FOR THE CONSTRUCTION OF NORTH GOAD SPRINGS ROAD IMPROVEMENTS, PHASE I; (2) corrected ORDINANCE AMENDING SECTION 6-74: KEEPING OF LIVESTOCK PROHIBITED OF CHAPTER 6: ANIMALS OF THE LOWELL MUNICIPAL CODE IN ORDER TO REGULATE THE KEEPING OF AND CARE OF AGRICULTURAL ANIMALS WITHIN THE CITY OF LOWELL, ARKANSAS AND FOR OTHER PURPOSES; and (3) a presentation by Kenwood Smith Two Way Radio, Inc.

Motion: Dean Bitner

Second: Todd Fenix

Vote Aye: Adams, Evers, Fenix, Shei, DeGifford, Bitner, Taylor, Vannoy

Vote Nay: None

Motion to amend the Agenda and add (1) corrected RESOLUTION AUTHORIZING THE MAYOR AND THE CITY CLERK OF THE CITY OF LOWELL, ARKANSAS TO ACCEPT A BID FROM AND ENTER INTO CONTRACT WITH J. JOHNSON CONSTRUCTION CO. INC. FOR THE CONSTRUCTION OF NORTH GOAD SPRINGS ROAD IMPROVEMENTS, PHASE I; (2) corrected ORDINANCE AMENDING SECTION 6-74: KEEPING OF LIVESTOCK PROHIBITED OF CHAPTER 6: ANIMALS OF THE LOWELL MUNICIPAL CODE IN ORDER TO REGULATE THE KEEPING OF AND CARE OF AGRICULTURAL ANIMALS WITHIN THE CITY OF LOWELL, ARKANSAS AND FOR OTHER PURPOSES; and (3) a presentation by Kenwood Smith Two Way Radio, Inc. passed.

PRESENTATIONS:

Chief Pete Melnicki recognized Kevin Center who completed his Rookie Training and Louis Vega who has joined the Fire Department.

Mayor Moore introduced Grant Hodges as the new Economic Development Director.

Terry Griffin, Tony Hagin and Rob Kenwood presented information about their two-way radios. Their presentation is included in the City Council minutes book. After discussion between them and the councilmen, it was decided to let the Fire Chief and Police Chief examine the equipment as well as radio equipment presented by Motorola at the last meeting. The two chiefs will bring their recommendation to the council at the next meeting.

PUBLIC FORUM: Open: 6:34PM Close: 6:35PM

PROCEDURAL MOTION TO DISPENSE WITH THE RULE AND READ ALL ORDINANCES ONE TIME BY TITLE ONLY.

Motion to approve Procedural Motion.

Motion: Linda Vannoy

Second: David Adams

Vote Aye: Fenix, Adams, Vannoy, Taylor, Evers, Bitner, DeGifford, Schein

Vote Nay: None

Motion to approve Procedural Motion approved.

TABLED ITEM: RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PROPOSAL BY AND BETWEEN THE CITY OF LOWELL AND MOTOROLA SOLUTIONS, INC. FOR THE PURPOSE OF UPDATING DISPATCH HARDWARE, SOFTWARE AND SERVICES FOR THE LOWELL POLICE DEPARTMENT.

Resolution will remain tabled until more information is gathered and brought before the council at a future meeting.

OLD BUSINESS: None.

NEW BUSINESS:

1. ORDINANCE TO WAIVE SEWER LINE CONSTRUCTION COST RECOVERY FEE FOR THE CHRISTIE CREEK SANITARY SEWER EXTENSION.

City Council has determined that an opportunity to promote economic development has arisen that justifies the waiver of the fee, specifically, the opportunity to increase economic viability on property along Lowell's main, gateway corridor, at 701 South Bloomington Road. The potentially valuable development would be an asset to the citizens, meet the purpose of economic development and meet the spirit and purpose of the construction of the Christie Creek sewer trunk line, which was to encourage commercial projects in this area.

Motion made to approve Ordinance as presented.

Motion: David Adams

Second: Lisa DeGifford

Vote Aye: Evers, Bitner, Vannoy, Taylor, Fenix, Schein, DeGifford

Vote Nay: Adams

Motion to approve Ordinance was approved.

City Clerk read the Ordinance by title only.

Ordinance assigned No. 1035.

2. ORDINANCE AMENDING THE CITY OF LOWELL CODE OF ORDINANCES SECTION 16-59, BY REZONING CERTAIN LANDS FROM SINGLE FAMILY RESIDENTIAL 10,000 SQUARE FOOT LOTS (R-D) TO SINGLE FAMILY RESIDENTIAL 8,000 SQUARE FOOT LOTS (R-E).

A public hearing was held by the Planning Commission June 11, 2019. Commissioners unanimously supported the ordinance and recommended it to the City Council for approval

Motion made to approve Ordinance as presented.

Motion: Dean Bitner

Second: David Adams

Vote Aye: Taylor, Adams, Vannoy, Evers, Bitner, DeGifford, Schein, Fenix

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read Ordinance by title only.

Ordinance assigned No. 1036.

3. ORDINANCE AMENDING SECTION 6-74 KEEPING OF LIVESTOCK PROHIBITED OF CHAPTER 6: ANIMALS OF THE LOWELL MUNICIPAL CODE IN ORDER TO REGULATE THE KEEPING OF AND CARE OF AGRICULTURAL ANIMALS WITHIN THE CITY OF LOWELL, ARKANSAS AND FOR OTHER PRUPOSES. (EMERGENCY CLAUSE INCLUDED)

A public hearing was held at the June 11, 2019 Planning Commission Meeting. Commissioners recommended a minimum of six hens be allowed per single family dwelling and a tiered system would be as follows: Zones C, D & E would be allowed six hens; Zone B would be allowed eight hens and Zone A would be allowed ten hens with an additional five hens for an additional one-half to one acre. A maximum of 15 chickens would be allowed in Zone A. A permit would be required to keep chickens and Animal Services would issue the permits. Commissioners recommended approval of the Ordinance to the City Council at their next meeting.

Motion made to adopt Ordinance as presented.

Motion: Linda Vannoy

Second: Lisa DeGifford

Vote Aye: Fenix, Adams, Vannoy, Taylor, Bitner, Schein, DeGifford

Vote Nay: Evers

Motion to adopt Ordinance as presented was approved.

City Clerk read Ordinance by title only.

Ordinance assigned No. 1037.

Motion to accept the Emergency Clause.

Motion: Lind Vannoy

Second: David Adams

Vote Aye: Taylor, Vannoy, Adams, Biter, DeGifford, Schein

Vote Nay: Fenix, Evers

Motion to accept the Emergency Clause passed.

4. RESOLUTION AUTHORIZING THE MAYOR AND THE CITY CLERK OF THE CITY OF LOWELL, ARKANSAS TO ACCEPT A BID FROM AND ENTER INTO CONTRACT WITH EMERY SAPP & SONS FOR THE CONSTRUCTION OF THE SOUTH DIXIELAND EXTENSION.

On October 22, 2013 the City Council approved a resolution to support the extension of South Dixieland Road and agreed to participate in the Surface Transportation Program (STP-A) to receive grant funding for the extension of Dixieland Road in Lowell. On April 22, 2019 bids were received and opened. The lowest bid was submitted by Emery Sapp & Sons, Inc. for \$4,748,469.10.

Motion to approve Resolution as presented.

Motion: David Adams

Second: Lisa DeGifford

Vote Aye: Evers, Adams, Vannoy, DeGifford, Bitner, Schein, Taylor, Fenix

Vote Nay: None

Motion to approve Resolution was approved.

Resolution was assigned No. 19-26.

5. RESOLUTION AUTHORIZING THE MAYOR AND THE CITY CLERK OF THE CITY OF LOWELL, ARKANSAS TO ACCEPT A BID FROM AND ENTER INTO CONTRACT WITH J. JOHNSON

CONSTRUCTION CO. INC. FOR THE CONSTRUCTION OF NORTH GOAD SPRINGS ROAD IMPROVEMENTS, PHASE I.

On May 20, 2019 bids were received and opened from contractors who wanted to do the construction of the North Goad Springs Road Improvements, Phase I. The lowest and best bid was submitted and awarded to J. Johnson Construction Company, Inc. for \$1,970,805.00.

Motion made to approve Resolution.

Motion: Dean Bitner

Second: Chasity Taylor

Vote Aye: Fenix, Evers, Adams, Schein, Vannoy, Bitner, Taylor, DeGifford

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 19-27.

6. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PROPOSAL BY AND BETWEEN THE CITY OF LOWELL AND HUTCHENS CONSTRUCTION FOR THE PURPOSE OF PERFORMING ROAD WORK AT VARIOUS LOCATIONS WITHIN THE CITY OF LOWELL, ARKANSAS.

On May 21, 2019, bids were received and opened for overlay, onyx seal and asphalt at various locations within the City of Lowell, Arkansas. Hutchens Construction was awarded the bid. Road repair is in the best interest of the City of Lowell and crucial for the continued growth and safety of the citizens of Lowell, Arkansas.

Motion made to approve Resolution.

Motion: Dean Bitner

Second: David Adams

Vote Aye: Bitner, Fenix, Vannoy, Taylor, Evers, Adams, Schein, DeGifford

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 19-28.

7. RESOLUTION TO ADOPT AND APPROVE AMENDMENT TO THE 2019 ADVERTISING AND PROMOTIONS BUDGET FOR THE CITY OF LOWELL, ARKANSAS.

There is an immediate need to amend the 2019 A & P Budget in order to reconcile the actual expenditures and receipts with the 2019 budget predictions for on-going projects. The approval of this amended budget is in the best interest of the citizens of Lowell, Arkansas.

Motion made to approve Resolution.

Motion: Todd Fenix

Second: Linda Vannoy

Vote Aye: Adams, Vannoy, Taylor, Fenix, Bitner

Vote Nay: Schein, DeGifford, Evers

Motion to approve Resolution approved.

Resolution assigned No. 19-29.

8. APPOINTMENTS TO THE PLANNING COMMISSION:

Carla Butler and Frank Mocivnik were reappointed to the Planning Commission effective June 2019.

Motion to approve appointments to Planning Commission.

Motion: Dean Bitner

Second: Todd Fenix

Voice Vote Aye: Vannoy, Schein, Evers, DeGifford, Adams, Bitner, Taylor, Fenix

Voice Vote Nay: None

Motion to approve appointments approved.

DISCUSSION: PUPPY CREEK PLACE ROAD IMPROVEMENTS

Mayor Moore opened the discussion about an agreement made by the previous mayor and planning development director to provide a 30' road with water and sewer on property in Puppy Creek. The plan was not brought before the City Council for approval. Three options for councilmen to consider are: not honoring the agreement; approve the road or allow Mr. Fowler to put a billboard on this property. More details will be provided to the councilmen who will take this report under advisement and determine what the appropriate decision should be at the next council meeting.

COMMITTEE REPORTS:

ANNOUNCEMENTS: Mudtown Days June 7-8, 2019 was a huge success.

ADJOURNMENT: Motion to adjourn by Eric Schein and second by Lisa DeGifford. There being no objections, the meeting adjourned at 8:15pm.

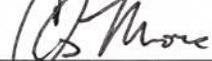
ATTEST:



City Clerk/Elizabeth Estes



APPROVED:



Mayor/Chris Moore

City of Lowell

Minutes of the Regular Council Meeting

June 18, 2019