

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
OCTOBER 21, 2014 - 6:30PM**

CALL TO ORDER OF REGULAR COUNCIL MEETING: The Regular Meeting of the Lowell City Council was called to order at 6:30PM by **Mayor Long** at the Lowell Council Chambers.

INVOCATION: The Invocation was given by **Pastor Gary Thomas, First Baptist Church/Lowell.**

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, Ronnie Breland, Keith Williams, Dean Bitner, and Connor Jones.** **Deputy Attorney Kieklak** was present. There was quorum. A roster of all others in attendance is on file with these minutes.

CONSENT AGENDA:

**Lowell City Council Minutes Regular Meeting – September 16, 2014
Financial Statement – September, 2014**

Motion was made to approve Consent Agenda.

Motion: Kendell Stucki

Second: Keith Williams

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to accept Consent Agenda was approved.

PUBLIC FORUM: OPEN: 6:33PM CLOSE: 6:34PM

PRESENTATION OF ORDINANCES AND RESOLUTIONS:

OLD BUSINESS: None.

NEW BUSINESS:

1. **ORDINANCE AMENDING ORDINANCE NO. 907 IN ORDER TO CHANGE THE REQUIREMENT TO KEEP AND MAINTAIN AN INVENTORY LIST OF TANGIBLE PERSONAL PROPERTY OWNED BY THE CITY WITH A VALUE OF \$2,500 AND OVER, TO A REQUIREMENT TO KEEP AND MAINTAIN AN INVENTORY LIST OF TANGIBLE PERSONAL PROPERTY OWNED BY THE CITY WITH A VALUE OF \$5,000 AND OVER, AND DECLARING AN EMERGENCY.**

Finance Director explained the ordinance came out of the Ordinance Committee with a due pass recommendation. Government Finance Officers Association recommends governments establish a capitalization threshold of no less than \$5,000.

Councilman asked what the emergency was and the Finance Director stated he wanted it done this year and he was submitting the ordinance as it had been worded before.

Question was called for further discussion concerning inventorying property valued under \$5,000. Finance Director explained items are listed at the value at the time of purchase and governments do not depreciate items.

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

Motion: Keith Williams

Second: Thomas Evers

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

Vote Nay: Breland

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

Motion was made to approve the Ordinance as presented.

Motion: Kendell Stucki

Second: Keith Williams

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

Vote Nay: Breland

Motion to approve the Ordinance as presented was approved.

Ordinance was assigned No. 949

Motion was made to adopt the Emergency Clause as presented.

Motion: Keith Williams

Second: Dean Bitner

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

Vote Nay: Schein, Breland, Lasater

Motion to adopt the Emergency Clause as presented was approved.

2. ORDINANCE AMENDING ORDINANCE NO. 559 IN ORDER TO ALLOW PERSONS TO SOLICIT MONETARY CONTRIBUTIONS IN A PUBLIC ROADWAY OR UPON A PUBLIC SIDEWALK (UNLESS) A PERMIT IS GRANTED IN THE CITY OF LOWELL, ARKANSAS.

Councilman Bitner requested to amend the ordinance to read replace “unless” with the two words “only if”. Councilman Jones offered insight by diagramming the sentence and showing that the wording was correct as first written. Councilman Bitner withdrew his request to change the wording of the ordinance. City Attorney commented that if a lawyer wrote this he would have said “allowing persons to solicit etc. etc. on the sidewalk and imposing a permit requirement.” City Attorney agreed with Councilman Jones’ assessment of the wording of the ordinance.

Councilman Bitner stated the purpose of the Ordinance was to keep people from panhandling in the streets, know they are adequately insured, following appropriate safety precautions and that they are reputable organizations and not to discriminate against any group or persons.

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

Motion: Connor Jones

Second: Ronnie Breland

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

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 as presented.

Motion: Ronnie Breland

Second: Eric Schein

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

Vote Nay: None

Motion to approve the Ordinance as presented was approved.

Ordinance was assigned No. 950

3. RESOLUTION AUTHORIZING THE RATE OF PROPERTY TAX FOR THE CITY OF LOWELL, ARKANSAS, FOR THE YEAR 2014 TO BE COLLECTED IN 2015.

General housekeeping resolution approved yearly.

Motion was made to approve the Resolution as presented.

Motion: Jeanette Lasater

Second: Kendell Stucki

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

Vote Nay: None

Motion to approve the Resolution as presented was approved.

Resolution was assigned No. 14-22

4. RESOLUTION AUTHORIZING THE PURCHASE OF A 85E BOBCAT EXCAVATOR FOR THE LOWELL STREET DEPARTMENT.

Finance Director explained the cost, including tax, would be under \$62,000 and there are sufficient funds in O&M of this year's budget to pay for the equipment. Jimmy Hendrix explained the \$85,000 backhoe we had was worn out and was transferred to the step system department. He bought a new one. The trackhoe is old and there are bigger projects coming that require upgrading the trackhoe. The old trackhoe will be traded in on the new one. He will purchase a 48" ditch cleaning bucket, 24" and 18" buckets.

Some councilmen wanted the equipment to be purchased next year; however, it was brought out that it would be advantageous to purchase the equipment now at the price quoted and with the funds available in this year's budget. By purchasing this equipment now, it should reduce rental costs on the jobs projected in the future. On drainage projects, the concrete culverts being installed now are extremely heavy and our present equipment cannot lift, support and set them.

Since we do not line item budget, but overall budget, the Finance Director believed we have sufficient funds remaining this year to purchase this equipment.

Other budget questions were addressed, i.e. projects to be finished this year and assurance was given that the projected costs would be covered in the current budget, including \$400,000 in the street budget. The exception was that if McClure Street was finished by the end of the year, the Finance Director would be asking the council for an appropriation.

Motion was made to approve the Resolution as presented.

Motion: Kendell Stucki

Second: Keith Williams

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

Vote Nay: None

Motion to approve the Resolution as presented was approved.

Resolution was assigned No. 14-23

5. RESOLUTION IN SUPPORT OF THE RECREATION AND REHABILITATION FACILITY TO BE KNOWN AS "LIFE WELLNESS U.S.A." AND SUPPORTING THE LOCATION OF THIS FACILITY, UPON PROPERTY OWNED BY THE CITY OF LOWELL, LOCATED WITHIN THE KATHLEEN JOHNSON MEMORIAL PUBLIC USE PARK.

It was Mayor Long's opinion that this resolution was the most exciting resolution he has brought before the council during his term as mayor. He felt this facility could change the course of the city.

Richard Hutzler, Director of Life Wellness Center USA, made a presentation to build a facility on the Kathleen Johnson Property that would provide a place for sports events, Olympic size pool, youth athletics, wellness, and physical therapy to athletes and veterans. (His presentation is included with the minutes.) He introduced Jay Mejia from Lowell and Cobb Alexander, a practicing orthopedic surgeon. The building will be built at no cost to the City of Lowell and after it is paid for, the city will own it. Benefits will be the city gets impact from visitors using the facility, family friendly, focus with Tri Care, Medicaid, Medicare, will manage it for the city, will do the business side while the city reaps the benefits. The purpose of his presentation was to secure a commitment from the city for the facility.

Councilmen asked questions and obtained clarification on the cost, use, etc. of the proposed wellness center as follows:

- 1) Building would be built at no cost to the city and when it was paid it would be the city's property.
- 2) They would structure the financing and bring it back to the city to see.
- 3) Time table is for them to begin after first of the year and it will take about 16-18 months to complete.
- 4) Closest facilities: None but they are working on three right now.
- 5) Funding of the facility is provided as they rent space for basketball, physical therapy, soccer and tournaments and we will bill with Tri Care, Medicaid, Medicare. They do an extensive amount of robotics and one goal is to use engineers from our area to design robotics through their facility and work with NIH. He has letters of intent of athletic groups wanting to use their facility when it is built. Budgeting is for \$39-40 million dollars to build the facility.
- 6) Everything will be transparent as they go and they will stand behind their agreement.
- 7) Pool will take time to build and they may or may not open the facility before the pool is finished.
- 8) He will have a person will be on site during construction.
- 9) Building can be used as a shelter, not a storm shelter, but for inclement weather protection.
- 10) Education, nutrition information through NIH will be provided to the community.
- 11) Therapy program is a revenue stream.
- 12) Suggestion was given to add ball and bat sports into the complex.
- 13) The mayor expressed there will be no maintenance cost to the city; city will do no maintenance to the grounds of this facility, except if a Veterans Memorial was added in the future and the city would take care of the maintenance of it. Staffing – there will be no city employees. He does not see this project contending for funds for other city projects.
- 14) Question about the water and sewer, utilities, was answered by Mayor Long who said the city is in negotiations with Springdale to provide sewer where the new substation will eventually be. Shawn Ingrahm said it had been addressed but there would no cost to the city at this point but he couldn't go into details. Several engineering firms were working together on this effort.
- 15) Secrecy on the water and sewer, utilities, was due to the competitive nature of this project. Any expenditures on utilities would have to be approved by the council.
- 16) Commitment is with no funding from the city but only to the location for this facility.
- 17) City Attorney clarified for the council that what Life Wellness Center USA wanted was a beautiful piece of land which we received free from Mr. Johnson. You have the ability now, but you have no basis for that land, to lease it for \$1 for 20 years. It is legal and is exactly what you want to do to attract this kind of facility for Lowell. There is no cost as far as the land goes; as far as moving utilities, if you recall some years ago, the city took the step of building its own sewer line to attract business down Goad Springs Road. In fact we built a basin where we could someday recover back some of that cost. Now we have some business in that area and they are hooked into that sewer. If you were ever able to make a deal with a neighboring city, Springdale or Rogers, to extend utilities for a facility, it would have to be negotiated. It may happen regardless of whether this facility comes or not. To get more sewer into this area predates this project. It will benefit this project if we can get the utility up there and make it easier for this project to locate. If this is a cost associated with this project, it is very indirectly. It may be done

anyway; but no one can spend money on this project without coming through the council. Right now you are saying through this resolution that you support this, it's a fantastic idea and they mayor can finalize a lease and bring it before the council. You will review the lease and then authorize the mayor to execute it.

18) Property is not zoned commercial but is designated as having the ability to be zoned commercial according to the Future Land Use Map.

19) We are in the discovery phase of this project and are to be determining if we want to go forward with Life Wellness Center USA or whether we are going to back away from it.

Darrell Armstrong, Trustee, shared as a citizen and a co-director with Bill on Leonard's estate. He understood watching the dollars spent. The Johnsons gave a hundred acres to the City of Lowell free. Could we be tripping over a dollar to save a nickel? Its millions that hundred acres appraised for. He didn't want to talk about money but about the wellness center. Leonard and Kathleen Johnson were married 63 years. They bought the property in Lowell in 1963. Kathleen passed away 3½ or 4 years ago. Leonard's 90 years old and still living on the property. He's a home body and stays to himself. When we started this 3½ years ago, Leonard's wishes were to memorialize his late wife and he wanted to give back to the community. What better opportunity for the kids. He had three kids who went through sports. What about disabled people? He had a stroke last year and he was still doing rehab. What could put Lowell on the city map, the state map, United States Map? We got the land free, they are building the building free. The City of Lowell, five years, ten years, twenty-five years, they go out, who still owns the building? The City of Lowell. Who owns the property? The City of Lowell. He just wanted to share that with the council. He's a wonderful man; his late wife loved children.

Mayor Long believed this was one of the most important council meetings in the history of Lowell and would change the entire atmosphere of the west side of the city.

Motion was made to approve the Resolution as presented.

Motion: Kendell Stucki

Second: Dean Bitner

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

Vote Nay: None

Motion to approve the Resolution as presented was approved.

Resolution was assigned No. 14-24

COMMITTEE REPORTS

FINANCE COMMITTEE – Councilman Williams reported the committee met September 30th. They went over the performance evaluations for the staff. Budget was given to the council members. Next Finance Committee meeting will be November 6th, 6:00PM-7:30PM, in council chambers.

Ordinance Committee – Councilman Bitner met with committee members and the ordinances passed tonight were considered at the meeting. He will schedule another meeting.

ANNOUNCEMENTS:

Veterans Salute – Lowell Historical Museum – November 12th at noon at the museum.

Early Voting – Rogers Lowell Chamber of Commerce 8-5pm until October 31.

Motion was made to amend the Agenda so Mrs. Blevins could address the council.

Motion: Ronnie Breland

Second: Dean Bitner

Voice Vote Aye: Unanimous

Vote Nay: None

Motion to amend the Agenda so Mrs. Blevins could address the council was approved.

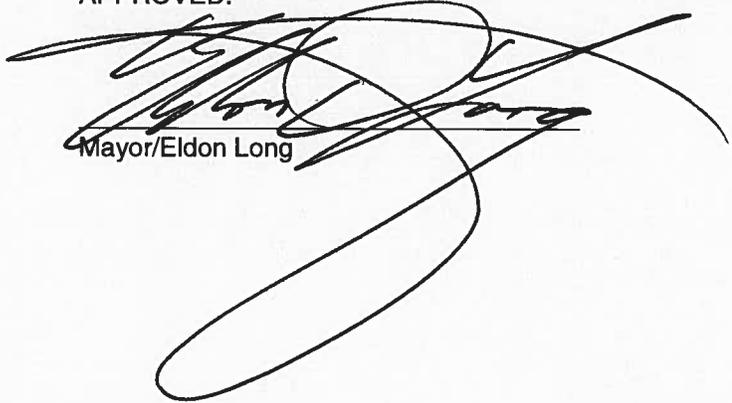
Mrs. Blevins has property on Bellview in front of the Johnson property. She has had an opportunity to sell to two good taxpayers. One of them is one of the biggest company in Rogers, in fact they are all over the

world. She found out that she can't sell to them because we would not zone her property commercial. The other company is a good company and she found out in a round-about way that it was turned down too. She wanted to know how to go about zoning. She owns property on 264 and it is really important to the land behind.

Mayor Long told Mrs. Blevins her questions could be answered at the Planning Commission and working with Kris Sullivan.

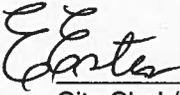
ADJOURNMENT: Motion to adjourn was made by Councilman Bitner and second was made by Councilman Stucki. There being no objections, the meeting adjourned at 8:02PM.

APPROVED:



Mayor/Eldon Long

ATTEST:



City Clerk/Elizabeth Stiles

City of Lowell

Minutes of the Regular Council Meeting

October 21, 2014