

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 21, 2010, 6:30 P.M.**

CALL TO ORDER: The Regular Meeting of the Lowell City Council was called to order at 6:30 p.m. by Mayor Perry Long at the Lowell Council Chambers.

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

INVOCATION: The Invocation was offered by **Vicky Swicegood**.

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

CONSENT AGENDA:

LOWELL CITY COUNCIL MINUTES REGULAR MEETING – AUGUST 17, 2010
LOWELL CITY COUNCIL MINUTES SPECIAL MEETING – SEPTEMBER 9, 2010
FINANCIAL STATEMENT FOR AUGUST 2010

There was a motion to approve the consent agenda.

Motion: Paula Allred

Second: Kendell Stucki

Vote Aye: Shimko, Schein, Lathem, Foley, Brock, Stucki, and Allred.

Vote Nay: None.

The motion carried and the consent agenda was approved.

PUBLIC FORUM: Public Forum began at 6:32 p.m. and ended at 6:40 p.m.

Guy Schumaker stated that we do not have a City Attorney, legally. He stated he is making an F.O.I.A. request regarding how the City Attorney has been paid, if the Council has approved his billing, and why the Mayor refused to sign the letter from **Mr. Kikelak's** office to the Mayor for signature for his contract. He further stated that, technically and legally, we do not have a City Attorney. **Mr. Kieklak** answered that he has not been hired as the City Attorney and the Council has not approved his appointment as City Attorney.

Additional speakers: **Keith Rudder, Ted Morrall, Vicky Swicegood, Doug and Jane Dorothy, Ronnie Breland and Ralph Late, Jr.**

OLD BUSINESS:

**a) AN ORDINANCE ADOPTING THE CITY OF LOWELL 2010
MASTER STREET PLAN AND FOR OTHER PURPOSES [Solomon]**

Michael Solomon, Planning Director, explained the proposal to shut Oak Street down at McClure after Monroe has been completed. There would be access to Oak Street only by emergency vehicles. **Daniel Ellis** of **Crafton-Tull**, consulting engineer for First Tee and the senior center, discussed the material to be used to block Oak Street. **Mr. Solomon** and **Mr. Ellis** answered questions by the Council and citizens about the overall Monroe Street project.

Councilman Keith Williams clarified that the only matter to be decided upon is whether to run Monroe Street through the park or not. **Councilman Eric Schein** disagreed, stating that the Planning Commission had asked for an alternative route and that is why this Ordinance was tabled. He asked if this new alternative has been presented to the Planning Commission. The Mayor stated that it has not. **Planning Commission Chair, Salena Wright-Brown**, stated that the Planning Commission has not officially seen the closure on Oak Street nor have any other alternative routes been presented to them. They sent the Master Street Plan to the Council with a “do-pass” recommendation and with the provision that the Planning Department propose an alternate route to the south for an east-west corridor within sixty (60) days. The **Mayor** confirmed there is no proposed alternate route at this time.

The **Mayor** stated that we are holding up progress for First Tee and the senior center by not acting on this Ordinance. He said that if First Tee does not go forward then the senior center cannot go forward. **Mr. Schein** said that there is already a plan in place with Monroe Street going through the park so it does not make any sense we are discussing the Master Street Plan in connection with the park—that they are being lumped together. The **Mayor** said that they are not being lumped together; that the purpose here is to approve the Master Street Plan. **Mr. Schein** stated he is still concerned that there is no alternate route proposed and wants the matter tabled until the Council has an alternative before them. He believes most of the citizens would prefer Monroe Street to go through the park rather than stopping it now and having no other route out.

☒ There was a motion to table this matter until the Planning Commission has reviewed an alternate route proposal.

Motion: Eric Schein

Motion failed for lack of second.

Mr. Schein stated he felt there is no reason for suspending the rules and placing this matter on third and final reading, that there is a need to slow down and review it more thoroughly.

Ryan Malachuk asked for an explanation as to why it is proposed that Oak Street be closed. **Councilwoman Marty Lathem** explained that this was proposed because there was such an outcry at the last meeting from the neighborhood about the increase of traffic. **Councilman Kendell Stucki** stated he is adamant about Monroe Street not going through the park.

The **Mayor** stated he is hoping to go out for bid on Monroe Street this week. The project is to be completed within 200 calendar days after the letter to proceed is signed.

The **Mayor** asked for a ten minute break at 7:33 p.m. The meeting resumed at 7:47 p.m.

Mr. Ellis explained the need for a third and final reading on this matter on behalf of the senior center and First Tee so that the civil engineering can be started for a planned opening next spring. They are already six weeks behind schedule. If this is delayed further, the openings cannot be held in 2011 but will have to be in 2012. He has asked that the matter be resolved at this meeting.

Mr. Stucki clarified that the vote is just for Monroe Street not going through the park and nothing to do with blocking off Oak Street at this time.

⊗ There was a motion to suspend the rules and place on third and final reading by title only.

Motion: Kendell Stucki

Second: Jerry Foley

Vote Aye: Williams, Lathem, Stucki, Shimko, Foley, and Allred.

Vote Nay: Schein and Brock.

The motion carried and the Ordinance was read by title only by the Mayor.

⊗ There was a motion to approve the Ordinance as presented.

Motion: Jerry Foley

Second: Kendell Stucki

Vote Aye: Foley, Allred, Williams, Lathem, Stucki, and Shimko.

Vote Nay: Brock and Schein.

The Ordinance was approved and assigned Ordinance No. 876.

NEW BUSINESS:

- a) **PUBLIC HEARING FOR GRANT FROM ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (AEDC) FOR PURPOSE OF BUILDING A SENIOR CENTER [Solomon]**

Michael Solomon, Planning Director, stated that there will not be a public hearing on this matter until the next council meeting. He introduced

Jay Stallard of Harrison, Grants Administrator with Northwest Arkansas Economic Development District. **Mr. Stallard** is working on the grant for the senior center, working as a professional consultant to the City to ensure compliance with the numerous federal regulations that come with these grants. The necessary resolutions will be presented at the next Council meeting.

b) BUILDING A SENIOR CENTER NOT CONTINGENT UPON FIRST TEE [Schein]

Councilman Eric Schein stated he has heard that First Tee and the senior center are put together; however, none of the funds for the senior center are joined with the funds for First Tee. He asked that the property be made available to the senior center so they can move forward with it, and that it not be contingent upon First Tee. **Daniel Ellis** explained that the civil engineering projects are combined as well as costs of the engineering services. The buildings are now separate; however, some aspects of the engineering design are intertwined, resulting in a significant savings to both organizations.

c) A RESOLUTION OF THE CITY COUNCIL SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO “IN GOD WE TRUST” IN A PROMINENT LOCATION IN THE LOWELL CITY HALL [Stucki]

Councilman Kendell Stucki stated that this was brought to the Council’s attention a few weeks ago by the **City Clerk, Janette Lasater**. He pointed out that the only cost to the City would be for whatever sign they decide to put up. He asked for comments from the Council, all of which were in favor of the Resolution.

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

Motion: Kendell Stucki

Second: Darrin Brock

Vote Aye: Foley, Lathem, Brock, Stucki, Allred, Shimko, Williams, and Schein.

Vote Nay: None.

The Resolution was approved and assigned Resolution No. 10-10.

d) ANIMAL SHELTER ATTENDANT [Chief Landers]

Chief of Police Joe Landers presented his request for this additional employee for the Animal Shelter. The salary would be approximately \$6,000 for the remainder of the year and about \$600 for a uniform.

☒ There was a motion to amend the 2010 budget to include this position as requested.

Motion: Kendell Stucki

Second: Keith Williams

Vote Aye: Brock, Foley, Schein, Williams, Shimko, Allred, Stucki, and Lathem.

Vote Nay: None.

The motion carried.

ADJOURNMENT: Motion to adjourn by **Councilman Darrin Brock**. There being no objection, the meeting adjourned at 8:30 p.m.

APPROVED:

PERRY LONG, Mayor

ATTEST:

JANETTE LASATER, City Clerk

DRAFT