

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

5:30 P.M.

MINUTES

Tuesday, September 1, 2015

REGULAR MEETING

Members	Officers	Visitors Signing in
Richard Anderson – Mayor	John Dougherty, City Manager	See attached list
Mark Wimpee, Sr. – Vice-Mayor	Jackie Walker, Human Resources Director	
Mark Abram	Carl Cooper, City Attorney	
Larry Carver	Jake Rhoades, Fire Chief	
Jen Miles	Greg Henry, City Engineer	
Stuart Yocum	Robert DeVries, Chief of Police	
Carole Young	Mike Meersman, Parks and Recreation Director	
	Tina Moline, Finance Director	
	Gary Jeppson, Development Services Director	
	Rob Owen, Public Works Director	
	Joe Clos, Information Services Director	
	Sydney Muhle, City Clerk	
	Erin Roper, Deputy City Clerk and Recording Secretary	

CALL TO ORDER & ROLL CALL

Mayor Anderson called the meeting to order at 5:29 P.M. and roll call was taken. All councilmembers were present. The invocation was given by Tracie Padilla of Praise Chapel after which 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. APPOINTMENTS

Assignment to the Volunteer Firefighters Pension Plan Board

With the passing of John Osterman, there is a vacancy on the Volunteer Firefighters Pension Plan Board for the position of member of the public. Retired Fire Chief Chuck Osterman has volunteered to fill this vacancy. Chief Osterman is not enrolled in the volunteer firefighter pension plan. **Staff recommends appointing Chuck Osterman to fill the vacancy in the Volunteer Pension Plan Board.**

Vice-Mayor Wimpee, Sr. made a motion to APPOINT Chuck Osterman to the Volunteer Firefighters Pension Plan Board. Councilmember Abram SECONDED and it was APPROVED by a vote of 7-0.

2. **APPROVAL OF MINUTES**

a. The Work Session minutes of July 27, 2015

Councilmember Miles made a MOTION to APPROVE the Work Session minutes of July 27, 2015. Councilmember Abram SECONDED and it was APPROVED by a vote of 7-0.

b. The Regular Meeting and Executive Session minutes of August 4, 2015

Vice-Mayor Wimpee, Sr. and Councilmember Young abstained as they were excused from the meeting.

Councilmember Miles made a MOTION to APPROVE the Regular Meeting and Executive Session minutes of August 4, 2015. Councilmember Carver SECONDED and it was APPROVED by a vote of 5-0 with Vice-Mayor Wimpee, Sr. and Councilmember Young ABSTAINING.

c. The Work Session minutes of August 24, 2015

Councilmember Carver abstained as he was excused from the meeting.

Vice-Mayor Wimpee, Sr. made a MOTION to APPROVE the Work Session minutes of August 24, 2015. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0 with Councilmember Abram ABSTAINING.

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.

Kingman resident Herberta Schroeder stated the current City Manager John Dougherty was very committed to the City and spent his personal time and money on City events. Ms. Schroeder stated Mr. Dougherty was an excellent ambassador for the City of Kingman and she hoped the Council would renew his contract.

Kingman resident Richard Penwarden asked the Council to consider an ordinance prohibiting the use of handheld devices while driving. Mr. Penwarden stated the Arizona legislature tried to pass a law the last two years and was unsuccessful. Mr. Penwarden stated some local entities in Arizona had successfully adopted ordinances prohibiting the use of handheld devices while driving. Mr. Penwarden stated he spoke with local law enforcement officers and they were in favor of a law that was plain and enforceable.

Mayor Anderson directed Mr. Dougherty to follow up on Mr. Penwarden's comments and report back to the Council.

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. Resolution 4966 authorizing a Memorandum of Understanding (“MOU”) between the Arizona Department of Revenue (“ADOR”) and the City of Kingman to establish performance measures to promote the timely, efficient and accurate processing of municipal tax matters

The ADOR and City of Kingman recently entered into an intergovernmental agreement to establish a uniform method of administration, collection, audit and licensing as it relates to municipal tax matters. In order to establish performance measures to promote the timely, efficient and accurate processing of these municipal tax matters by the ADOR, an MOU has been created between the ADOR and the City of Kingman. The terms of the MOU run on an annual basis from July 1, 2015 through June 30, 2016 and will renew automatically subject to the annual review conditions provided for in the MOU. **Staff recommends approval.**

b. Authorization for the Purchase of a Self-Contained Breathing Apparatus (SCBA) Compressor

Staff is requesting authorization for the purchase of the SCBA Compressor utilizing the bid from LN Curtis and Sons in the amount of \$65,098.80 including sales tax. Staff recommends the addition of the hose reel option in the amount of \$1,916.00 including sales tax. Finally, staff recommends the facilitation of the phase converter which must be installed at a total of \$4,400.00. The total for the completion of this project is \$67,015.90. **Staff recommends Council approve acceptance of the bids from LN Curtis and Sons to include hose reel option and Barkhurst Electric for phase converter installation.**

c. Award of bid for Ford PI Interceptor Police Package vehicles

The Kingman Police Department solicited bids for four 2015 or newer Ford PI Interceptor Police Package vehicles. The only bid submitted totaled \$127,600.36 (individual cost of \$31,900.09) from Cerbat Hills Ford DBA Colorado River Ford in Kingman. In the future the department will solicit bids to equip the vehicles. **Staff recommends approval.**

d. Award of bid for Chevrolet Silverado half ton vehicle

The Kingman Police Department solicited bids for one 2015 or newer Chevrolet Silverado vehicle. The vehicle will be utilized for the Neighborhood Services Unit. The only bid submitted totaled \$35,234.10 from Kingman Chevrolet - Buick. In the future the department will solicit bids to equip the vehicles. **Staff recommends approval.**

e. Award of bid for Ford Explorer 4WD Vehicle

The Kingman Police Department solicited bids for one 2016 or newer Ford Explorer vehicle. The vehicle will be utilized for the Flex Team K-9. The only bid submitted totaled \$30,586.90 from Cerbat Hills Ford DBA Colorado River Ford in Kingman. In the future the department will solicit bids to equip the vehicles. **Staff recommends approval.**

f. Authorization to Purchase Toro Groundsmaster 5900 Rotary Mower

Staff is requesting Council to authorize the purchase of a new Toro Groundsmaster 5900 Rotary Mower. This is an 18 feet width of cut, 99 horse power turbo Diesel, Hydraulic Driven. The mower would replace two 72” Groundsmaster Rotary Mowers that pull after-market trail mowers, these would be moved down in our fleet and used without pulling the trail mowers. **Staff is recommending Council authorize the purchase of new Toro Groundsmaster 5900 Rotary Mower from the**

Simpson Norton Corporation in the amount of \$88,367.23.

g. Consideration of a professional services agreement with Patti Trahern, PE, PHD for a Downtown local limits study, a wastewater classification study and a Hilltop local limits update, ENG15-051

On August 6, 2013 the Council adopted Ordinance No. 1764 as the City of Kingman Pretreatment Ordinance. In October of 2013, the Arizona Department of Environmental Quality (ADEQ) approved the City's Pretreatment Ordinance. The Pretreatment Ordinance prohibits the discharge of certain substances into the City sewer system. The Clean Water Act [40 CFR 403.8(f)(4)] requires that the City develop Local Limits, which are site specific limits for Industrial users. The Local Limits are intended to prevent undesirable substances from "passing through" the plant and causing the City to violate its effluent discharge requirements. The Local Limits are also intended to prevent the occurrence of substances that will "interfere" with the treatment plant operations, or cause health concerns for the workers. When the Pretreatment Ordinance was created, the Local Limits Study for the Downtown facility was deferred because the plant was not yet operational. The Hilltop Local Limits requires an update to review certain pollutants of concern such as copper, mercury, selenium and others. The Wastewater Classification Study will review the wastewater strength classification rates from the Utility Regulations. The current Table has not been updated since the Regulations were adopted in 1987. Staff has asked for a proposal from Patti Trahern, PE, PhD to prepare all of the work under a single agreement. Dr. Trahern was involved with the City's initial Pretreatment Ordinance. **Staff recommends that Council approve the Professional Services Agreement with Patti Trahern and authorize the Mayor to sign the Agreement on behalf of the City.**

h. 60 Day Contract extension for the Powerhouse Rehabilitation Project Design to Seabury Fritz Architects Inc.

On March 18, 2015, a contract was awarded to Seabury Fritz Architects Inc. for the design plans for the Powerhouse rehabilitation grant project. Seabury Fritz Architects Inc. has complied with all schedule requirements. The original contract was for a 180 day timeframe to be completed. Due to ADOT plan review times, the process has taken longer than expected. The original agreement was to be completed by September 14, 2015. **Staff recommends extending the contract 2 months until November 13, 2015.**

i. Special Event Liquor License Application

Applicant Robecca Fawson of Kingman Route 66 Rotary Foundation has applied for a Series 15 Special Event Liquor License for an event to take place Friday, October 2 and Saturday, October 3, 2015 from 10:00 A.M. to 9 P.M. each day at Locomotive Park in Kingman. **Staff recommends approval.**

j. Special Event Liquor License Application

Applicant John Patt of Desert Diamond Distillery has applied for a Series 16W Wine Fest/Wine Fair Liquor License for an event to take place Friday, September 25, 2015 from 6 P.M. to 10 P.M., Saturday, September 26, 2015 from 12 P.M. to 10 P.M., and Sunday, September 27, 2015 from 10 A.M. to 4 P.M. at Locomotive Park in Kingman. **Staff recommends approval.**

k. Special Event Liquor License Application

Applicant Billy T. Ward of Boys & Girls Club of Kingman has applied for a Series 15 Special Event Liquor License for an event to take place Friday, September 25, 2015 from 4 P.M. to 10 P.M., Saturday, September 26, 2015 from 10 A.M. to 10 P.M., and Sunday, September 27, 2015 11 A.M. to

5 P.M. at Locomotive Park in Kingman. **Staff recommends approval.**

l. Liquor License Application

Applicant Michael Alexander Campbell of Ruyi Express has applied for a Series 12 Liquor License for a restaurant at 960 W Beale Street. **Staff recommends approval.**

m. Extension of Premises/Patio Permit Liquor License

Applicant Ronald P. Campbell of The Garlic Clove has applied for an Extension of Premises/Patio Permit for his Series 12 Restaurant Liquor License for an event to take place October 10, 2015 at 509 Beale Street between 5th Street and 6th Street in Kingman. **Staff recommends approval.**

n. Extension of Premises/Patio Permit Liquor License

Applicant Alton Floyd of Redneck's Southern Pit Barbeque has applied for an Extension of Premises/Patio Permit for his Series 12 Restaurant Liquor License for an event to take place September 25 to September 27, 2015, at 420 Beale Street in Kingman. **Staff recommends approval.**

o. Extension of Premises/Patio Permit Liquor License

Applicant Noble Zubaid of Canyon 66 Restaurant & Lounge has applied for an Extension of Premises/Patio Permit for his Series 12 Restaurant Liquor License for an event to take place September 23 to September 27, 2015 at 3100 E Andy Devine Avenue in Kingman. **Staff recommends approval.**

p. Request for Public Auction of Parcel IV-U-B-F at the Kingman Airport and Industrial Park
Kingman Airport Authority, Inc. is requesting a Public Auction of Parcel IV-U-B-F at the September 15, 2015 City Council Meeting. This parcel contains 2.93 acres and it has been appraised at \$130,000. The anticipated bidder may require ADEQ or EPS permits approving operations on the site. **Staff recommends scheduling a Public Auction of Parcel IV-U-B-F at the Kingman Airport and Industrial Park during the September 15, 2015 regular City Council Meeting.**

q. Grants of Utility Easements for UniSource Electric, Inc. at Powerhouse SBA cell tower site, 120 Andy Devine Avenue, and C.O.K. Main Water Storage Tank Farm, intersection of Anson Smith Road and White Cliffs Road (Project No. ENG15-057)

(Easement at Powerhouse Site) The City of Kingman is the owner of this 2.2 acre parcel (Parcel 304-18-040) which is the location of the Powerhouse, 120 Andy Devine Avenue. The parcel is located south of Andy Devine Avenue just west of its intersection with N. First Street. UniSource Electric, Inc. is rebuilding their substation located west of the Powerhouse. Their reconstruction plan calls for a reconfiguration of the power connection to the SBA cell tower site which includes the installation of a new transformer adjacent to the cell tower site and within the City parcel. The proposed easement is not in conflict with any current site functions and improvements. This easement request will allow UniSource Electric, Inc. to install a new transformer for the SBA cell tower. (Easement at Main Water Storage Tank Farm Site) The City of Kingman is the owner of this 10.0 acre parcel (Parcel 305-09-008). This parcel is located at the intersection of Anson Smith Road and White Cliffs Road and is outside of the city limits. This is the site of the City of Kingman main water tank farm facility. UniSource Electric, Inc. discovered that their existing overhead power lines crossing this parcel do not have easements. The lines include a power transmission line and a distribution line which serves the City of Kingman water tanks. The proposed easement is for existing utility lines so there are no anticipated conflicts with site access, functions and improvements. This easement request will correct this omission and provided for legal access and placement of these overhead utility lines.

Staff recommends granting the utility easements for UniSource Electric, Inc.

Councilmember Carver stated item "4b" needed to be removed.

Vice-Mayor Wimpee, Sr. made a MOTION to APPROVE the Consent Agenda as presented with the exception of item "4b." Councilmember Miles SECONDED and it was APPROVED by a vote of 7-0.

Councilmember Carver asked if the sales tax for the bid in item "4b" was calculated using the location of the company or the location of the purchaser.

City Attorney Carl Cooper stated the sales tax was calculated using the location of the company.

Councilmember Carver made a MOTION to APPROVE item "4b." Councilmember Young SECONDED and it was APPROVED by a vote of 7-0.

5. OLD BUSINESS

a. Presentation of a \$3,750 as the Final Installment to Repay Back the \$5000 Seed Money Granted by the City of Kingman to the Kingman and Mohave Manufacturing Association (KAMMA)

On September 4, 2012, the City granted \$5,000 to KAMMA as seed money to become organized and obtain its non-profit, tax exempt status. Since that time KAMMA has incorporated and gained its tax exempt status. Membership has grown and KAMMA wants to repay the grant in one final installment of \$3,750. An oversized check presentation for the final installment will be made at the City Council meeting, but the actual check will not be given to the City until December, 2015. **Staff recommends accepting the check.**

President of KAMMA John Hansen presented the check to Mayor Anderson.

b. Restructuring the Hilltop Wastewater Plant loan

Staff has been researching the potential to restructure the Hilltop Wastewater Plant (HTWWTP) loan from 13 to 15 years at 2.5% interest. The Water Infrastructure Finance Authority (WIFA) may or may not approve the application; however, it has been suggested to submit an application. **Staff agrees the City should try to refinance the loan now before interest rates begin to climb.**

Finance Director Tina Moline displayed the following slides:

WIFA Hilltop Wastewater Treatment Plan Loan Refinancing Request

September 1, 2015

Refinancing Savings - HTWWTP Loan

	Present Value (Outstanding Loan Balance)	Interest Rate	Period (in Years)	Interest Paid During Lifetime of Loan (in millions)	Annual Payment (in millions)	Future Value
Current Structure	\$ 26,355,311	3.60%	13	\$ 7.136	\$ 2.574	\$ 41,739,281
Refinance & Extend	\$ 26,355,311	2.50%	15	\$ 5.574	\$ 2.219	\$ 38,170,349

Savings on Hilltop WWTP Loan Refinancing

Interest over loan term	\$1,562,000
Annual payment	\$355,000
Total payments	\$177,000

On slide one Ms. Moline stated restructuring the WIFA loan for the HTWWTP was discussed in July with the understanding that WIFA would most likely not refinance the Downtown plant as it had already forgiven a portion of the loan. Ms. Moline reviewed the information on slide two.

WIFA Refinance Request Process

- Submit letter to WIFA requesting the refinancing of our Hilltop loan
 - Benefits to the City and community
 - Impact existing debt payments have on our sewer customers (rates before and after)
- WIFA staff conducts analysis and issues recommendation
 - Impact on WIFA's bond portfolio
 - Median household income
 - Community hardship
 - Was a benefit provided in the original loan?
- WIFA Board meets once every 2 months – third Wednesday in Feb, Apr, Jun, Aug, Oct, and Dec
- Our request would make the December agenda
- If WIFA Board approves our request, refinance should take place within 60 days

Ms. Moline reviewed the information on slide three. Ms. Moline stated the benefit of restructuring the loan would be the reduced expenses to the wastewater fund. Ms. Moline stated this directly benefited the community by making funds available for expansion, a one-time credit to customers, or a customer rate reduction. Ms. Moline stated one of the factors WIFA would consider in their analysis would be the impact of refinancing on their own bond portfolio.

Mr. Dougherty asked if the City could lock in the interest rate.

Ms. Moline stated the interest rate could not be secured until WIFA approved the application.

Councilmember Miles made a MOTION to submit a request to refinance the WIFA loan. Councilmember Carver SECONDED and it was APPROVED by a vote of 7-0.

c. Discussion and possible action on the Communication to Council form

Staff is seeking direction on the proper documentation for requested agenda items. Any form the Council wishes to use is fine with staff. The request is so that it is not left up to interpretation, or

misinterpretation, of what the councilmember is requesting. **Council discretion.**

Councilmember Miles stated she did not want councilmembers to be required to complete a form to request agenda items. Councilmember Miles stated requesting items verbally at meetings or sending an email should be enough.

Mr. Dougherty stated email would work, but verbal requests could be too ambiguous. Mr. Dougherty stated staff sometimes had difficulty reaching councilmembers by phone or email when clarification was needed.

Mayor Anderson stated it was the councilmember's responsibility to review a requested item at least one day before the meeting to ensure it was correct.

Ms. Schroeder stated submitting requests for items by email or a form was a good idea because the request would not be left up to interpretation. Ms. Schroeder stated it created accountability and protected the councilmembers from people misinterpreting their statements.

Councilmember Carver stated an email request was reasonable. Councilmember Carver stated he did not like redundancy, but he understood that providing clear direction initially could prevent mistakes and save time. Councilmember Carver stated he agreed with Ms. Schroeder and did not see an issue with continuing to use email to notify Mr. Dougherty and Mayor Anderson of requested items.

Mr. Cooper asked if it was acceptable to include language in the revised ordinance that required requests to be made in writing.

The council agreed it was acceptable.

d. Discussion and/or action concerning disbandment of the Tourism Development Commission (TDC)

At the Regular Meeting of April 7, 2015, the Council heard a presentation from Krystal Burge and Tom Spear of the Tourism Development Commission (TDC) concerning possible disbandment. At the Work Session of August 24, 2015, the Council held discussion of this item and requested an action item for the September 1, 2015, Regular Meeting. The Council will discuss and take possible action on the proposal for disbandment of the TDC as well as options regarding a tourism contact with Kingman Visitor Center, Inc. **Council discretion.**

Kingman resident Theresa Evans stated the TDC should not be dissolved because it would degrade transparency by taking away public input and giving it to a private enterprise.

Kingman resident Joe Longoria stated he opposed disbanding TDC. Mr. Longoria stated the topic of disbandment was never discussed in a TDC meeting, which was a red flag. Mr. Longoria stated it was a conflict of interest for two of the TDC members to support disbandment when they were also Kingman Visitors Center, Inc. board (hereinafter "board") members. Mr. Longoria stated the control of the funding should remain in the citizens' hands and to lose that control would result in lost transparency.

Ms. Schroeder stated the TDC should not be disbanded. Ms. Schroeder stated the TDC needed to know what they could and could not fund. Ms. Schroeder stated the City needed to know that the

money spent resulted in a beneficial outcome, which should be shown in accountability reports. Ms. Schroeder stated the TDC needed new membership and clear guidelines.

TDC Commissioner Angela Paterson stated dissolving the TDC would take the stewardship of the money out of the hands of the City and its citizens. Ms. Paterson stated giving the funds to a private entity was risky and she hoped the Council would keep the money under City control.

Chair of the TDC Krystal Burge stated her goal was to support the community and if the community wanted to preserve the TDC she would support that as well. Ms. Burge stated the tourism dollars would always be controlled by the City even if the management was transferred to the board. Ms. Burge stated the money had always been well cared for and used to promote City tourism.

Vice-Chair of the TDC Tom Spear stated one of the goals was to clean up the City budget by moving tourism items out of the general fund and into the care of tourism dollars. Mr. Spear stated this would reduce the amount of discretionary funding for events. Mr. Spear stated the board would be able to use a hotel occupancy report to show the impact of funded events.

Mayor Anderson stated restaurant information would also need to be captured.

Mr. Spear stated he was not sure how to retrieve the data since restaurants were taxed differently from hotels, but the information could most likely be retrieved.

Councilmember Miles stated this was the third time disbanding the TDC was discussed and the Council still did not have the requested supporting material.

Mr. Spear stated disbanding the TDC without a contract in place would be premature.

Mr. Cooper stated he contacted Bullhead City and Lake Havasu City to obtain their agreements. Mr. Cooper stated he needed to complete a thorough analysis, but a quick review showed that the contracts mirrored the operations of a public agency, such as complying with open meeting law.

Councilmember Abram stated there was some risk when government funds were turned over to private industry. Councilmember Abram stated the contract needed to have clear standards, mandatory data reporting, and repercussions for lack of follow through.

Mayor Anderson directed Mr. Dougherty to arrange a time for a Work Session with the board, Council, and City staff to discuss the proposal and to gather the Kingman Visitors Center, Inc. bylaws, an attorney review of the Lake Havasu City and Bullhead City contracts, and a draft contract.

e. Discussion and possible action concerning Climatec

At the August 24, 2015 Council Work Session the Councilmembers who were present heard a presentation from Climatec concerning a proposal to assist the City in using savings on utility bills to pay for efficiency improvements. Climatec informed staff they are on the state bidders system so it is not required that the City offer a request for proposal to other vendors. Some of the clients Climatec has worked with are currently being contacted and the City Manager will have a verbal report ready for Council at the meeting. **Staff recommends contracting with Climatec to create a list of projects for Council's approval.**

Mr. Dougherty stated City staff spoke with multiple Climatech clients and overall the clients were very pleased. Mr. Dougherty stated the potential for significant savings was backed by state legislature.

Councilmember Miles stated the City procurement code needed to be reviewed before a decision was made in order to confirm a bid process was not required.

Ms. Moline stated the next step was to proceed with the audit and analysis in order to show what projects would be most beneficial for the City. Ms. Moline stated a report of projects, savings and associated warranties would then be presented to the Council for a final decision. Ms. Moline stated the City could not know the options for funding until the projects were identified.

Mr. Petit stated Climatech provided a good blueprint for improvements, but it involved changing all the equipment at once. Mr. Petit stated this would lead to the equipment wearing out and/or becoming obsolete all at once. Mr. Petit stated the City should replace the equipment incrementally using City staff to save money and avoid having to replace all equipment at the same time.

Ms. Moline stated the analysis was at no cost to the City. Ms. Moline stated the purpose of using a vendor like Climatech was to pay for the improvements in a way that would not incur any additional debt. Ms. Moline stated the equipment would not fail all at once since it had varying lifespans.

Councilmember Carver made a MOTION to APPROVE working with Climatech to develop a list of projects for Council approval. Vice-Mayor Wimpee, Sr. SECONDED.

Mr. Dougherty stated the City would take on debt, but it would be guaranteed to have the payments for that debt as well as additional savings.

Mayor Anderson called for a VOTE and it was APPROVED by a vote of 7-0.

6. **NEW BUSINESS**

a. Public hearing and consideration of Ordinance 1801, amending Section 5.000: RESIDENTIAL MANUFACTURED HOME and Subsection 26.900: RECREATIONAL VEHICLE PARKS of the Zoning Ordinance of the City of Kingman

Hugh P. & Moira J. Gallagher, applicants, have requested a text amendment to Section 5.000 RESIDENTIAL MANUFACTURED HOME and Subsection 26.900: RECREATIONAL VEHICLE PARKS of the Zoning Ordinance of the City of Kingman. The proposed amendment would permit recreational vehicles (RVs) to be allowed by Conditional Use Permit (CUP) within manufactured home parks located in an R-MH zoning district. The applicants are interested in allowing RVs within the Kingman Mobile Home Park at 1100 Topeka Street, which they own. The text amendment would allow no more than 40-percent of the park spaces to have RVs, and the space locations must be shown on an approved site plan, among other conditions. The Planning and Zoning Commission held the public hearing on August 11, 2015 to consider the proposed text amendment. The commission voted 5-2 to recommend denial of the proposed text amendment. The commissioners expressed concern regarding the impact of RVs on the manufactured home park and surrounding neighborhoods. A proposed ordinance has been prepared for the Council's consideration based on the requested text amendment and staff recommendations. **The commission's recommendation was to deny the requested amendment.**

Development Services Director Gary Jeppson presented the following slides:


Case #Z015-002
A request to permit recreational vehicles
by Conditional Use Permit
within
Manufactured Home Parks
Located in an R-MH-6 zoning district

City Council Meeting
September 1, 2015

General Information
Applicant: Hugh Gallagher

Requested Action
A request to amend Sec. 5.000: Residential Manufactured Home and Subsection 26.900: Recreational Vehicle Parks of the Zoning Ordinance of the City of Kingman. If approved, the proposed amendment would permit recreational vehicles to be allowed by Conditional Use Permit within manufactured home parks located in an R-MH-6 zoning district.

Recommendation
The Planning and Zoning Commission, by a 5 to 2 vote, recommends denial of the zoning ordinance text amendment as contained in proposed Ordinance #1801

Slide one was an introductory slide. Mr. Jeppson reviewed slide two.

Findings of Fact

1. Manufactured homes allowed as permitted uses in all R-MH zones on individual lots and in manufactured home parks.
2. The definition of "Manufactured Home" does not include recreational vehicles.
3. Subsection 5.400 outlines the development standards for manufactured home parks. New parks require P&Z Commission review and City Council approval.
4. Subsection 26.900 outlines the development standards for recreational vehicle parks. New parks are permitted in the C-2 and C-3 zoning districts by CUP and require P&Z Commission review and City Council approval.
5. Subsection 26.930(7) permits manufactured home parks to be developed in conjunction with an RV park. But reverse situation, which is the request, is not currently permitted.
6. RVs are also not permitted on individual lots in the R-MH districts.



Mr. Jeppson reviewed slide three and stated slide four was a photo of the property.

Background on Text Amendment Request

1. Kingman Mobile Home Park is located at 1100 Topeka and zoned R-MH-6. The park has 70 spaces with about 30 manufactured homes and pre-HUD mobile homes and about 11 RV units. The remaining spaces are vacant.
2. Current owner states there were RVs in park at time of purchase in 1997.
3. Park rezoned from I-1: Light Industry to R-MH-6 in 1998 to reduce the number of non-conforming uses. Action legalized manufactured homes in park. Pre-HUD mobile homes are legal non-conforming uses. However any existing RVs not legalized.
4. Gas lines, sewer lines, water lines and electrical system upgraded in park between 1999 and 2013.
5. Permit for electrical pedestal for RV use in park space denied in June.
6. Park owner would like to rent spaces to RVs and elected to apply for a text amendment.

Analysis

1. Text amendment as proposed would allow RVs to be permitted by CUP in existing and future manufactured home parks.
2. Currently there are eight parks in Kingman all zoned R-MH-6. Not clear what it would take to bring some of these parks up to current standards for manufactured home parks if they requested a CUP to allow RVs.
3. Property development standards for manufactured home parks and RV park include: Space sizes, density, setbacks, parking, streets, fencing/screening, utilities, recreation areas, and lighting and storage. Some of these standards may need updating in a future text amendment.
4. A site plan will need to be submitted with a CUP. It would need to distinguish RV spaces from manufactured home spaces. Since there is no permitting process for RVs, they could end up on spaces designated for manufactured homes. Staff recommends a specific limitation on the amount of spaces that can be used for RVs—no more than 30-40 percent.

Mr. Jeppson reviewed slides five and six.

Analysis (Continued)

5. RV spaces are permitted to be smaller than manufactured home spaces. There needs to be language to preclude the placement of manufactured homes on spaces smaller than the minimum standard of 3,200 square feet.
6. RVs are transient in nature and can include campers, vans, panel vans, buses and travel trailers. The commission should consider whether RVs could have a negative impact on park and surrounding residential neighborhoods with permanent housing.
7. The option of rezoning the Kingman Mobile Home Park to C-2 to allowing the RVs to be permitted by CUP was considered. However, this would require an amendment of the Kingman General Plan 2030 projected land use map first.
8. C-2 zoning would allow all permitted uses in that district at the park location. Property is at end of terminating street and C-2 zoning may not be appropriate from a land use standpoint.

Proposed Text Amendment

The proposed Ordinance #1801 will do the following:

1. Clarify in Sec. 5.210 that Manufactured Home Parks are permitted in the R-MH-6 zoning district by right.
2. Add text in Sec. 5.230 that RVs within a manufactured home park maybe permitted by CUP and regulated by Sec. 26.900.
3. Add text in Sec. 5.400 allowing RVs by CUP in manufactured home park, maximum 40-percent of park spaces may be designated for RVs with locations shown on site plan, and manufactured homes not permitted in RV spaces that do not meet manufactured home space size requirements.
4. Clarify in Sec. 5.400 that unoccupied campers and RVs may be parked and stored. Minimum number of improvement plan copies for park plans increased from two to five.

Mr. Jeppson reviewed slides seven and eight.

Proposed Text Amendment (Continued)

5. Clarify in Sec. 26.930(7) that manufactured home park may be developed in an RV park by CUP in C-2 and C-3 districts.
6. Add text in Sec. 26.930(8) that RVs within a manufactured home park maybe permitted by CUP with park development standards are applied to RV spaces.
7. Clarify in Sec. 26.940 that minimum RV park size of two acres only applies to parks in C-2 or C-3 district. No more than 40% of the parks spaces may be designated for RVs with locations shown on site plan, and manufactured homes not permitted in RV spaces that do not meet manufactured home space size requirements.
8. Clarify in Sec. 26.940 that the term RV "lot" is to be replaced with RV "space." Parking spaces for rigs and vehicles need to be side by side or non-tandem. The number of improvement plan copies for park plans increased from two to five.

Recommendation

- The Planning and Zoning Commission, on a 5 to 2 vote, recommends denial of Ordinance #1801.
- Staff believes that clarifying language needs to be made concerning recreational vehicle regulations, but that the applicant's request should be denied.

Mr. Jeppson reviewed slide 9 and stated the City received comments from manufactured home owners regarding living next to RVs and what was considered an RV. Mr. Jeppson stated the concern was whether old school busses, panel vans, or dilapidated and/or non-operational vehicles would be considered RVs. Mr. Jeppson reviewed slide 10.

Attachment "A"

5.200 GENERAL PROVISIONS

5.210 PERMITTED USES

Home occupations as regulated in Section 24.000, of this Ordinance
Manufactured Home Park in the RMH-6 district as regulated by Section 5.400 of this Ordinance
 Parks and public playgrounds—publicly owned and operated

5.230 USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT

Public libraries
Recreational vehicles within a Manufactured Home Park in the R-MH-6 district as regulated by Subsection 26.900: Recreational Vehicle Parks
 Regulated Day Care/Group Facility

Attachment "A"

5.400 MANUFACTURED HOME PARK

5.410 PROPERTY DEVELOPMENT STANDARDS

RECREATIONAL VEHICLES: Recreational vehicles used for living quarters may be permitted by Conditional Use Permit subject to the regulations of Subsection 26.900: Recreational Vehicle Parks. Recreational vehicle spaces shall comprise no more than 40-percent of the spaces within a manufactured home park when located in an R-MH-6 zoning district. The locations of the RV spaces shall be clearly identified on an approved site plan and recreational vehicles shall not be permitted in spaces designated for manufactured homes. In all zoning districts manufactured homes shall not be permitted on recreational vehicle spaces which do not meet the manufactured home space size requirements per this ordinance.

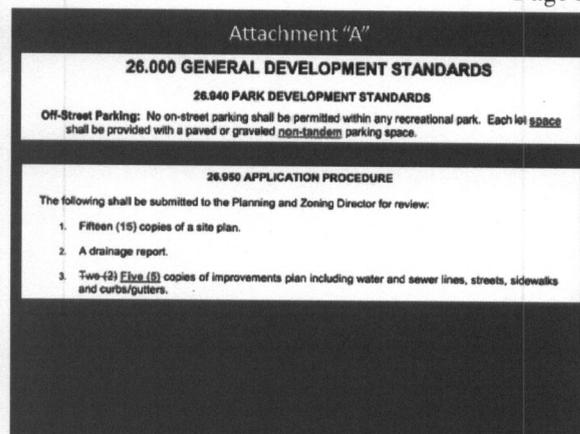
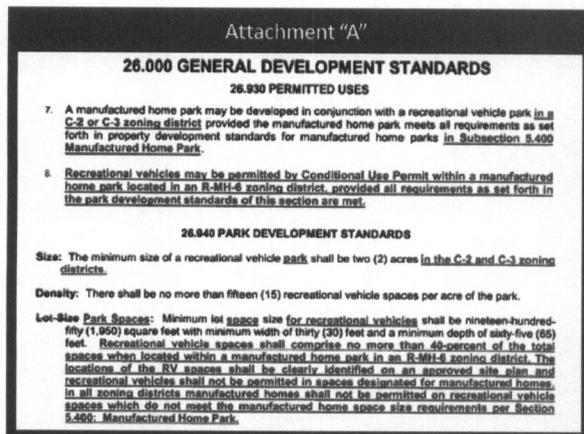
STORAGE AREAS: There shall be an area for the parking of boats, unoccupied campers, recreational vehicles, and similar vehicles, and an area for utility, maintenance, and/or storage areas equal to one (1) parking space per two (2) lots which shall be screened from view by an opaque wall or fence with a minimum height of five (5) feet. This area shall be paved or graded.

5.430 APPLICATION PROCEDURE

The following shall be submitted to the Planning and Zoning Director for review:

1. Fifteen (15) copies of a site plan.
2. A grade and drainage report.
3. Two (2) Five (5) copies of improvement plans including water and sewer lines, streets, sidewalks, and curbs/gutters.

Mr. Jeppson displayed slides 11 and 12.



Mr. Jeppson displayed slides 13 and 14.

Councilmember Abram asked if the ordinance dictated how long an RV could be in one place.

Mr. Jeppson stated there was no limitation and the ordinance would allow permanent residency in an RV.

Applicant Hugh P. Gallagher stated six of the eight mobile home parks in Kingman rented spaces to RVs. Mr. Gallagher stated he upgraded the electrical system in 2012 to service individual spaces. Mr. Gallagher stated his permit application for an RV pedestal was denied due to the zoning. Mr. Gallagher stated there were no overnight guests in his park and the lease was month to month. Mr. Gallagher stated parks in California and Nevada rented spaces to manufactured homes and RVs within the same park without issue. Mr. Gallagher stated his park was in a low income area and losing the ability to rent to RVs would take 30 spaces away from low income people.

Councilmember Abram asked Mr. Gallagher if there was a specific section of the park for RVs.

Mr. Gallagher stated the manufactured homes were not separated from the RVs.

Councilmember Miles asked if there were complaints from the manufactured home residents.

Mr. Gallagher stated there were no complaints.

Councilmember Miles stated the City had the option of either changing the ordinance or enforcing the rules, which would displace people.

Councilmember Carver asked if there was a way to revise the text in order to bring all the parks in the City into compliance.

Mr. Jeppson stated the City could adopt an ordinance.

Councilmember Abram stated there needed to be some regulation in place to separate manufactured homes from RVs within the parks. Councilmember Abram stated RVs were not as permanent as manufactured homes.

Councilmember Carver asked if the definition of RV was outlined in the Arizona Revised Statutes

(ARS).

Chief of Police Robert DeVries stated the definition was not detailed.

Mr. Jeppson stated the definition of a manufactured home was outlined in federal statutes. Mr. Jeppson stated the parks would have to apply for a CUP to come into compliance, which could be denied if complaints were received.

Councilmember Miles stated the CUP process provided oversight and allowed specifics like location to be considered.

Councilmember Abram stated 40% of the park allotted for RVs was too high.

Mr. Jeppson stated the maximum was 40% and the Council could reduce that percentage as part of the CUP.

Councilmember Young stated there were other places for the RVs to relocate to as not all the RV parks in Kingman were full.

Mayor Anderson opened the public hearing at 7:27 P. M.

Deborah Addler stated there were a number of parks that had manufactured home and RV residents living together without complaint. Ms. Addler stated she understood cosmetic concerns, but the ordinance should be changed rather than displacing a large number of individuals. Ms. Addler stated a grandfather clause could be issued as long as the current residents were in compliance with other City ordinances.

Mayor Anderson closed the public hearing at 7:30 P.M.

Vice-Mayor Wimpee, Sr. made a MOTION to APPROVE Ordinance 1801. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-1 with Councilmember Abram voting NAY.

b. Proposed Resolution No. 4967, approving a change of beneficiary of a trust for Kingman Crossing, Tract 1993-A, a single family residential subdivision

Kingman Crossing Tract 1993-A is a single family residential subdivision located on the south side of Airway Avenue at Santa Rosa Drive and is not associated with nor a part of the city-owned parcel south of I-40. On January 17, 2012 the Kingman Common Council passed Resolution No. 4762-R which accepted a new property escrow assurance and released a surety bond for Kingman Crossing, Tract 1993-A. The property escrow assurance was accepted to assure the completion of all remaining uncompleted off-site subdivision improvements for Kingman Crossing, Tract 1993-A east of Santa Rosa Drive. Under the assurance agreement, no individual lots can be sold until all required subdivision improvements are completed. The portion of Kingman Crossing, Tract 1993-A subject to the property escrow agreement is in a trust with Pioneer Title Agency, Inc. as Trustee under Trust No. 9289. The original beneficiary of the trust was WLN Construction, LLC. The property escrow agreement requires that Pioneer Title obtain the City's written approval prior to the transfer, release, or conveyance of any of the property in this section of Kingman Crossing, Tract 1993-A. In 2013 the Council passed Resolution No. 4846 which approved a change to the beneficiary of the trust to include Frank Moore Construction, LLC as the second beneficial interest. Angle Homes has recently

entered into a purchase agreement for the subject property. As a result, Pioneer Title Agency proposed changing the second beneficial interest first to Francis P. Moore individually then to Angle Homes, Inc. **The Council is asked to approve Resolution 4967 which will provide the required written authorization for the change of beneficiary to Angle Homes, Inc.**

Vice-Mayor Wimpee, Sr. made a MOTION to APPROVE Resolution 4967. Councilmember Young SECONDED and it was APPROVED by a vote of 6-0 with Councilmember Carver ABSTAINING as he was not present at the time of the vote.

c. Discussion and direction concerning street closures

The City recently received an application for a street closure to hold an event downtown. The business owner was told he would have to make arrangements for the street closure barricades. Upon contacting a vendor in Fort Mohave the business owner decided the cost (\$1,100) was too prohibitive and talked about cancelling his event. The City Manager asked the Public Works Director to calculate the cost of the Street Department handling the street closure (\$390). Department personnel have been through training on doing street closures and the department has the equipment to do minor closures on a periodic basis. **In order to encourage events in the city, staff would like authorization from Council to do street closures using city personnel, at the City Manager discretion, when feasible and personnel are available.**

Mr. Dougherty stated the City could handle street closures for small events and the fee would cover the overtime cost of two employees to set up equipment. Mr. Dougherty stated previous Councils were concerned with competing against private traffic control businesses; however, due to the fact that the only company in the area was from Fort Mohave and the price was high he felt it was worth readdressing. Mr. Dougherty stated it was important to encourage and assist businesses who wanted to hold events that would bring people into the community.

Councilmember Miles stated she wanted to know when City staff was being used, for what event, and in what capacity.

Mayor Anderson made a MOTION to APPROVE use of City staff on street closures. Vice-Mayor Wimpee, Sr. SECONDED and it was APPROVED by a vote of 7-0.

7. **REPORTS**

Board, Commission and Committee Reports by Council Liaisons

Vice-Mayor Wimpee, Sr. stated he attended the Historic Preservation Commission meeting and the group was doing an excellent job of increasing their productivity.

8. **ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER**

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

If needed.

Councilmember Miles invited the Council and public to visit the Dig It Community Garden on September 12, 2015 from 9 to 11 A.M.

Councilmember Abram stated the Best of the West on Route 66 Festival would begin on September

26, 2015.

Mayor Anderson stated he attended the League of Arizona Cities and Towns conference and heard a lot of discussion about improving infrastructure and roads, but no firm solutions.

Mr. Dougherty stated there would be a community wide cleanup on September 12, 2015 beginning at 6 A.M. Mr. Dougherty stated the Veterans Court was expected to be operational by November 1, 2015 and he would bring a contract to Council for review.

9. EXECUTIVE SESSION

Pursuant to ARS 38-431.03(A)(7), the City Manager requests that the Mayor and Common Council vote to go into executive session for discussion and later possible action.

Vice-Mayor Wimpee, Sr. made a MOTION to ENTER Executive Session. Councilmember Young SECONDED and it was APPROVED by a vote of 7-0.

Council entered Executive Session at 7:42 P.M.

a. E. Andy Devine Avenue property appraisal

Pursuant to ARS 38-431.03(A)(1), the City Manager requests that the Mayor and Common Council vote to go into executive session for discussion and later possible action.

b. City Manager contract

Council returned from Executive Session at 8:47 P.M.

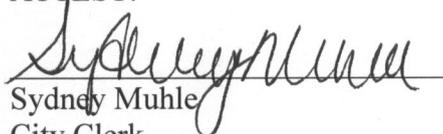
Vice-Mayor Wimpee, Sr. made a MOTION to place the E. Andy Devine Avenue property out for bid for the minimum appraised amount. Councilmember Abram SECONDED and it was APPROVED by a vote of 7-0.

Mayor Anderson stated direction was provided to the subcommittee to meet with the City Manager during the following week to discuss the contract.

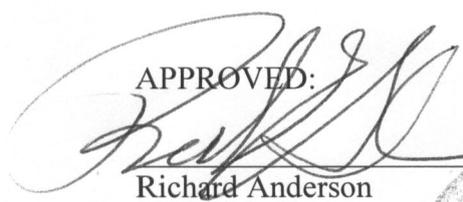
Councilmember Abram made a MOTION to ADJOURN. Vice-Mayor Wimpee, Sr. SECONDED and it was APPROVED by a vote of 7-0.

ADJOURNMENT – 8:47 P.M.

ATTEST:


Sydney Muhle
City Clerk

APPROVED:


Richard Anderson
Mayor

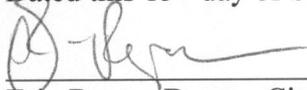
STATE OF ARIZONA)
COUNTY OF MOHAVE)ss:
CITY OF KINGMAN)



CERTIFICATE OF COUNCIL MINUTES

I, Erin Roper, Deputy 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 September 1, 2015.

Dated this 15th day of September, 2015.



Erin Roper, Deputy City Clerk and Recording Secretary