

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

5:30 PM

**MINUTES
REGULAR MEETING**

Tuesday, April 19, 2016

CALL TO ORDER AND ROLL CALL

INVOCATION

The invocation will be given by Mike Herdt of St. John's United Methodist.

Members	Officers	Visitors Signing in
Richard Anderson – Mayor	John Dougherty, City Manager	See attached list
Carole Young – Vice-Mayor	Jackie Walker, Human Resource Director	
Mark Abram	Lee Hocking, Assistant City Attorney	
Larry Carver	Jake Rhoades, Fire Chief	
Kenneth Dean	Greg Henry, City Engineer	
Jen Miles	Robert DeVries, Chief of Police	
Stuart Yocum	Mike Meersman, Parks and Recreation Director	
	Tina Moline, Financial Services Director	
	Gary Jeppson, Development Services Director	
	Joe Clos, Information Services Director	
	Sydney Muhle, City Clerk and Recording Secretary	

PLEDGE OF ALLEGIANCE

Mayor Anderson called the meeting to order at 5:32 P.M. and roll call was taken. All councilmembers were present except Vice Mayor Young, Councilmember Abram, and Councilmember Dean who were excused. The Pledge of Allegiance was said in unison.

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. The Special and Executive Session Meeting minutes of March 14, 2016.

Councilmember Carver asked if the vote can continue without Councilmember Yocum voting as he was not present for the meeting.

City Clerk Sydney Muhle said that the vote is based on the number of Council members present and advised that the vote could continue.

Councilmember Miles made a MOTION to APPROVE the Special and Executive Session meeting minutes of March 14, 2016. Councilmember Carver SECONDED and it was APPROVED by a vote of 3-0.

THIS ITEM WAS TABLED AS ONLY THREE OF THE MEMBERS PRESENT WERE ABLE TO VOTE ON THIS ITEM.

b. The Work Session Meeting minutes of March 14, 2016

Mayor Anderson made a MOTION to APPROVE the Work Session meeting minutes of March 14, 2016. Councilmember Miles SECONDED and it was APPROVED by a vote of 3-0.

THIS ITEM WAS TABLED AS ONLY THREE OF THE MEMBERS PRESENT WERE ABLE TO VOTE ON THIS ITEM.

c. The Regular Meeting and Executive Session minutes of April 5, 2016

Councilmember Miles asked if these minutes could be approved without the Executive Session minutes which were not ready for Council to review prior to the meeting.

Ms. Muhle said that they Regular Meeting minutes could be approved and the Executive Session minutes would be placed on the next agenda to be approved.

Councilmember Miles made a MOTION to APPROVE the Regular Meeting minutes of April 5, 2016, without the Executive Session minutes.

Councilmember Yocum said that he would like to postpone this item as he had corrections to be made but he did not bring his notes to this meeting.

Councilmember Miles WITHDREW the MOTION.

Mayor Anderson said that this item would be included with the next Regular Meeting agenda.

2. APPOINTMENTS

a. Appointment to the Clean City Commission (CCC)

There is one vacancy on the CCC. At their meeting on March 31, 2016, the commission reviewed the application of Marty L. Luna-Wolf. Ms. Luna-Wolf was present at the meeting and voiced her interest in serving on the commission. **The commission members voted 6-0 to recommend Council appoint Marty L. Luna-Wolf to the Clean City Commission.**

Mayor Anderson said that Ms. Luna-Wolf was not able to attend this meeting.

Joe Longoria addressed the Council and said that Ms. Luna-Wolf is a great volunteer for victim services at Mohave County and with the Adopt-A-Block program. He said that she would be a great addition to the commission which voted unanimously to recommend her appointment. He encouraged the Council to appoint her.

Councilmember Yocum said that he is the liaison to the Clean City Commission and is familiar with Ms. Luna-Wolf. He said that she would be a good commissioner.

Councilmember Yocum made a MOTION to APPOINT Marty L. Luna-Wolf to the Clean City Commission. Councilmember Miles SECONDED.

Mayor Anderson said that he has attended several meetings with Ms. Luna-Wolf and thinks this is an excellent request from the commission.

Councilmember Carver said that the Council is getting away from requiring a person to attend these meetings and he would like to see the Council hold to this.

Mr. Longoria said that Ms. Luna-Wolf had an accident and is bedridden. He said that she was not able to attend due to her doctor's orders.

Councilmember Miles said that Ms. Luna-Wolf would be a great addition to the commission.

The MOTION was APPROVED by a vote of 3-1 with Councilmember Carver voting NAY.

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.

Paul Gains addressed the Council and said that he was there on behalf of the Kingman Airport Users Association. He said that he has been in aviation his entire life and has owned an aircraft repair business for 37 years. He said that he has also been a licensed pilot for 37 years. He said that he has owned 20-percent of a small airport in eastern Tennessee and has been involved in the management of two other airports. He said that he relocated his business to Kingman approximately eight years ago. He said that the Kingman Airport Users Association is a highly motivated group whose mission is to change the management culture at the airport and industrial park. He said that this is a City-owned asset which is not promoted and managed in a way that the citizens of Kingman deserve. He said that officials need to familiarize themselves more with how this asset functions as well as what it could truly become under forward thinking, fresh management. He thanked the City Manager and City Attorney for making contact with the association to set up an initial meeting. He said that the association realizes this process is a marathon and a meeting will be set with the City in one or two months.

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. **Application for temporary liquor license extension of premises/patio permit**
Applicant Stacy Lynn Thomson of House of Hops has submitted an application for a temporary extension of premises/patio permit for May 1, 2016 through May 31, 2016 at 312 E. Beale Street in Kingman, Arizona. **Staff recommends approval.**
- b. **Consideration of Resolution 5009: Arizona State Forestry Division cooperative intergovernmental agreement (IGA)**
This IGA between the City and the Arizona State Forestry Division would allow reimbursement for wildland fire detection and suppression and the allocation of funding when resources, equipment, and manpower. **Staff recommends approval.**
- c. **Application for temporary liquor license extension of premises/patio permit**
Applicant Stacy Lynn Thomson of House of Hops has submitted an application for a temporary extension of premises/patio permit for July 2, 2016 through July 3, 2016 at 312 E. Beale Street in Kingman, Arizona. **Staff recommends approval.**
- d. **Renewal of indigent defense contract**
The current agreement between the City and Whitney & Whitney, PLLC is due for renewal. The Court recommends renewing the agreement for a one year period with an increase to \$125,000 annually. The firm has received \$100,000 annually since 2009 and have not previously requested an increase. The Court believes the \$25,000 annual increase is justified due to the increase in regular cases and the time spent on Veterans Treatment Court cases. **Staff recommends approval.**
- e. **ENG16-0003 Stockton Hill paving design construction manager at risk (CMAR)**
Desert Construction was selected as the CMAR for the Stockton Hill paving project. This contract will be used for construction services in preparation of the upcoming project. The guaranteed maximum price for the design phase of the contract is \$9,725.00. This will be funded from the Streets Division highway user revenue fund (HURF) money provided for asphalt preservation. **Staff recommends approval.**
- f. **Consideration of Resolution 5004: approving TIGER grant applications**
If the City desires to submit applications to fund the Kingman Crossing Traffic Interchange and Rancho Santa Fe Parkway Traffic Interchange projects through the fiscal year (FY) 2016 TIGER discretionary grant program, Council will need to authorize the mayor to sign any and all documents and certifications necessary to submit these applications. Applications must be submitted by 5:00 p.m. EDT on April 29th, 2016. **Staff recommends approval.**
- g. **Powerhouse grant rehabilitation project**
On March 18, 2016 bids were opened for the Powerhouse grant rehabilitation project. All the bids were high. The lowest qualified bidder submitted a bid that was \$143,683.00 higher than the current construction budget. The additional funds would need to be paid to proceed with the grant. If the City did not proceed with the grant, all funds that have been reimbursed as well as Arizona Department of Transportation

(ADOT) administrative costs would need to be paid back to ADOT. At this point the total amount is \$60,357.00. The City already paid the difference between the original grant construction budget, the ADOT cost estimate, and the additional matching funds in the amount of \$112,810.00. This was \$68,262.00 from the Tourism Development Commission (TDC) and \$44,548.00 in Powerhouse grant funds. This money less the \$60,357.00 to be paid back would be returned to the City for a difference of \$52,453.00. At the April 7th, 2016 TDC meeting, Staff received direction to not proceed with the grant, pay back the reimbursed funds, and continue the project or smaller projects with funds from the Bricks and Mortar account. **Staff recommends supporting the Tourism Development Commission's decision.**

Councilmember Carver asked that Items 4(a) and 4(c) be pulled from the Consent Agenda.

Councilmember Miles made a MOTION to APPROVE the Consent Agenda as presented with the exception of Items 4(a) and 4(c). Councilmember Yocum SECONDED and it was APPROVED by a vote of 4-0.

Councilmember Carver said that his question is that the application says that this is temporary seating until a new building is built. He asked if the construction of the new building is invading into the current House of Hops service area. He said that if it is not then he does not see where an extension of premises should be granted for an area that is not currently being utilized. He said that if the new construction will invade into their current business then he can see that but he does not see where the new construction has anything to do with their current business.

Mayor Anderson asked if this was the same concern for Item 4(c).

Councilmember Carver said that for Item 4(c) the application looks like a parade is being hosted and the application says nothing about how the business will control patrons through that entire area. He asked if there has been a request for a parade permit to shut down the street for this event.

Ms. Muhle said that she was not aware of a permit that had been requested for this. She said that a permit may have been issued but she was not aware that this information would be requested. She also said that she would be happy to provide the Council with any additional information that she could at the next meeting.

Councilmember Carver asked if the Building Department has seen plans for the renovation. He also asked who the group is that is organizing the reunion and what control is in that area.

Councilmember Yocum asked what the allowable perimeter is in which a drink can be taken from a bar out onto the patio.

Assistant City Attorney Lee Hocking said that there was no distance for this.

Ms. Muhle said that she misspoke and there is a special event permit for this event which was approved by the City. She said that both blocks will be shut down and barricaded off. She said that this was for Item 4(c).

Mayor Anderson clarified that there was no additional information available for Item

4(a) and that the applicant was not present.

Ms. Muhle said that the applicant was not present and she did not know if Development Services had received plans for the construction.

Councilmember Carver said that if House of Hops is doing this then he can see other bars in the area doing the same thing. He said that it seems to him that no one is taking control of the perimeter with regards to security and the limits. He said that in his past experience beer gardens had to be set up.

Mr. Hocking read Arizona Revised Statutes (A.R.S.) 4-244.20 and the exceptions to this statute. He said that there was no distance required by the statute.

Councilmember Yocum said that since this is private property and access to this is from the owner's front door 20 feet or less to the east he would make a motion.

Councilmember Yocum made a MOTION to APPROVE Items 4(a) and 4(c) of the Consent Agenda.

Councilmember Carver asked if the property had a door leading in off of Beale Street.

Councilmember Yocum said that the existing front door does. He said that the applicant owns the property immediately to the east of the current building. He said that the applicant raised the previous structure that was on this property.

Councilmember Carver asked if there was a structure on this property currently or if it is just an open lot.

Councilmember Yocum said that it is still private property.

Mr. Hocking said that he would have to defer to the police chief for enforcement of the statute.

Councilmember Miles asked if this is currently a vacant area. She said that she believed this was extending from the front door toward Beale Street but is now understanding that this is a vacant lot next door.

City Manager John Dougherty said that there are some connex structures and what appears to be pallet fencing.

Councilmember Yocum said that his concern was regarding state statute.

Councilmember Miles noted that the application says that the extension is complete and asked what that is.

Ms. Muhle said that the application only notes a perimeter fence.

Councilmember Miles said that this does not say what the fence is made of.

Mr. Dougherty said that it appeared to be just pallets when he drove by.

Councilmember Carver asked Mr. Hocking to read the statute again.

Mr. Hocking read the A.R.S. statute again.

Councilmember Carver asked for the definition of a "broken package".

Mr. Hocking said that he would defer that to the police chief for enforcement of that but he interprets it to mean taking a beer taken from a six pack.

Councilmember Carver asked if the licensee is supposed to open that container before serving it. He said that he does not see where that exemption deals with removing a purchased beverage. He said that this would not have anything to do with the special event license.

Mr. Hocking said that they will have to comply with the liquor law on this.

Councilmember Miles asked if people will be sitting on the vacant lot which is not vacant on pallets drinking beer. She said that she is trying to visualize this completed patio. She said that wood pallets is not a completed patio in her mind.

Councilmember Carver agreed.

Ms. Muhle said that if Council wants to table this item staff can request additional information from the applicant for the next meeting.

Councilmember Carver said that this would put them close to the time frame of one of their applications but he would like to hear from the applicant as well as receive additional information on the liquor law from the City Attorney's Office.

Councilmember Yocum said that the business recently held a fundraising event on this lot which he did not believe they had applied for a license for. He said that he is now questioning whether or not they should have had a license for that event. He said that he was present at this event. He said that it did not occur to him that they should have had one and he believed the owners were doing everything they knew that they should be doing to comply with state statute.

Mayor Anderson asked if anyone would second the MOTION.

There was no SECOND to the MOTION. The MOTION FAILED.

Mayor Anderson advised that the applicant should be present.

Councilmember Yocum made a MOTION to TABLE Items 4(a) and 4(c) to give the applicant a chance to be present. Mayor Anderson SECONDED.

Councilmember Carver said that his concern is that this is after the date that was requested.

Mayor Anderson said that this shows why someone should be present if they are asking for something.

Councilmember Yocum noted that this item was on the Consent Agenda.

Mayor Anderson said that items have been pulled and rejected from the Consent Agenda. He then called for the vote.

The MOTION was APPROVED by a vote of 4-0.

5. OLD BUSINESS

6. NEW BUSINESS

a. Consideration of funding a Route 66 European promotional tour for Jim Hinckley

Jim Hinckley, local Route 66 historian and author, has the opportunity to travel to the first European Route 66 Festival, which is taking place in Germany in July, 2016. Mr. Hinckley would like to promote Kingman at this festival. The expense is expected to be \$4,899.98. The Powerhouse Visitor Center has provided \$2,149.98 for the airfare and, if approved by the Council, would be reimbursed for this expense. Mr. Hinckley would be paid \$2,750 for his meals, lodging and transportation expenses. **The Tourism Development Commission recommends the expenditure of \$4,899.98 from the Tourism Development funds.**

Kingman Tourism and Visitor Center Director Josh Noble addressed the Council and said that Mr. Hinkley was invited to represent Kingman and Route 66 at the first European Route 66 Festival. He said that he feels this would be a great opportunity for exposure and his understanding is that there was support from Council to do this. He said that there are some matters to be taken care of to fund the trip.

Mayor Anderson said that a lot of tours come to Kingman because of Route 66. He asked if there is some indication of how many foreign groups are coming to Kingman and if this is a market that is growing.

Mr. Noble said that the market is always growing and the number of visitors from France has grown the last couple of years. He also listed several other countries in which the area has seen an increase in visitors from.

Mr. Hinkley said that there are two contributing components to this which are Route 66 and the American Southwest. He said that the festival is being hosted by the German Route 66 Association with other associations participating.

Councilmember Miles said that she was at the Tourism Development Commission (TDC) meeting in which this was recommended and she agrees with the support. She said that the question is regarding whether it is legal to make Mr. Hinkley an independent contractor to fund this. She said that this is what the letter from the City Attorney's Office stated.

Mr. Hocking explained the Arizona Constitution clause regarding gifts. He said that there must be a tangible direct benefit and the recipient must be an independent contractor. He said that just giving money out is a violation.

Mayor Anderson further clarified this.

Councilmember Yocum asked if this would require that the City issue a 1099 as he believed there was a \$600 threshold before money received becomes earnings.

Councilmember Miles said that this was correct and she thinks this is something that has tangible benefit. She said that Mr. Hinkley would be a great ambassador for Kingman. She said that the City would get a return on the investment and the TDC talked about performance metrics and other things that can be measured.

Councilmember Miles made a MOTION to APPROVE the funding for Mr. Hinkley.

Councilmember Yocum asked if Mr. Hinkley will be taking the trip regardless of the funding. He said that he does not doubt Mr. Hinkley and appreciates his work.

Mr. Hinkley said that it would be difficult to take this trip without this funding. He said that he will be making a presentation and will be compensated 150 euros.

Councilmember Yocum asked if Mr. Hinkley will be conducting seminars and presentations or whether he will just meet with other people he encounters.

Mr. Hinkley said that this was set up on a website. He said that he would distribute materials on Route 66 and Kingman and will make a presentation.

Mr. Noble said that the City assisted Mr. Hinkley with a trip to Illinois and that Mr. Hinkley was issued a 1099 last year for that. He said that the request is to assist in the same way.

Councilmember Carver asked Mr. Hinkley if he had a problem with being considered an independent contractor which Mr. Hinkley said that he did not.

Councilmember Yocum asked if Mr. Hinkley knows how many people might attend the presentation.

Mr. Hinkley said that the organizer would be in Kingman in May to finalize details for the trip. He then listed several groups that would be in attendance at the festival as well as the media interest involved. He said that there will be a lot of international media coverage.

Mayor Anderson said that he had an interesting experience at lunch when he went to a restaurant and sat down next to a lady from Norway. He said that the lady had visited Kingman the year before and would be coming back next year. He said that tourism is funded from sales tax and the bed tax. He said that he looked at each person and thought about the activities and revenue that they bring to the city. He said that he thought of the money that was spent and that it was more than what Kingman residents spend here in a month. He said that Kingman is becoming more knowledgeable about how to market itself. He said that this is an issue in which there is an expert who is marketing for the community. He said that he understands the concerns from legal. He said that Mr. Hinkley has his full support.

Councilmember Yocum SECONDED the MOTION and it was APPROVED by a vote of 4-0.

Mr. Hinkley thanked the City for its promotion of tourism and economic development. He said that Kingman has the potential to become a destination. He said that a Route 66 photo contest was recently launched and since then there has been over a 1,000-percent

increase in web traffic through that website.

7. REPORTS

a. Board, Commission and Committee reports by Council Liaisons

Councilmember Miles said that she attended TDC and there was a presentation from Liza Noland regarding the private sector contributing marketing money for Kingman, not their individual businesses. She said that this was a request for a public-private partnership that was withdrawn and will be done in another form. She said that she appreciates the collaborative efforts.

Councilmember Carver said that he attended the Youth Advisory Commission meeting in which the commission met with the youth council from Peach Springs, Arizona. He said that the two groups plan to work on events with each other.

8. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings.

City Manager John A. Dougherty asked if there was any opposition from the Council members present to have the City Attorney's Office sit down and draw up the contract with Mr. Hinkley to bring back to Council which the Council agreed to.

Councilmember Carver said that a couple of people have approached the Council about the Kingman Airport Authority (KAA). He asked for an agenda item to explain the functionality of the KAA contract and where the City stands on working with KAA and the airport users group to benefit both. He said that this is to get proper information out.

Councilmember Miles asked for clarification on this and said that she has concerns about this as a member of the Kingman and Mohave Manufacturer's Association (KAMMA).

Councilmember Yocum said that this was not a discussion item.

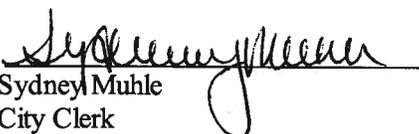
Councilmember Miles said that this is an agenda item for the Council.

Councilmember Carver said that he has requested a non-action item to explain the contract.

Councilmember Yocum made a MOTION to ADJOURN. Councilmember Carver SECONDED and it was approved by a vote of 4-0.

ADJOURNMENT — 6:21 P.M.

ATTEST:


Sydney Muhle
City Clerk

APPROVED:

Richard Anderson
Mayor

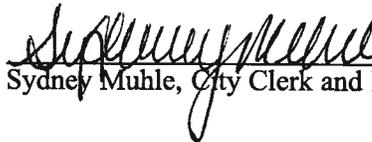


STATE OF ARIZONA)
COUNTY OF MOHAVE)ss:
CITY OF KINGMAN)

CERTIFICATE OF COUNCIL MINUTES

I, Sydney Muhle, City Clerk and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on April 19, 2016.

Dated this 3rd day of May, 2016



Sydney Muhle, City Clerk and Recording Secretary