

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

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

INVOCATION: The Invocation was given by Councilman **Kendell Stucki**.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by **Lowell Webelos Pack 9, Norman Hunter Scout Leader**.

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.

CONSENT AGENDA:

**Lowell City Council Minutes Regular Meeting – February 18, 2014
Financial Statement – February, 2014**

Motion was made to approve Consent Agenda.

Motion: Dean Bitner

Second: Janette Lasater

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to accept Consent Agenda was approved.

PUBLIC FORUM: **OPEN: 6:38PM CLOSE: 6:38PM** (No one from the public spoke.)

PROCLAMATION: TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH, FEBRUARY 2014. “FEBRUARY 2014 WAS TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH FOR 2014. ALTHOUGH THE READING OF THIS PROCLAMATION IS LATE, WE FULLY SUPPORT THIS CAUSE AND URGE ALL LOWELL OFFICIALS, CLERGY, TEACHERS AND RESIDENTS TO WORK TOWARD ENDING TEEN DATING VIOLENCE BY EMPOWERING YOUNG PEOPLE TO DEVELOP HEALTHIER RELATIONSHIPS, ASSISTING VICTIMS IN ACCESSING THE INFORMATION AND SUPPORTIVE SERVICES THEY NEED, INSTITUTING EFFECTIVE INTERVENTION AND PREVENTION POLICIES IN SCHOOLS AND ENGAGING IN DISCUSSIONS WITH FAMILY MEMBERS TO PROMOTE AWARENESS AND PREVENTION OF THE QUIET EPIDEMIC OF TEEN DATING VIOLENCE. WE WILL CONTINUE TO SUPPORT THIS WORTHY CAUSE THROUGHOUT THE YEAR.”

Ms. Britt Clem, NWA Junior League, addressed the council concerning the above proclamation. Councilmembers adopted the proclamation by unanimous voice vote.

PRESENTATION OF ORDINANCES AND RESOLUTIONS:

Councilman Williams asked that the agenda be amended and Item 7 under New Business be removed because the amount was under \$500 and it didn't need council's approval.

Motion was made to amend the agenda and remove Item 7 under new business.

Motion: Keith Williams

Second: Dean Bitner

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to amend agenda and remove Item 7 under new business was approved.

OLD BUSINESS:

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

Ordinance was set on this agenda for second reading; however, since there was no further discussion, it was put to a vote by the councilmen.

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

Motion: Ronnie Breland

Second: Kendell Stucki

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

Vote Nay: None

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

City Clerk read the Ordinance by title only.

Motion was made to approve the Ordinance as presented.

Motion: Eric Schein

Second: Ronnie Breland

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

Vote Nay: None

Motion to approve the Ordinance as presented was approved.

Ordinance was assigned No. 944.

NEW BUSINESS:

1. ORDINANCE ADOPTING THE 2012 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, MOVEMENT, RENOVATION REPLACEMENT, REPAIR AND MAINTENANCE OF SWIMMING POOLS, SPAS, HOT TUBS, AQUATIC FACILITIES AND RELATED EQUIPMENT IN THE CITY OF LOWELL, AR; PROVIDING FOR ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT HEREWITH.

Matt Bailey was unable to present information concerning this ordinance because he was in Hot Springs in a continuing education program. Councilmen expressed concerns about lack of information to make a decision and wanted more time to review the documents before them. Councilman Jones will send a link to IRC to council members so they can review the document before the next meeting.

Motion was made to table this Ordinance until the April City Council meeting.

Motion: Ronnie Breland

Second: Thomas Evers

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

Vote Nay: None

Motion to table this Ordinance until the April City Council meeting was approved.

2. ORDINANCE TO CREATE THE STEERING COMMITTEE TO HELP MANAGE THE USE AND DEVELOPMENT OF THE "KATHLEEN JOHNSON PROPERTY" WHICH WAS DONATED TO THE CITY OF LOWELL, TO BE USED FOR THE BENEFIT OF THE RESIDENTS OF LOWELL AND THE RESIDENTS OF NORTHWEST ARKANSAS AND DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

Ordinance is for steering committee to develop and manage the use of the Kathleen Johnson property which was donated to the City of Lowell to be used for the benefit of the residents of Lowell and Northwest Arkansas. Mayor Long said the steering committee positions were created to include city department heads so there would be continuity of management decisions in the future. Councilmen voiced concerns about not having non-city members, perhaps members of the community represented on this committee. Only one person is represented from the Johnson Revocable Trust. Also discussed was

the ability or non-ability to keep politics from bearing on decisions made by the steering committee since the majority of the members were city employees. Details of concern among the council can be worked out in future committee meetings which will be open to the public. Decisions from this committee would come before the city council for approval. At this time, the council is creating a committee to create by-laws and the by-laws will dictate how people will be added to the committee. It was also noted that the committee would grow in number as applications for projects were approved in the future.

Councilman Bitner made the motion to accept the Ordinance as presented. Councilman Schein made the second. Councilwoman Lasater asked for a correction to be made on Page 2, Section 5, Section 8 should follow Section 7.

Lowell has never had a committee like this before and what the council was doing at this meeting was forming a committee. In the future the council will have the ability to amend this ordinance to fix any problems that could come up. The council will be able to approve every lease and no money can be spent without approval by them, money spent has to be reported to the council and the minutes have to come before the council.

Councilman Bitner and Schein withdrew their initial motion and second and made the motion below.

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

Motion: Dean Bitner

Second: Eric Schein

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

Vote Nay: Evers

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

City Clerk read the Ordinance by title only.

Motion was made to approve Ordinance as corrected.

Motion: Keith Williams

Second: Kendell Stucki

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

Vote Present: Lasater

Vote Nay: Evers

Motion to approve the Ordinance as corrected was approved.

Ordinance was assigned No. 945.

Motion was made to enact emergency clause.

Motion: Ronnie Breland

Second: Keith Williams

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

Vote Present: Lasater

Vote Nay: Evers

Motion to enact the emergency clause was approved.

3. A RESOLUTION APPROPRIATING FUNDING TO PROVIDE FOR PAYMENT OF THE 2006 BOND FUND ON THE NORTH SIDE SEWER PROJECT.

Finance Director explained that \$16,000 was being appropriated out of the General Fund Reserves to meet the \$46,300 payment to the Springdale Sewer Expansion Fund. When asked by Councilman Schein if the \$16,000 would be paid back, the Finance Director answered it would not be.

Motion was made to approve the Resolution as presented.

Motion: Kendell Stucki

Second: Thomas Evers

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

Vote Nay: None

Motion to approve the Resolution as presented was approved.

Resolution was assigned No. 14-08.

4. RESOLUTION DECLARING SURPLUS EQUIPMENT AND PRESCRIBING THE METHOD OF SELLING THE EQUIPMENT.

Equipment will be advertised for bids.

Motion was made to approve the Resolution as presented.

Motion: Kendell Stucki

Second: Dean Bitner

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. 14-09.

5. RESOLUTION APPROPRIATING FUNDING THE REPLACEMENT VEHICLE ALLOWANCE FOR THE STREET DEPARTMENT DIRECTOR.

Councilman Williams explained the resolution was recommended by the Finance Committee and being brought before the council for approval. The Street Department Director was charged in 2013 and 2014 a vehicle allowance which was taken out of his salary. It was overlooked because his salary was divided between two departments. He would like to have his situation corrected for 2014 only. The amount for 2014 will be \$11,379.

Councilman Schein and Councilwoman Lasater reminded the council that the reason this action happened was because of a tax issue. Deputy Attorney Kieklak explained that the situation happened because of a misunderstanding of a tax issue and it had a different result that what it was intended to have.

Motion was made to approve the Resolution as presented.

Motion: Kendell Stucki

Second: Keith Williams

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

Vote Nay: Breland, Lasater, Evers

Motion to approve the Resolution as presented was approved.

Resolution was assigned No. 14-10.

6. RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF LOWELL TO UTILIZE FEDERAL-AID FUNDS FOR THE SOUTH DIXIELAND ROAD EXTENSION.

Resolution has to do with utilizing federal money and follows previous council action to determine where the road would be best situated.

Motion was made to approve the Resolution as presented.

Motion: Dean Bitner

Second: Thomas Evers

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

Vote Nay: None

Vote Abstain: Breland

Motion to approve the Resolution as presented was approved.

Resolution was assigned No. 14-11.

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

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

Motion: Janette Lasater

Second: Ronnie Breland

Voice Vote Aye: Unanimous

Voice Vote Nay: None

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

Executive Session began at 7:50PM and ended at 8:13PM.

Meeting reconvened at 8:13PM and no action was taken.

Councilmen requested committee items be emailed to them prior to the meeting so they will know what is on the agenda.

Finance Committee will be meeting March 24, 2014 at 5:30PM.

Ordinance Committee meeting will be March 31, 2014 at 5:30PM.

ANNOUNCEMENTS:

A tree was planted near the lake in the northeast corner of the parking lot at the Senior Center for Arbor Day in memory of Linda Rogers.

Those who plan to attend Arkansas Municipal League June 18-20 need to let Melanie know as soon as possible.

City-wide garage sale will be rescheduled, dates to be announced.

Annual Mudtown Festival will be May 30-31. Volunteers are needed.

Chamber of Commerce announced the Graham/Tucker Award was given to Brian Watson, Collision Connection in Lowell.

Central Research awarded Rogers-Lowell Spirit Award.

Johnelle Hunt received Dick Trammel Good Neighbor Award.

Councilman Breland acknowledged Chief Morris for his efforts in helping him when he was sick.

Councilman Schein asked about the Chief Landers tree planted in his memory. The redbud tree was provided by the Mayor of Gentry. A plaque was requested to identify the tree.

Motion was made to amend the agenda to place Don Harkins' retirement effective April 30, 2014 on the agenda.

Motion: Thomas Evers

Second: Dean Bitner

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to amend the agenda to place Don Harkins' retirement effective April 30, 2014 on the agenda was approved.

Motion was made to accept Don Harkins' retirement effective April 30, 2014.

Motion: Thomas Evers

Second: Dean Bitner

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to accept Don Harkins' retirement effective April 30, 2014 was approved.

ADJOURNMENT: Motion to adjourn was made by Councilman Bitner and second was made by Councilwoman Lasater. There being no objections, the meeting adjourned at 8:27PM.

APPROVED:



Mayor/Eldon Long

ATTEST:



City Clerk/Elizabeth Estes



City of Lowell

Minutes of the Regular Council Meeting

March 18, 2014