

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
FEBRUARY 18, 2014 - 6:30 p.m.**

CHAMBER NIGHT AT LOWELL CITY HALL – 5:30-6:30PM: Mr. Rick Clifford welcomed members of Rogers-Lowell Chamber of Commerce, Lowell City officials, and guests. Sponsors of this event were CEI, MCE-McClelland Engineers, Crafton Tull Engineers, Hight-Jackson Assoc., PA, Catering Concepts, Regions Bank and Arvest Bank.

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

INVOCATION: The Invocation was given by **Rev. Ben Rowell**, First Baptist Church, Rogers.

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

ROLL CALL: **Mayor Long** asked for roll call. City Clerk made a verbal roll call. Council Members present were: **Thomas Evers, Eric Schein, Janette Lasater, Kendell Stucki, Dean Bitner, Ronnie Breland, Keith Williams, Connor Jones**. No one was absent. There was quorum. **Deputy Attorney Kieklak** was also present. A roster of all others in attendance is on file with these minutes.

MAYOR'S STATE OF THE CITY ADDRESS: (Copy Included in the City Council Record Book)

CONSENT AGENDA:

**Lowell City Council Corrected Minutes Regular Meeting – January 21, 2014
Financial Statement – January, 2014**

Motion was made to approve Consent Agenda.

Motion: Eric Schein

Second: Ronnie Breland

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to accept Consent Agenda was approved.

PUBLIC FORUM: **OPEN: 7:19PM CLOSE: 7:20PM** (No one from the public spoke.)

PRESENTATION OF ORDINANCES AND RESOLUTIONS:

Councilman Bitner asked to amend the Agenda and remove Item 2 from the agenda because we are not ready to move forward on this project at this time.

Motion was made to amend the agenda and remove Item 2 from tonight's agenda.

Motion: Dean Bitner

Second: Kendell Stucki

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to amend tonight's agenda and remove Item 2 from the agenda was approved.

Councilman Breland asked that Item 1 under new business be removed because it had a phrase stating it already had passed and approved on it.

Motion was made to remove Item 1 under new business and bring it back next month.

Motion: Ronnie Breland

Second: None

Motion failed due to lack of second.

OLD BUSINESS: None.

NEW BUSINESS:

1. ORDINANCE SETTING THE SALARY AND DUTIES FOR THE OFFICE OF CITY ATTORNEY FOR THE CITY OF LOWELL, ARKANSAS.

Motion was made to amend Item 1 by removing phrase "passed and approved this 15 January, 2014."

Motion: Janette Lasater

Second: Thomas Evers

Vote Aye: Evers, Lasater, Schein, Williams, Stucki, Bitner, Jones

Vote Nay: Breland

Motion amend Item 1 by removing phrase "passed and approved this 15 January, 2014" was approved.

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

Motion: Keith Williams

Second: Eric Schein

Discussion interrupted the motion and Councilman Bitner suggested this ordinance be placed on first reading to allow opportunity for any feedback. Motion was amended as follows.

Motion was made to place Ordinance as presented on first reading by title only.

Motion: Keith Williams

Second: Eric Schein

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

Vote Nay: None

Motion to suspend the rule and place Ordinance as presented on first reading by title only was approved.

City Clerk read the Ordinance as presented by title only.

2. RESOLUTION APPROPRIATING FUNDING FOR ON-GOING PROJECTS AT THE CLOSE OF FISCAL YEAR 2013.

Finance Director explained it was a housekeeping issue and provided engineering services for Goad Springs Road (Project Cost - \$55,000: \$42,669 spent in 2013) and putting \$12, 331 back in budget so the project can continue.

Motion was made to approve the Resolution as presented.

Motion: Kendell Stucki

Second: Ronnie Breland

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

Vote Nay: None

Motion to approve the Resolution as presented was approved.

Resolution was assigned No. 14-06.

3. RESOLUTION APPROPRIATING FUNDING FOR PURCHASE OF DOG BEDS FOR THE LOWELL ANIMAL CONTROL DEPARTMENT.

A donation was made to provide dog beds for the animal shelter.

Motion was made to approve the Resolution as presented.

Motion: Ronnie Breland

Second: Connor Jones

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

Vote Nay: None

Motion to approve the Resolution as presented was approved.

Resolution was assigned No. 14-07.

4. PLANNING COMMISSION BYLAWS – No action required.

Ms. Sullivan presented the Planning Commission Bylaws to the councilmembers for information purposes only.

Deputy Attorney Kieklak asked if the Planning Commission was still interested in having meetings where someone would be able to appear via Skype. After some research, he concluded that while they were approaching doing that, he could not recommend it right now.

Mayor Long brought up the idea of having two alternative planning commissioners on standby to fill vacancies created by members who could not attend specific meetings. While there are no provisions for alternate members, it is something that Deputy Attorney Kieklak will look into to see if it can be done. Mayor Long encouraged the planning commission to discuss this issue and see what develops.

COMMITTEE REPORTS: Ordinance Committee – Dean Bitner – At January 27th meeting committee discussed City Attorney ordinance, parking in yards, etc. The next meeting is March 4, 6:00PM and the committee will be discussing job descriptions and salary ranges of city employees.

Councilman Breland asked that a **Historical Preservation Committee** be established. Mayor Long appointed Liz Estes to assist him on this committee.

Finance Committee will be meeting February 24, 2014 at 6:00PM.

Councilman Schein asked that the job description of City Clerk/Treasurer be changed to City Clerk only and remove any recourse concerning financial issues. Deputy Attorney Kieklak pointed out that the title "treasurer" may be extracted from the title "Clerk/Treasurer" and given to somebody else. The title could be given to the Finance Director, but it was recommended it be given to a separate person even if it was a ceremonial title. Mayor Long directed Deputy Attorney Kieklak to produce an ordinance separating the titles.

Deputy Attorney Kieklak asked the council to allow him to explore settling some pending litigation. He asked the agenda be amended to allow the appropriation of no more than \$25,000 to resolve the litigation.

Motion was made to amend the agenda and add allowing appropriation of no more than \$25,000 for the Deputy Attorney to spend to resolve pending litigation.

Motion: Janette Lasater

Second: Ronnie Breland

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to amend the agenda and adding allowing appropriation of no more than \$25,000 for the Deputy Attorney to spend to resolve pending litigation was approved.

SCRIVENER'S NOTE: After the meeting, the Deputy City Attorney explained that this was giving him permission to pursue a settlement agreement on behalf of the City of Lowell in the pending litigation, of no more than \$25,000. This was not a resolution.

ADJOURNMENT: Motion to adjourn was made by Councilman Lasater and second was made by Councilman Breland. There being no objections, the meeting adjourned at 8:08PM.

APPROVED:

Mayor/Eldon Long

ATTEST:

City Clerk/Elizabeth Estes



City of Lowell

Minutes of the Regular Council Meeting

February 18, 2014