

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
December 13, 2011, 6:30 p.m.**

CALL TO ORDER OF REGULAR COUNCIL MEETING The Regular Meeting of the Lowell City Council was called to order at 6:33 p.m. by **Mayor Eldon Long** at the Lowell Council Chambers.

INVOCATION The Invocation was offered by **Terry Sayre**.

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

ROLL CALL **Mayor Eldon Long** asked for roll call. City Clerk **Liz Estes** made a verbal roll call. Council Members present were: **Thomas Evers, Janette Lasater, Eric Schein, Terry Sayre, Keith Williams, Dean Bitner and Paul Allred**. **Kendall Stucki** was absent. There was a quorum. A roster of all others in attendance is on file with these minutes.

AMENDED AGENDA: Agenda was amended to add appointment of **Jimmy Hendrix to the Benton County Solid Waste District as the Lowell representative**. No opposition to add, voice vote.

CONSENT AGENDA:
Lowell City Council Minutes - Regular Meeting – November 15 (Corrected)
Financial Statement For November, 2011.

Motion was made to approve the Consent Agenda Items

Motion: Janette Lasater

Second: Eric Schein

Vote Aye: Williams, Bitner, Evers, Schein, Lasater, Sayre, Allred

Vote Nay: None

Motion carried and the Consent Agenda was approved.

PUBLIC FORUM: Public Forum Opened at 6:39 p.m.

Mr. Steve Erickson, 802 Topaz, asked for guidelines for USA Metal & Recycling and the POA committee on how they should proceed regarding resolution of issues with USA Metal & Recycling.

Mayor Long said setting up the committee was a step in the right direction and he believed the results would be favorable to everyone.

Councilman Williams asked if any of the planning commission members present would like to address the council.

Planning Commissioner Chair Salena Wright-Brown updated the council members about the planning commission's plans to address complaints through the committee and work would begin shortly after the first of the year. Ms. Sullivan would be arranging the meetings.

PRESENTATION: *Guy Schumaker, 315 Center, promised he would make a donation of \$6,000 for equipment for the Lowell ambulance effective January 1, 2012.*

Chief Mike Morris recognized Mr. Schumaker's support for the police and fire department and thanked him for his generous donation. His donation will be used strictly to provide ALS (Advanced Life Support) equipment for the ambulance.

PUBLIC FORUM: Public Forum Closed at 6:54 p.m.

OLD BUSINESS:

Ordinance Amending the Streetlights Section of the City of Lowell Land Development Code.

Motion was made to place ordinance on third and final reading by title only.

Motion: Keith Williams

Second: Eric Schein

Vote Aye: Sayre, Lasater, Bitner, Allred, Evers, Williams, Schein

Vote Nay: None

Motion to place ordinance on third and final reading by title only was approved. Ordinance was read by City Clerk.

Motion was made to approve ordinance as read.

Motion: Eric Schein

Second: Paula Allred

Vote Aye: Lasater, Bitner, Allred, Evers Williams, Schein, Sayre

Vote Nay: None

Motion was approved and ordinance was assigned Ordinance #904.

NEW BUSINESS

ORDINANCE – AMENDING THE RESIDENTIAL FEES SECTION OF THE CITY OF LOWELL UTILITIES CODE IN ORDER TO INCREASE THE S.T.E.P. SYSTEM INSTALLATION FEE AND DECLARING AN EMERGENCY.

Mayor Long and Mr. Rick Stone and the council members discussed the purpose of raising fees. The new increase in fees would apply specifically to unsold lots. There are approximately 314 lots; roughly 50 of them are occupied. Passing this ordinance would allow City of Lowell to cover the cost of buying materials, doing the installation and be within a few percent of what costs the city. Fees can be taken out of pocket or passed on to the builders. The increase is due to the increased cost of the tanks. The purpose of passing the emergency clause is to cover the houses coming on now and future houses which will be built. There was cause for concern of selling lots with the additional fee added them. To keep up with rising costs, we would be increasing a fee that already exists.

Motion to suspend the rules and place ordinance on third and final reading by title only.

Motion: Keith Williams

Second: Terry Sayre

Vote Aye: Lasater, Bitner, Williams, Schein, Sayre

Vote Nay: Allred, Evers

Motion to suspend the rules and place ordinance on third and final reading by title only was disapproved.

Although the City Clerk and Mayor thought the vote met the 2/3 requirement to suspend the rules and place the ordinance on third and final reading by title only, Attorney Cordes corrected them saying since we were suspending the rules, we did not have 2/3 majority for third and final reading.

Motion to place ordinance on first reading by title only.

Motion: Keith Williams

Second: Eric Schein

Vote Aye: Schein, Bitner, Allred, Evers, Williams, Sayre, Lasater

Vote Nay: None

Motion to place ordinance on first reading by title only was approved.

City Clerk read the ordinance by title only.

ORDINANCE – WITHDRAWING PARTICIPATION BY THE CITY OF LOWELL, ARKANSAS, IN THE NORTHWEST ARKANSAS CONSERVATION AUTHORITY AND AUTHORIZING THE MAYOR TO CREATE AND/OR EXECUTE ALL DOCUMENTS AND NOTICES REQUIRED TO WITHDRAW THE CITY OF LOWELL, ARKANSAS FROM MEMBERSHIP IN THE NORTHWEST ARKANSAS CONSERVATION AUTHORITY AND PROVIDING FOR AN EFFECTIVE DATE. (JOHN RATZKI-LOWELL REPRESENTATIVE)

Mr. John Ratzki has been representing City of Lowell at NACA since 2007. The city joined NACA in 2005 for a joining fee of \$10,026 based upon per capita fee charged to the city. We participated in two other needs they had, \$600 and \$433. At the November 17, 2011 meeting, prior to that the users, two communities which paid for the lines from Bentonville and Tontitown to the plant, had a users meeting and came up with three suggested changes. The first two were approved and the third suggestion was all members of authority pay a portion of the Executive Director's salary. It was printed in the Sunday newspaper that Lowell's portion could be \$4,469.

Much discussion on this issue continued between the council members, Mayor, and Mr. Ratzki until it was decided not to take any action at this meeting but to table this ordinance for further review at a later date. No date was decided.

Motion was made to table ordinance above.

Motion: Dean Bitner

Second: Keith Williams

Vote Aye: Allred, Williams, Sayre, Bitner, Schein, Evers, Lasater

Vote Nay: None

Motion to table ordinance was approved.

RESOLUTION – ADOPTING AN AMENDED 2011 BUDGET FOR THE CITY OF LOWELL, ARKANSAS (Cindy Cangialosi – Finance Director)

Mayor Long and Finance Director Cangialosi said this was a year-end housekeeping item to get our numbers in order on the budget.

Motion was made to approve the Resolution as presented.

Motion: Keith Williams

Second: Paula Allred

Vote Aye: Allred, Sayre, Bitner, Schein, Evers, Lasater, Williams
Vote Nay: None
Resolution was approved and assigned Resolution #11-26.

**RESOLUTION – ADOPTING THE 2012 BUDGET FOR THE CITY OF LOWELL, ARKANSAS
(Cindy Cangialosi – Finance Director)**

Mayor Long thanked everyone for the hard work done on the 2012 budget.

Motion was made to approve the Resolution as presented.

Motion: Terry Sayre

Second: Eric Schein

Vote Aye: Sayre, Bitner, Schein, Evers, Williams, Allred

Vote Present: Lasater

Vote Nay: None

Resolution was approved and assigned Resolution #11-27.

RESOLUTION – AUTHORIZING THE RELEASE OF FUNDS UP TO \$100,000 TO MAKE UP FOR SHORTAGES IN PROJECT RELATED EXPENSES FOR THE SENIOR CENTER BEING BUILT IN A PORTION OF WARD NAIL PARK, PROVIDED SAID FUNDS ARE REPAID TO THE CITY OF LOWELL, ARKANSAS WITHIN 10 YEARS, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL AGREEMENTS BETWEEN THE CITY OF LOWELL, ARKANSAS AND THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS, INC. TO REPAY THE FUNDS PROVIDED BY THE CITY OF LOWELL WITHIN 10 YEARS OF THE RELEASE OF SUCH FUNDS.

Mayor Long said there were some concerns how this would be funded, but with the culmination of a lot of personal sacrifices, brick campaign and we still have a long way to go. From the perspective of the grant, we are obligated to these funds. Mr. Jerry Mitchell called the mayor and told him the board recently approved another \$50,000. **Councilwoman Lasater** asked if there was a provision for interest and Mayor Long said there would not be any interest on this loan. **Dean Bitner** having visited with Mr. Stanfil and Ms. Ramey before the meeting, stated that this loan up to \$100,000 will meet the needs as far as construction cost, excluding the kitchen area. The kitchen area will be a \$150,000 expense of which they have a \$50,000 pledge. We can outfit the kitchen as future donations are given.

Motion was made to approve the Resolution as presented.

Motion: Dean Bitner

Second: Eric Schein

Vote Aye: Bitner, Schein, Evers, Lasater, Williams, Allred, Sayre

Vote Nay: None

Resolution was approved and assigned Resolution #11-28.

RESOLUTION – AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ALL NECESSARY CONTRACTS AND AGREEMENTS BETWEEN THE CITY OF LOWELL, ARKANSAS, AND HECKATHORN GENERAL CONTRACTORS TO BUILD A SENIOR CENTER ON A PORTION OF WARD NAIL PARK LEASED BY THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS, INC.

There was no discussion or comments.

Motion was made to approve the Resolution as presented.

Motion: Eric Schein

Second: Keith Williams

Vote Aye: Sayre, Allred, Williams, Lasater, Evers, Schein, Bitner

Vote Nay: None

Resolution was approved and assigned Resolution #11-29.

RESOLUTION – TO PARTICIPATE IN THE NLC PRESCRIPTION DISCOUNT CARD PROGRAM IN THE CITY OF LOWELL, ARKANSAS.

Finance Director Cangialosi stated by the fees paid to the Arkansas Municipal League we are also members of the National League of Cities, the NLC is working with CVS Caremark which will provide this opportunity for the citizens of Lowell to get a discount on prescription drugs. We have to have this resolution passed before we can go forward with this program. When we are members, we will have all the information on the website and put it in our newsletter with the contact person. **Councilman Schein** verified there would be no extra cost to the City of Lowell. **Councilwoman Lasater** asked if it were only CVS pharmacies only and **Ms. Cangialosi** said Lowell Pharmacy would be participating. **Councilman Evers** asked if this plan could be used in other cities (in Arkansas) and **Ms. Cangialosi** said she believed it could be.

Motion was made to approve the Resolution as presented.

Motion: Dean Bitner

Second: Paula Allred

Vote Aye: Bitner, Schein, Evers, Lasater, Williams, Allred, Sayre

Vote Nay: None

Resolution was approved and assigned Resolution #11-30.

APPOINTMENT OF JIMMY HENDRIX AS LOWELL'S REPRESENTATIVE TO THE BENTON COUNTY SOLID WASTE DISTRICT.

Mayor Long said a person could only serve on the solid waste position for a term of four years. Shawn's term started in August, 2007 and expired this year. We are looking at the appointment of Jimmy Hendrix as Lowell's representative to the Benton County Solid Waste District.

Motion was made to appoint Jimmy Hendrix s Lowell's Representative to the Benton County Solid Waste District.

Motion: Paula Allred

Second: Terry Evers

Vote Aye: Sayre, Allred, Williams, Lasater, Evers, Schein, Bitner

Vote Nay: None

Motion was approved as presented.

ANNOUNCEMENTS

Mayor Eldon Long – Agreement between the City of Rogers, City of Lowell and the Rogers Public Schools Mt. Hebron Road Improvements.

Councilwoman Lasater announced the open house for the museum and Senior Citizens Center for December 16, 2011.

Kris Sullivan attended for the Mayor the Springdale City Council meeting and Lowell Ordinance 903 was approved by the Springdale City Council.

Mayor Eldon Long announced the Employee of the Year award presented to Ray Drummond at the Christmas party.

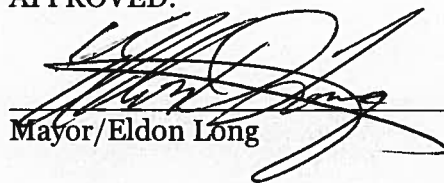
Councilman Bitner directed everyone to the memorandum from Kris Sullivan to the City Council announcing the results of the Planning Commission in forming a committee to deal with the issues with USA Metal & Recycling.

Councilman Schein announced his gratitude for Captain Joe West putting together an awesome CERT program and that the first group of people has finished the class and for Chief Morris for allowing us to put this program together. He wanted to see this endeavor published in the newsletter. We are looking for the next round of people to take this course.

Chief Morris announced the Lowell CERT program exists and the first group of people passed the test on the first try. They will be taking courses with the Red Cross and be CPR certified and first response as well.

ADJOURNMENT: Entertain a motion to adjourn. Motion to adjourn was made by Janette Lasater and seconded by Dean Bitner. There being no objections, the meeting adjourned at 7:52p.m.

APPROVED:



Mayor/Eldon Long

ATTEST:



City Clerk/Elizabeth Estes

