

**CITY OF KINGMAN
MEETING OF THE COMMON COUNCIL
Council Chambers
310 N. 4th Street**

5:30 PM

Regular Meeting AGENDA Tuesday, November 1, 2016

****A member of the Common Council may be attending the meeting telephonically****

REGULAR MEETING

CALL TO ORDER AND ROLL CALL--- ALL COUNCIL MEMBERS WERE PRESENT

INVOCATION--- THE INVOCATION WAS GIVEN BY PETER A. ERNST OF FAMILY BIBLE CHURCH.

PLEDGE OF ALLEGIANCE

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

1. APPROVAL OF MINUTES

- a. Regular Meeting Minutes of October 18, 2016**

2. APPOINTMENTS

- a. Appointment to Clean City Commission**

Ms. Bowman lives within the city limits and is a registered voter. She has been an active volunteer for the commission for over three years during the time her husband, Ralph Bowman, served on the commission. The commission members recommend that the City Council appoint Kathleen Bowman to the Clean City Commission the remainder of a term ending December 31, 2016, after which she will be eligible to be appointed to a full three- year term on the commission. **Staff recommends approval. MOTION TO APPOINT KATHLEEN BOWMAN TO THE CLEAN CITY COMMISSION PASSED BY A VOTE OF 7-0**

3. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments from the Public will be restricted to items not on the agenda with the exception of those on the Consent Agenda. There will be no comments allowed that advertise for a particular person or group. Comments should be limited to no longer than 3 minutes.

4. CONSENT AGENDA

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

- a. Consideration of Resolution 5044 for a City owned sewer payback**

The City installed a new sewer line with three manholes and service stub outs on

Southern Avenue between Jackson Street and Monroe Street. The City designed the sewer line and Freiday Construction completed the work. The construction was accepted on October 10, 2016 under project ENG12-021. The City Utility Regulations allow paybacks for water and sewer lines constructed by the City. The proposed payback agreement in Resolution 5044 is based on actual costs expended by the City for both design and construction. The only design cost is for ADEQ review fees. The costs are proportioned out along Southern Avenue based on the frontage of adjacent properties. The term of the payback will be twenty years from the date of Council approval. The payback will be collected as adjacent properties connect to the sewer system. **Staff recommends approval of Resolution No. 5044 MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0**

b. Special Event Liquor License Application

Applicant, Regina M. Musumeci of Kingman Powerhouse Kiwanis has applied for a Special Event Liquor License for an event to take place Saturday, November 19, 2016, from 4 to 9 p.m. at Beale Celebrations located at 201 N. 4th Street in Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0**

c. Special Event Liquor License Application

Applicant, Regina M. Musumeci of the Kingman Powerhouse Kiwanis has applied for a Special Event Liquor License for an event on Sunday, December 11, 2016, from 4 to 11 p.m. at Beale Celebrations located at 201 N. 4th Street in Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 7-0**

5. OLD BUSINESS

a. Adopt a Public Notice to Hold a Public Hearing for a Sewer Rate Reduction

With the recent WIFA Board approval of a \$3.9 million pre-payment on the HTWWTP loan, the sewer fund will experience a reduction in annual debt service of just over \$400,000. Those savings, as directed by Council, are to be utilized to reduce sewer rates. On September 22, 2016, staff presented several rate reduction options to the Municipal Utilities Commission. The Commission unanimously recommended that the user rate be reduced for residential customers only. On October 4, 2016, staff presented the same options to Council and informed them of MUC's recommendation. Although Council agreed that issuing a reduction in the user rate was more beneficial to the customers than a reduction in the base rate, Council directed staff to bring back user rate reduction options that would include commercial customers, as well. Staff will provide an overview and customer financial impact of the revised sewer rate reduction options. In allocating a rate reduction of \$400,000 amongst 10,000 sewer users, customers may experience very little financial relief. Council requested staff to review the Sewer 5-Year CIP for projects that may not be necessary in an effort to utilize those funds to provide a larger rate reduction. In reviewing the Sewer 5-Year CIP with the Engineering Department and Public Works Director, it was determined that, from a staff standpoint, all projects identified are important and necessary. **Staff recommends**

Council select a rate reduction option and proceed with a public hearing process to reduce the sewer rates. MOTION TO MOVE FORWARD WITH A PUBLIC HEARING ON THE UTILITY CUSTOMER BASED ALLOCATION METHOD WAS PASSED BY A VOTE OF 7-0

6. NEW BUSINESS

a. Public Hearing and Consideration of Abandoning the Hackberry Water Line Right-of-Way Across the Property Located at 626 Sycamore Avenue.

A request for approval of the vacation (abandonment) of a portion of the Hackberry Water Line Right-of-Way on the parcel of land located southeast of Sycamore Avenue and Harvard Street. The applicant is requesting that the 50-foot right-of-way running through the property be abandoned. The right-of-way is not in use and portions of it have been abandoned in other parts of the City. The applicant and staff have met and discussed a land swap of an equal square footage of property adjoining the City owned parcel. The property would be of equal value. The applicant has since decided that he would rather purchase the right-of-way than exchange an equal amount of land. **The Planning and Zoning Commission recommends that the City Council abandon the Hackberry Water Line Right-of-Way. The matter of swapping an equal portion of land (0.68 acres) or selling the property will need to be resolved to the satisfaction of the City and the applicant. This recommendation is based on the Goals and Objectives of the Kingman General Plan 2030, the Standards for Review, Findings of Fact, and Analysis. MOTION TO ABANDON THE HACKBERRY WATER LINE RIGHT OF WAY WAS PASSED BY A VOTE OF 7-0**

b. Public hearing and consideration of Resolution No. 5045 for the approval of a Conditional Use Permit (CUP) to allow mini-storages to be located at 4015 Stockton Hill Road

Mohave Engineering Associates, Inc., applicant, and 4011 Stockton Hill LLC, property owner, have requested approval of a conditional use permit (CUP) to allow mini-storages to be located at 4015 Stockton Hill Road. The property is zoned C-3: Commercial, Service Business. The Planning and Zoning Commission held a public hearing on October 11, 2016 on this request. The Commission voted 6-0 to recommend approval of the CUP request with the conditions as outlined in Resolution No. 5045. **Staff recommends approval of Resolution No. 5045 MOTION TO APPROVE RESOLUTION NO. 5045 WAS PASSED BY A VOTE OF 7-0**

c. Public hearing and consideration of Ordinance No. 1822, amending Section 13.220 of the Zoning Ordinance of City of Kingman to allow a helipad by Conditional Use Permit in the C-3 zoning district

Ben Daniels with the Kingman Ramada has requested consideration of a text amendment to Section 13.000 Commercial Service Business, Subsection 13.200 Uses Which May Be Permitted by Conditional Use Permit of the *Zoning Ordinance of the City of Kingman*. The text amendment is requested to allow a conditional use permit to be requested for an accessory helipad at the Ramada hotel property located at 3100 E. Andy Devine Avenue to allow hotel guests to be transported by helicopter to and from the Grand Canyon and other area destinations. The goals and objectives of the Kingman General Plan 2030 include the promotion of Kingman as a Historic Route 66 destination and encourage diverse recreational and cultural amenities. The opportunity for a helipad at a local hotel could help to further these goals. If the text amendment is approved, it will require a conditional use permit application for each proposed helipad location in the C-3 district. The appropriateness of each helipad would need to be separately considered and reviewed in accordance with the procedures set forth in Section 29.000 Conditional Use Permits of the Zoning Ordinance of the City of Kingman. The Planning and Zoning Commission held a public hearing on October 11, 2016 to consider the proposed text amendment. The commission deadlocked 3-3 on separate votes to recommend denial and to recommend approval of the proposed text amendment as shown in Exhibit "A" of the attached Ordinance No. 1822. **Staff recommends approval of Ordinance No. 1822 MOTION TO APPROVE ORDINANCE 1822 WAS PASSED BY A VOTE OF 6-1 WITH COUNCILMEMBER CARVER VOTING NAY.**

d. Consideration of Resolution No. 5046 approving the preliminary plat for Hualapai Shadows Phase 3, Tract 6047

Raymond W. Stadler, P.E., applicant and project engineer, and Hualapai Shadows,

LLC, property owner, have requested the approval of a preliminary plat of Hualapai Shadows Phase 3, Tract 6047, a residential subdivision. The proposed subdivision includes 16 lots and two parcels accessed from a single cul-de-sac street on property located on the north side of Hualapai Mountain Road east of N. Central Street. The property is zoned R-1-10: Residential, Single Family, 10,000 square foot lot minimum. The subdivision generally conforms to the requirements of the Kingman Subdivision Ordinance. Exceptions have been requested for one lot to be less than the minimum width required at the front setback line, and for the cul-de-sac to be more than 600-feet in length. The Planning and Zoning Commission held a public hearing on October 11, 2016. The Planning and Zoning Commission voted 6-0 to recommend approval of the request with several conditions. The conditions included approval of the exception requests, modifying the street name, revising the right-of-way radius at the street intersection, requiring a soils investigation to determine the minimum pavement section on Hualapai Mountain Road, requiring a six-foot block fence along Hualapai Mountain Road, requiring a revised topographical survey with the final plat and drainage report, requiring that Parcel B not be dedicated to the City, require that an 8-foot PUE not extend into the N. Central Street right-of-way, and allow that right-of-way to be available for emergency access. **Staff recommends approval of Resolution No. 5046 MOTION TO APPROVE RESOLUTION NO. 5046 WAS PASSED BY A VOTE OF 7-0**

e. Public hearing and consideration of Ordinance No. 1821, amending Section 26.400 of the City of Kingman Zoning Ordinance to related to fences and walls.

UNS Energy Services has requested a zoning ordinance text amendment to Section 26.400, related to fences and walls. The request is to permit public utility stations to have 8-foot high walls with the option of 24” of barbed wire placed on top for security, public safety, health, and welfare purposes. It is also requested by UNSE to comply with National Electric Safety Code and UNSE safety operating standards related to public utility substations. The requested text amendment will allow the walls to be no closer to the front property line than 20-feet and no closer to the street-side property line than 10-feet. The Planning and Zoning Commission held a public hearing on October 11, 2016 to consider the proposed text amendment. The Planning and Zoning Commission recommended that the walls be earth-tone colors. **Staff recommends approval of Ordinance No. 1821 MOTION TO APPROVE ORDINANCE 1821 WAS PASSED BY A VOTE OF 7-0**

f. Request from Mohave County for IGA

On October 25, 2016 Steve Latoski, P.E., Public Works Director, mailed a request for the City and County to sign an IGA delegating our building code plan review and inspection responsibilities to Mohave County for the Justice Center construction project. The County is requesting that all fees be waived also. **Council discretion. MOTION DIRECTING STAFF TO DEVELOP A NEW IGA ACCEPTABLE TO BOTH CITY AND COUNTY WAS PASSED BY A VOTE OF 6-1 WITH COUNCILMEMBER ABRAM VOTING NAY.**

7. REPORTS

a. Board, Commission and Committee Reports by Council Liaisons

b. Financial Review - Fiscal Year 2016 and 1st Quarter of Fiscal Year 2017

Staff will provide Council with a pre-audit financial review of Fiscal Year 2016 and a financial review of the 1st quarter of Fiscal Year 2017. **This report is for informational purposes only. No action to be taken.**

8. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

Limited to announcements, availability/attendance at conferences and seminars, requests

for agenda items for future meetings.

9. **EXECUTIVE SESSION**

a. **Dross Site**

Pursuant to ARS 38-431.03(A)(4), the City Attorney requests that the Council go into executive session to discuss and provide direction regarding the litigation at the Dross Site.

b. *****MOVED***KAA Lease Review**

Pursuant to ARS 38-431.03(A)(4), the City Attorney requests that the Council go into executive session to discuss and provide direction regarding the KAA Lease Agreement Review.

Council directed staff to bring this item back for discussion and action. At the October 4th Council meeting, staff presented three attorney references to consider retaining for the review of the KAA Lease. At that meeting, Council directed staff to contact the Arizona Attorney General to see if his office would do the review. Staff received a letter declining that request. **Staff recommends Council select outside counsel to review the lease agreement. MOTION TO GO INTO EXECUTIVE SESSION WAS PASSED BY A VOTE OF 7-0.**

MOTION TO NOT MOVE FORWARD WITH A REVIEW AT THIS TIME WAS PASSED BY A VOTE OF 7-0

ADJOURNMENT--- MOTION TO ADJOURN WAS PASSED BY A VOTE OF 7-0