

**LOWELL CITY COUNCIL MINUTES (CORRECTED)  
REGULAR COUNCIL MEETING  
MARCH 21, 2017 - 6:30PM**

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

**INVOCATION:** The Invocation was given by Liz Estes.

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

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

**Motion was made to amend the agenda and add Resolution appropriating fifty thousand dollars (\$50,000.00) to purchase right-of-way from the Williams Family Revocable Trust.**

**Motion:** David Adams

**Second:** Kendell Stucki

**Voice Vote Aye:** Unanimous

**Voice Vote Nay:** None

**Motion to amend the agenda and add Resolution appropriating fifty thousand dollars (\$50,000.00) to purchase right-of-way from the Williams Family Revocable trust was approved.**

**CONSENT AGENDA:**

Lowell City Council Minutes Regular Meeting – February 21, 2017

Financial Statement – February 2017

**Motion was made to accept the Consent Agenda as presented.**

**Motion:** Todd Fenix

**Second:** Dean Bitner

**Voice Vote Aye:** Unanimous

**Voice Vote Nay:** None

**Motion to accept Consent Agenda was approved.**

**PROCEDURAL MOTION TO SUSPEND THE RULES AND READ ALL ORDINANCES ONE TIME BY TITLE ONLY.**

**Motion was made to suspend the procedural motion and to read ordinances three times.**

**Motion:** Dean Bitner

**Second:** Kendell Stucki

**Voice Vote Aye:** Unanimous

**Voice Vote Nay:** None

**Motion to suspend the procedural motion and to read ordinances three times was approved.**

**PUBLIC FORUM:** Open: 6:41PM Close: 7:04PM

Cristy Gann - 700 Topaz - opposed permit; Concerns: neighborhood is still dealing with banging metal, explosions, etc.

Amanda Litzman – 506 Topaz – POA President – opposed permit; Concerns: trash dumped as you pull into neighborhood; smell will be continued; trash along road; nothing to divide E-3 and neighborhood except train tracks; fences on Lincoln but what about on Apple Blossom; please do not let permit go through.

Monica Villines – 700 Crystal – opposed permit to E-3; Concerns: visited neighborhood transfer company elsewhere and doesn't want one by her neighborhood; doesn't want sound, smell, sight.

Ron Mead – 2535 Secretariat, Springdale – Owns and rents out 214 & 514 Emerald – opposed permit to E-3; Concerns: On the first project the optimizer was left out of the plans; there is tearing metal apart, explosions, dust, smoke, metal shavings; people went to city many times to get this problem under control. People left their homes because of the situation; lost many good people from Lowell. Your job is to protect citizens. There are 240 houses in Southfork III. Take this business and put it where it will not infringe on neighbors.

Bobby Ferguson – 513 Emerald – opposed permit to E-3; Concerns: Lowell is 25 minutes from everything in this area and we have a small-town feel. Transfer station in middle of town will make us look bad. Building filled with trash smells; prevailing winds moving west to east; when we are enjoying being outside we don't want to smell trash. We get weird smells from USA Metal; increased traffic; trash falling off trucks; and we are concerned about property values.

Jason Kanak – 702 Emerald – opposed to permit to E-3; Concerns: He has been a resident for 16 years and shares the same sentiments as the others. He lives due east of this property and experiences bad smells, chemical smells, dust. Adding more trash will impact property values. Do we want this in the middle of our town?

Eric Schein – 824 Topaz – opposed to permit to E-3; Concerns: Before he was a city council a trash transfer station came before city and was shot down. It was nasty, disgusting and had problems. Once a genie is out of the bottle, you can't put it back in. We have dealt with sounds for years. We don't want city to stink. We want City of Lowell to stay beautiful.

Mandi Bollinger – 500 Emerald – opposed to permit to E-3; Concerns: She doesn't like this council. She was sued by Tom Smith and had to use her retirement fund to deal with him. She would move but she can't sell her property because of the smell, dust.

Councilman Bitner asked several residents what were the conditions they wanted the council to consider and the list was appearance, smell, visibility to Apple Blossom, noise, trash left overnight, why they chose this spot to build and wasn't there another place away from neighborhood, would the councilmen live by this facility. He tried to find a middle ground between E-3 and residents.

#### **APPEAL OF PLANNING COMISSION'S DENIAL OF CONDITIONAL USE PERMIT FOR E-3, LLC, LOWELL COMMUNITY CONVENIENCE CENTER AT 705 S. LINCOLN STREET.**

Ed Mount – Owner of E-3 & Damon Moore – He was not a representative of USA Metal. Building will be behind the fence; traffic will be less; smell/odor sanitized every day with charcoal filters; litter would be removed by people walking the road to clean it; everything will be contained inside the building; noise will be contained by rubber lined machine. Recycling would be done in the front part of the building and transfer would be in the rear of the building. He would be dealing in recycling and solid waste materials. Revenue would be \$.50/ton to City of Lowell and \$1.00/ton to Benton County.

Councilman Bitner explained there would be regulations to govern operating this facility and it would be inspected several times a year. The trash would be inside the building and not visible from the road. The noise would be buffered.

Councilmen Fenix asked Ed if his facility would be a community drop off point and if this would be a solid waste transfer station, accepting bag trash, bulk items, furniture, refuse trucks emptying trash into the building, single stream on front side and co-mingle behind building. Ed said they would be doing all of this.



Councilman Evers was concerned about Ed's attitude about his hours of operation when he stated "something like that" and Ed not having a specific plan, specific hours of operation, etc. Later, Ed said his hours of operation would be 8-5 weekdays, 8-noon on Saturday.

Kris Sullivan asked Patrick to show slide presentation of E-3 to the council.

**Motion was made to uphold Planning Commission denial of conditional use for E-3, LLC Lowell Community Convenience Center.**

**Motion: Thomas Evers**

**Second: Linda Vannoy**

**Vote Aye: Evers Jones, Vannoy, Fenix, Ingle**

**Vote Nay: Stucki, Bitner, Adams**

**Motion to uphold Planning Commission denial of conditional use for E-3, LLC Lowell Community Convenience Center was approved.**

**COUNCIL ADJOURNED AT 7:40PM.**

**COUNCIL RECONVENED AT 7:51PM. ALL COUNCILMEN RETURNED.**

**PROCLAMATION – BUILDING SAFETY MONTH – MAY 2017 –** Approved unanimously by councilmen by voice vote.

**PRESENTATION OF ORDINANCES AND RESOLUTIONS:**

**OLD BUSINESS:** None.

**NEW BUSINESS:**

1. **ORDINANCE TO RECIND ORDINANCE NO. 204 AND ORDINANCE NO. 858, AND ORDINANCE NO. 89 AND TO AMEND THE CITY OF LOWELL CODE OF ORDINANCES SECTION 24, SECTION II PARK RULES, SECTION 24-9, AND DECLARING AN EMERGENCY.**

**Motion was made to read Ordinance on first reading by title only.**

**Motion: Kendell Stucki**

**Second: Todd Fenix**

**Vote Aye: Fenix Stucki, Vannoy, Ingle, Adams, Bitner**

**Vote Nay: Jones**

**Abstain: Evers**

**Motion to read Ordinance on first reading by title only was approved.**

**City Attorney read Ordinance by title only.**

Jeff Boden – 502 Jackson Place – He was a volunteer for Mudtown Days. He asked what would alcohol do for Lowell. Mudtown Days was a family event and adding drinking alcohol would cause more problems such as overtime for police officers. He was opposed to alcohol in the park.

Glenn Jones – 623 Spring Creek – He was against adding alcohol to Mudtown Days. This event has more children, more families and serving alcohol will negatively impact Mudtown Days. The desire for more money through alcohol sales is a major mistake. City of Lowell is known as a very respectable city. Consider the impact serving alcohol at a family affair.

Jason Ross – 1113 Abby Street – He shared the perspective of the other men. He loves the family atmosphere of Mudtown. He takes his four children ages 2, 4, 6, 8. He added safety as an issue against serving alcohol at Mudtown Days.

Capt. Tim Kuth said he would have to put on four officers for weekend of Mudtown Days at an expense of \$1,900 for overtime.

Councilwoman Vannoy thought adding alcohol sales would impact the amount of trash. She pointed out that Mudtown Days was an event the city gives to the citizens to enjoy.

Councilman Bitner supports adding alcohol sales to Mudtown Days.

Councilman Fenix pointed out that there wouldn't be open containers but a sampling of various beers by a variety of brewing companies.

Jimmy Hendrix would have four employees on duty at any time. There would be extra dumpster donated for Mudtown Days and he estimated ten percent for overtime.

No action was taken on this ordinance. An amended version of this ordinance will be brought to the council at their next meeting.

**2. RESOLUTION APPROPRIATING FUNDING FOR ON-GOING PROJECTS IN THE GENERAL FUND DURING THE FISCAL YEAR 2017.**

Appropriating income of \$1.1 million dollars from Leonard Johnson Trust and expenditure of \$1.1 million dollars for new fire station.

**Motion was made to approve the Resolution as presented.**

**Motion: Kendell Stucki**

**Second: Dean Bitner**

**Vote Aye: Vannoy, Ingle, Jones, Fenix, Stucki, Evers, Bitner**

**Vote Nay: None**

**Abstain: Adams**

**Motion to approve the Resolution as presented was approved.**

**Resolution was assigned No. 17-09.**

**3. RESOLUTION APPROPRIATING FUNDING FOR ON-GOING PROJECTS FROM THE FIRE IMPACT FEE FUND DURING THE FISCAL YEAR OF 2017.**

\$625,000.00 appropriated for Fire Station #43.

**Motion was made to approve Resolution as presented.**

**Motion: Dean Bitner**

**Second: Kendell Stucki**

**Vote Aye: Fenix, Bitner, Vannoy, Evers, Ingle, Stucki, Jones**

**Vote Nay: None.**

**Abstain: Adams**

**Motion to approve Resolution as presented was approved.**

**Resolution was assigned No. 17-10.**

**4. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY OF LOWELL AND GARVER LLC FOR THE PURPOSE OF CONSTRUCTING CTY OF LOWELL FIRE STATION AT BELLVIEW ROAD AND ZION CHURCH ROAD.**

This is a standard contract approved by the city attorney.

**Motion was made to approve Resolution as presented.**

**Motion: Dean Bitner**

**Second: Kendell Stucki**

**Vote Aye: Fenix, Vannoy, Jones, Evers, Bitner, Ingle, Stucki**

**Vote Nay: None**

**Abstain: Adams**

**Motion to approve Resolution as presented was approved.**

**Resolution was assigned No. 17-11.**



**5. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY OF LOWELL AND JACKSON BROWN PALCULICT ARCHITECTS, INC. FOR THE PURPOSE OF CONSTRUCTING CITY OF LOWELL FIRE STATION AT BELLVIEW ROAD AND ZION CHURCH ROAD.**

Contract must be in place so Clinard Construction can get specifics for construction costs of building of Fire Station #43.

**Motion was made to approve Resolution as presented.**

**Motion: Kendell Stucki**

**Second: David Adams**

**Vote Aye: Fenix, Bitner, Vannoy, Evers, Ingle, Stucki, Jones**

**Vote Nay: None**

**Abstain: Adams**

**Motion to approve Resolution as presented was approved.**

**Resolution was assigned No. 17-12.**

**6. RESOLUTION APPROPRIATING FIFTY THOUSAND DOLLARS (\$50,000.00) TO PURCHASE RIGHT-OF-WAY FROM THE WILLIAMS FAMILY REVOCABLE TRUST.**

Purchasing right-of-way from Williams Family Trust for water line and road improvements.

**Motion was made to approve Resolution as presented.**

**Motion: Dean Bitner**

**Second: David Adams**

**Vote Aye: Fenix, Bitner, Vannoy, Evers, Ingle, Adams, Stucki, Jones**

**Vote Nay: None**

**Motion to approve Resolution as presented was approved.**

**Resolution was assigned No. 17-13.**

**COMMITTEE REPORTS:**

Ordinance Committee Report: Dean Bitner reported the committee discussed mobile vendors, alcohol in parks, signage and solicitation. (Minutes attached)

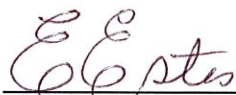
Kathleen Johnson Memorial Park Committee Meeting – Minutes attached.

**ANNOUNCEMENTS:**

1. Lowell Historical Museum will host their annual Easter Egg Hunt at Ward Nail Park at 1:00PM on April 15, 2017.
2. Lowell Historical Museum has updated their website and added the Foundation information to it.

**ADJOURNMENT: Motion to adjourn; motion by Todd Fenix and second by Delia Ingle. There being no objections, the meeting adjourned at 8:43PM.**

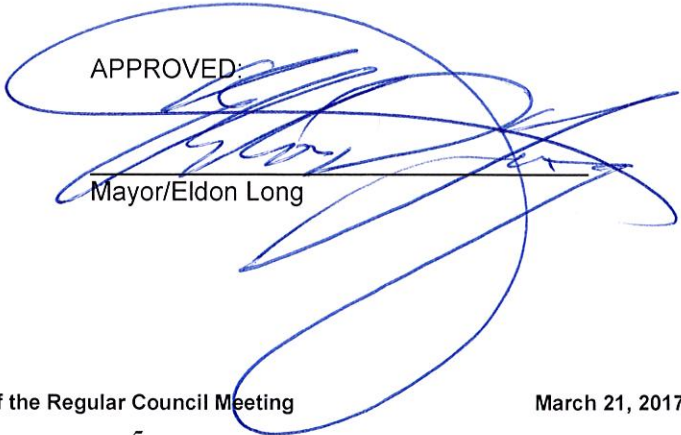
ATTEST:



City Clerk/Elizabeth Estes  
City of Lowell



APPROVED:



Mayor/Eldon Long