

LOWELL CITY COUNCIL MINUTES
Special Council Meeting
January 12, 2010 ~ 6:00 P.M.

CALL TO ORDER: The Special Meeting of the Lowell City Council was called to order at 6:10 p.m. by Mayor Perry Long at the Lowell Council Chambers.

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

ROLL CALL: Mayor Long asked for a roll call. City Clerk Janette Lasater made a verbal roll call. Council Members present were: Linda Shimko, Eric Schein, Darrin Brock, and Marty Lathem. Jerry Foley, Keith Williams, Kendell Stucki and Paula Allred were absent. There was a quorum. Attorney Greg Brown was present in the absence of Tom Kieklak. A roster of all others in attendance is filed with these minutes.

SPECIAL BUSINESS:

CONSIDERATION OF ACQUISITION OF PROPERTY FOR COMPLETION OF DIXIELAND ROAD:

A RESOLUTION AUTHORIZING THE CITY OF LOWELL TO OBTAIN CERTAIN RIGHT-OF-WAY LOCATED ALONG THE PROPOSED DIXIELAND ROAD COMPLETION PROJECT, OWNED BY MARVIN LEON CHADWICK AND JANIS ANN CHADWICK, WHICH IS NECESSARY FOR THE COMPLETION OF DIXIELAND ROAD IN LOWELL, ARKANSAS

The Mayor reported that this process is necessary in order to secure the remainder of property required to complete Dixieland Road. The City has done everything the property owners have requested and they have not cooperated with the City. The property is less than an acre and the project cannot be completed without access to this property. Charles Reaves had said he would obtain the right-of-way but he was unable to do so. An appraisal was obtained December 22, 2009, but the property owners still refuse to release the property. The contractor is ready to proceed immediately. The City has the option of dropping completion of Dixieland or condemning the property.

Attorney Brown stated that the \$29,100 from the City will be placed in an account with the Court to be disbursed when the condemnation matter has been settled. If the action is contested, he estimates the legal fees to be at least \$2,000, depending on whether a jury trial is required. The money will be taken from the Dixieland budget. The Mayor explained that if the Council approves the Resolution the paperwork will be filed with the Court on Wednesday and after an order is obtained the contractor can proceed

with the work. The Mayor attempted to speak with the property owner but was unable to do so.

☒ There was a motion to approve the Resolution as presented.

Motion: Eric Schein

Second: Darrin Brock

Vote Aye: Shimko, Brock, Lathem, and Schein.

Vote Nay: None.

The Mayor cast an “aye” vote and the motion carried; the Resolution was assigned Resolution No. 10-01.

ADJOURNMENT: Motion to adjourn by Councilman Darrin Brock; there being no objection, the meeting adjourned at 6:24 p.m.

APPROVED:

PERRY LONG, Mayor

ATTEST:

JANETTE LASATER, City Clerk

Deleted: ¶

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SETTING OF COMMITTEE
MEETINGS/ANNOUNCEMENTS: ¶

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MUSEUM COMMITTEE: Meetings are held each month on the second Tuesday of each month, 6:00 p.m. at the Museum. ¶

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