

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
JANUARY 15, 2013 - 6:30 p.m.**

CALL TO ORDER OF REGULAR COUNCIL MEETING: The Regular Meeting of the Lowell City Council was called to order at 6:34 p.m. by **Mayor Long** at the Lowell Council Chambers.

INVOCATION: The Invocation was offered by **Councilwoman Lasater**.

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

SWEARING IN CEREMONY: The Mayor gave the Oath of Office to the following council members: **Ronnie Breland, Kendell Stucki, Eric Schein, Dean Bitner, Keith Williams, Thomas Evers**.

ROLL CALL: **Mayor Long** asked for roll call. City Clerk made a verbal roll call. Council Members present were: **Thomas Evers, Eric Schein, Matthew Yeager, Janette Lasater, Keith Williams, Kendell Stucki, Dean Bitner, Ronnie Breland**. There was quorum. **Deputy Attorney Kieklack** was also present. A roster of all others in attendance is on file with these minutes.

Mayor Long called for a motion to Amend Agenda as follows:

Add Item No. 5 – An ordinance authorizing the waiver of the requirement of competitive bidding for the purchase of an additional storm warning siren, and other items, for the City of Lowell, Arkansas and declaring an emergency.

Motion was made to amend the Agenda and add Item No. 5 to the Agenda was approved.

Motion: Ronnie Breland

Second: Janette Lasater

Voice Vote Aye: Evers, Schein, Yeager, Lasater, Williams, Stucki, Bitner, Breland

Voice Vote Nay: None

Motion to amend the Agenda and add Item No. 5 to the Agenda was approved.

CONSENT AGENDA:

Lowell City Council Minutes Regular Meeting – December 18, 2012

Financial Statement – December, 2012

Motion was made to approve Consent Agenda.

Motion: Dean Bitner

Second: Ronnie Breland

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to approve Consent Agenda was approved.

PUBLIC FORUM: Public Forum Opened at 6:44 p.m. - Closed at 7:10 p.m.

Ms. Mandy Bolinger, 501 Emerald St. – asked for an explanation or cause of the explosion that took place at USA Metal (January 7, 2013).

Mr. Don Harkins, Building Services, CJ Stephens investigated the complaint and it was found a bale of material that came from a separate facility contained some propane cylinders that were not supposed to be there according to USA Metal's procedures. The bales came from Ft. Smith and were not bundled here. Mr. Smith has advised all facilities that no one except him has the authority to put cylinders in bales. A citation was issued.

Mr. Tom Smith, USA Metals, explained that when patrons bring in cylinders, they are checked to be sure they are properly drained. He has not given authorization to any other employees to do so except for him. Cylinders or propane bottles are isolated into a separate area and regardless what they are they have to be separated and approved and marked by him before it is marked for recycling. He has been doing extensive training with employees so this doesn't happen again. Explosion caused no damage.

Ms. Mandy Bolinger, 501 Emerald St. – made these points: 1) She appreciated everyone questioning Mr. Smith about the explosion and that he was issued a citation. Odor has been horrendous and on two nice days last week she couldn't open her windows because of the odor. Whenever a full sized truck is dropped into the shredder there is no sound barrier for it except for it not to be there; 2) Since this has taken so long and dragged on, improvements have been made, but the damage has been done. Many neighbors have left, moved out or abandoned their homes to renters who don't take care of their property thus depreciating other properties. The damage has been done and she asked that it be stopped. She felt explosions would continue, noise would continue. 3) She tried to reach out to Mr. Smith and he threatened to sue her and that is why she isn't reaching out to him. She is still waiting for the papers to come in the mail and she hoped they wouldn't come.

Mayor Long thanked Ms. Bolinger for her comments and promised to continue to work on this issue.

PRESENTATIONS: None

OLD BUSINESS: None

NEW BUSINESS:

1. A RESOLUTION TO AMEND THE BUDGET AND APPROPRIATE FUNDS FOR POLICE DEPARTMENT COMPUTER SOFTWARE.

In the 2013 Budget \$42,000 was designated for purchase and payments of software for the police department. Originally the plan was to utilize the software company as a finance mechanizing; but as we looked it over, they wanted 3.9% on the financing. After contacting a local bank, a loan was obtained with 2.5%, saving \$7,500 over a five-year time period.

Motion was made to approve Resolution as presented.

Motion: Keith Williams

Second: Janette Lasater

Vote Aye: Yeager, Stucki, Breland, Williams, Bitner, Evers, Schein, Lasater

Vote Nay: None

Motion to approve Resolution was approved.

Resolution was assigned No. 13-01.

2. A RESOLUTION SETTING FORTH THE MEETING RULES OF THE CITY COUNCIL FOR THE CITY OF LOWELL, ARKANSAS.

This is a housekeeping requirement by the State of Arkansas in how we conduct our meetings and the order of how things appear on the Agenda.

Motion was made to approve Resolution as presented.

Motion: Kendell Stucki

Second: Eric Schein

Vote Aye: Yeager, Breland, Stucki, Schein, Williams, Bitner, Evers, Lasater

Vote Nay: None

Motion to approve Resolution as presented was approved.

Resolution was assigned No. 13-02.

3. REAPPOINTMENT OF KRIS SULLIVAN AS DEPUTY CITY CLERK – TERM EXPIRING JANUARY 31, 2015.

The appointment is on a two year rotation and she is available when the City Clerk is unavailable.

Motion was made to approve Reappointment as presented.

Motion: Janette Lasater

Second: Ronnie Breland

Vote Aye: Williams, Evers, Breland, Bitner, Lasater, Schein, Stucki, Yeager

Vote Nay: None

Motion to approve Reappointment as presented was approved.

4. MEMORANDUM OF UNDERSTANDING – NON-BINDING AGREEMENT WITH THE SILOAM SPRINGS ADULT DEVELOPMENT CENTER FOR POTENTIAL FUTURE USE OF “CRUMB RUBBER PRODUCT.”

A non-binding agreement that enables the City of Lowell to consider using this product to save money for parks and street projects if we are able to utilize this product.

Motion was made to approve Memorandum of Understanding as presented.

Motion: Dean Bitner

Second: Matt Yeager

Vote Aye: Williams, Lasater, Evers, Bitner, Schein, Breland, Stucki, Yeager

Vote Nay: None

Motion to approve Memorandum of Understanding as presented was approved.

5. AN ORDINANCE AUTHORIZING THE WAIVER OF THE REQUIREMENT OF COMPETITIVE BIDDING FOR THE PURCHASE OF AN ADDITIONAL STORM WARNING SIREN, AND OTHER ITEMS, FOR THE CITY OF LOWELL, ARKANSAS AND DECLARING AN EMERGENCY.

By purchasing this equipment from the same company which installed the system by the water tower on Lincoln, the systems would be the same. We would not have different components and two different units which would be important to maintenance and how the systems work. The reason it is being put on 3rd and final reading is because we are coming into storm season.

Motion was made to suspend the rule and place Ordinance on third and final reading by title only.

Motion: Dean Bitner

Second: Janette Lasater

Vote Aye: Williams, Schein, Stucki, Evers, Lasater, Yeager, Bitner, Breland

Vote Nay: None

Motion to suspend the rule and place Ordinance on third and final reading by title only was approved.

City Clerk read the Ordinance by title only.

Motion was made to approve the Ordinance with emergency clause as presented.

Motion: Ronnie Breland

Second: Eric Schein

Vote Aye: Stucki, Schein, Evers, Lasater, Williams, Yeager, Breland, Bitner

Vote Nay: None

Motion to approve the Ordinance with emergency clause as presented was approved and Ordinance was assigned No. 924.

Motion was made to enact the emergency clause as presented.

Motion: Jeanette Lasater

Second: Matthew Yeager

Vote Aye: Williams, Stucki, Lasater, Schein, Evers, Breland, Bitner, Yeager

Vote Nay: None

Motion to approve emergency clause as presented was approved.

9. COMMITTEE REPORTS

Ordinance Committee – Dean Bitner – Next Meeting will be January 23, 2013 at 6:00 p.m.

10. ANNOUNCEMENTS –

Municipal League Conference – Mayor will accept the City of Distinction Award.

Councilman Schein called for a motion to allow council members to go into Executive Session to discuss a personnel issue.

Motion was made for council members to go into Executive Session to discuss a personnel issue.

Motion: Eric Schein

Second: Kendell Stucki

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion for council members to go into Executive Session to discuss a personnel issue was approved.

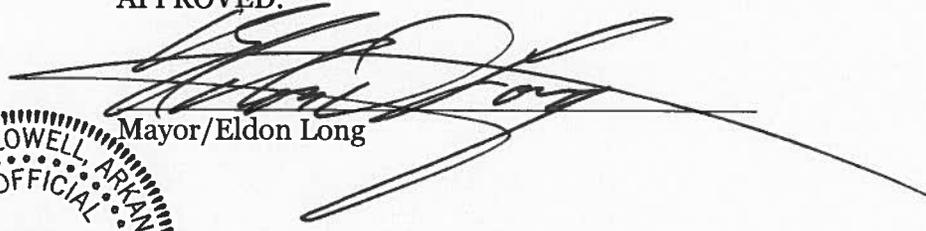
Executive Session began at 7:48 p.m.

Executive Session ended at 8:36 p.m.

Meeting reconvened at 8:36 p.m. and no action was taken.

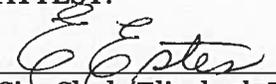
ADJOURNMENT: Motion to adjourn was made by Councilwoman Lasater and seconded by Councilman Breland. There being no objections, the meeting adjourned at 8:38 p.m.

APPROVED:



Mayor/Eldon Long

ATTEST:


City Clerk/Elizabeth Estes



City of Lowell

Minutes of the Regular Council Meeting

January 15, 2012