

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

5:30 P.M.

MINUTES

Tuesday, September 15, 2015

REGULAR MEETING

Members	Officers	Visitors Signing in
Richard Anderson – Mayor	John Dougherty, City Manager	See attached list
Mark Wimpee, Sr. – Vice-Mayor - EXCUSED	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	Rusty Cooper, Deputy Chief of Police	
Carole Young - EXCUSED	Mike Meersman, Parks and Recreation Director	
	Diane Richards, Budget Analyst	
	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 5:34 P.M. and roll call was taken. All councilmembers were present except for Vice-Mayor Wimpee, Sr. and Councilmember Young who were excused. The invocation was given by Paul Daniel of First Baptist Church 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. APPROVAL OF MINUTES

a. The Work Session Minutes of August 25, 2015

b. The Regular Meeting and Executive Session minutes of September 1, 2015

Councilmember Abram made a MOTION to APPROVE the Work Session minutes of August 25, 2015 and the Regular Meeting and Executive Session minutes of September 1, 2015. Councilmember Yocum SECONDED and it was APPROVED by a vote of 5-0.

2. **PROCLAMATION**

a. Kingman Cancer Awareness Month

Mayor Anderson read the proclamation. Human Resources and Risk Management Director Jackie Walker stated the City of Kingman partnered with the Kingman Cancer Care Unit and Kingman Regional Medical Center to raise awareness in the community, which was important due to the high incident rate of cancer in Mohave County.

b. National Literacy Month and International Literacy Day

Mayor Anderson read the proclamation.

3. **APPOINTMENTS**

Consideration of appointing two people to the Tourism Development Commission (TDC)

The TDC has two vacancies. The term of James McGuire ended December 31, 2014 and he did not seek reappointment. Debra Sixta, whose term ends December 31, 2016, resigned from the Commission in December, 2014. The TDC met on September 3, 2015 and recommended appointing Theresa Evans and Herberta Schroeder. **Staff recommends approval.**

Theresa Evans stated she had experience in the tourism industry and wanted to work to increase tourism in Kingman.

Herberta Schroeder stated her experience as a professional photographer gave her insight into the tourism industry and she wanted the opportunity to help bring people into Kingman.

Councilmember Yocum made a motion to APPOINT Theresa Evans and Herberta Schroeder to the Tourism Development Commission. Councilmember Miles SECONDED and it was APPROVED by a vote of 5-0.

4. **AWARDS**

Employee Award & Recognition

Cheryl Smith has been recognized by her peers in the Arizona Chapter of the Society of Human Resources Management and is the 2015 recipient of the Ann Byrnes, SPHR Memorial Award for Professional Excellence. Jackie Walker has been recognized by her peers in the Arizona Chapter of the Society of Human Resources Management as a nominee for the Al O'Connor Lifetime Achievement Award. **Staff would like Council to recognize Cheryl Smith and Jackie Walker.**

Mayor Anderson presented plaques to Cheryl Smith and Ms. Walker.

5. **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.

Laura Hansen of United Way thanked the Kingman Area Chamber of Commerce, Clean City

Commission, City of Kingman, and volunteers for supporting the community wide clean up event on September 12, 2015.

Kingman resident Clarence "C" Russell stated he hoped the Council would renew City Manager John Dougherty's contract. Mr. Russell stated Mr. Dougherty accomplished a lot of projects in the last two years and was dedicated to improving Kingman. Mr. Russell stated it would be a big mistake to lose Mr. Dougherty over a contract dispute.

Kingman resident Travis Lingenfelter stated a new group was forming in Kingman called the Partnership for Economic Advancement in Kingman (P.E.A.K.). Mr. Lingenfelter stated the group was passionate about seeing Kingman grow and wanted to be a part of the discussions for the big decisions Kingman was facing. Mr. Lingenfelter asked City Clerk Sydney Muhle to distribute copies of an introductory letter to the Council.

Debra Sixta stated P.E.A.K. wanted to work with all other local entities to promote and improve Kingman.

6. **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. Authorizing the purchase of real property on Gates Avenue for drainage purposes, ENG15-018

On March 17, 2015 Council approved Resolution 4936, which authorized staff to proceed with acquiring vacant property on Gates Avenue for drainage purposes. The property identified as tax Parcel 311-14-325 is 5,000 square feet in area and a natural low point which ponds with storm runoff. The property owner has provided an appraisal dated March 11, 2010 showing an opinion of value of \$12,000. **Staff recommends proceeding with the Gates Avenue property acquisition.**

b. 2016 Governor's Office of Highway Safety (GOHS) Grant Award

The Kingman Police Department has been awarded \$20,000 from the GOHS. The funding will provide overtime for the department's participation in DUI/Alcohol enforcement with DUI Task Force operations. **Staff recommends approval.**

c. Special Event Liquor License Application

Applicant Karen Lopez of the Kingman / Golden Valley Association of Realtors has applied for a Series 15 Special Event Liquor License for an event to take place Saturday, October 10, 2015 from 11:00 A.M. to 3:00 P.M. at Metcalf Park, 315 W. Beale St. in Kingman. **Staff recommends approval.**

d. Special Event Liquor License Application

Applicant Patrick Dexter Otto of the Mohave Museum of History And Arts, Inc. has applied for a Special Event Liquor License for an event to take place Saturday, November 07, 2015 from 6:00 P.M. to 9:00 P.M. at the Mohave Museum of History and Arts, 400 W. Beale Street in Kingman. **Staff recommends approval.**

e. Consideration of Amendment No. 1 with Freiday Construction, Inc. for Construction Manager at Risk services related to the installation of the Rattlesnake Tank Booster Pumps and 16" Rancho Santa Fe Parkway Transmission Main (ENG12-010)

On March 3, 2015 Council approved a construction CMAR contract with Freiday Construction to begin Phase 1 for the Rattlesnake Tank Booster Pumps and 16" Rancho Santa Fe Parkway Transmission Main project. This amendment is for Phase 2, which will complete the remaining work for this project. The negotiated Guaranteed Maximum Price (GMP) for the project is \$1,894,483.56, which was budgeted through the water projects fund. All work will be complete by March 31, 2015. **Staff recommends approving Amendment No. 1 with Freiday Construction, Inc.**

f. Recommendation from the Tourism Development Commission (TDC) for the quarterly payment to Kingman Visitor Center, Inc. for tourism services

The Kingman Visitor Center, Inc. receives a quarterly payment of \$51,250 from the City upon submission and acceptance of the tourism quarterly report. The most recent quarterly report was submitted and accepted by TDC at the September 3, 2015 regular meeting. **Staff recommends approval.**

g. Resolution 4957 – Authorization for banking activities

Resolution 4957 changes Wendy Sherer's title to Finance Administrator, removes Trinna Ware as an authorized person to make telephonic and wire transfers between the City's accounts, and adds designees to the list of authorized positions that can hold City purchasing cards. Each department's director will have the authority to designate staff within their department to hold a City issued purchasing card. All cardholders will be required to acknowledge receipt of the purchasing card and associated policy. **Staff recommends approval.**

h. Resolution 4968 – Authorization to implement a purchasing card policy

Resolution 4968 authorizes the Finance Department to implement a purchasing card policy. Prior to issuance of a City purchasing card, all designated staff will be required to acknowledge receipt of the policy and sign a cardholder agreement. **Staff recommends approval.**

i. Federal Aviation Administration (FAA) A.I.P. Grant 3-04-0021-027-2015 to rehabilitate Taxiway C and the south aircraft parking apron at the Kingman Airport

The FAA grant offer is \$2,680,000 and the local match requirement will be approximately \$141,053, which the Kingman Airport Authority commits to providing its equal share along with ADOT Aeronautics. **Staff recommends accepting the FAA grant.**

j. Ordinance 1802 – Modified agenda process

The Council directed staff to add language that stated only the councilmember who added the item to the agenda may remove it as well as submitting the item in writing. **Staff recommends approval.**

k. Proposed Resolution 4969 changing the street name of "West Central" to "Center Street"

West Central is a short, unimproved street located west of Mohave Avenue in the Southside area of downtown Kingman. West Central is on essentially the same alignment as Center Street located east of Mohave Avenue. Several City maps as well as the Mohave County GIS system indicate that this street is named Center Street, however, no evidence could be found that the street name was formally changed by Council resolution. To reduce potential confusion in the 9-1-1 system regarding the correct street name and its location, staff is proposing to change the name of "West Central" to "Center Street." **Staff recommends approval.**

Councilmember Carver made a MOTION to APPROVE the Consent Agenda as presented. Councilmember Miles SECONDED and it was APPROVED by a vote of 5-0.

7. **OLD BUSINESS**

a. Update on marketing for Best of the West on 66 festival

Event coordinator Dora Manley will provide a verbal report on the marketing for the Best of the West on 66 festival.

Jamie Taylor stated one of the challenges for marketing the festival was that funding was not received until late July, 2015, which prevented marketing the festival internationally. Ms. Taylor stated the majority of the media placement was in California, Arizona and Nevada and included radio station advertisements and interviews, television advertisements, magazines, and newspaper advertisements and inserts. Ms. Taylor stated there were online advertisements, a Facebook page, and a Twitter account. Ms. Taylor stated the 2016 festival was also being promoted in order to give international travelers enough time to plan trips.

Dora Manley stated she was working with international tour group leaders to promote the festival and several leaders had rescheduled their tours around the 2016 festival including groups from Germany, the Netherlands, Australia and the Czech Republic. Ms. Manley stated the festivals website was www.bestoftheweston66.com and encouraged people to like the Facebook page and share posts in order to reach more people.

b. Public auction of Parcel IV-U-B-F at the Kingman Airport and Industrial Park

Star R Foam Manufacturing, Inc. is the anticipated bidder as of this date who can meet the conditions of sale as specified in the public notice. The minimum bid to be accepted is the appraised value of \$130,000. **Staff recommends conducting a public auction of Parcel IV-U- B-F during the meeting.**

Mayor Anderson opened the public auction at 6:09 P.M. and called for bids three times. Mayor Anderson closed the public auction at 6:10 P.M.

Councilmember Miles made a MOTION to ACCEPT the bid of \$130,000 from Star R Foam Manufacturing, Inc. Councilmember Yocum SECONDED and it was APPROVED by a vote of 5-0.

8. **NEW BUSINESS**

a. Discussion and action on request from the Route 66 Cruizers Car Club for funding the Halloween Bash

A request was received from the Route 66 Cruizers Car Club for a \$500 donation to the Halloween Bash on Beale Street. Annually the Route 66 Cruizers have a Trick or Treat event for kids between 4th and 5th Street in Downtown Kingman. The event permit and required insurance is \$500, which is the amount of their funding request so the money they raised can go towards buying candy. **Council discretion.**

Treasurer of the Route 66 Curizers Car Club Ralph Bach stated the non-profit club conducted and assisted with community events throughout the year, but the most important event of the year was the Halloween Bash. Mr. Bach stated 9,000 people passed through the line last year and the club expected more as this Halloween would be on Saturday.

Mr. Dougherty stated he spoke with Finance Director Tina Moline and she assured him there was money available in the general fund if the Council wanted to approve the request. Mr. Dougherty stated he would personally pay for the cost of the City permit.

Councilmember Miles asked if granting the money would violate the gift clause or cause problems with setting precedent.

City Attorney Carl Cooper stated the City needed to evaluate the impact to the community when deciding whether to provide public funds to private entities. Mr. Cooper stated there would be no legal concerns with setting precedent as the Council would always decide whether or not to award funding. Mr. Cooper stated any concerns with setting precedent would be political in nature.

Mayor Anderson stated the event brought many people to town, which resulted in a boost for restaurants and other services.

Councilmember Carver made a MOTION to APPROVE the Route 66 Cruizers Car Club's request for funding for the Halloween Bash. Councilmember Abram SECONDED and it was APPROVED by a vote of 4-1 with Councilmember Miles voting NAY.

b. Proposed ban on the use of hand held devices while driving a motor vehicle or bicycle

At the September 1, 2015 Council meeting Richard W. Penwarden asked the Council to consider a ban on the use of cell phones while operating a motor vehicle or bicycle. **Staff is seeking direction from Council on whether to draft an ordinance banning cell phone use while operating a motor vehicle or bicycle.**

Richard W. Penwarden asked the Council to consider approving an ordinance that would make using a hand held device while driving a primary stop violation. Mr. Penwarden stated he spoke with state legislators and they were reluctant to commit to a state-wide law. Mr. Penwarden stated the City needed strong legislation that applied to all hand held devices and ages. Mr. Penwarden stated Nevada and Coconino County had excellent laws.

Deputy Police Chief Rusty Cooper stated the Kingman Police Department supported regulation for distracted driving. Deputy Chief Cooper stated he expected a law to be passed by the state in the next year. Deputy Chief Cooper stated the City policy could also be strengthened.

Councilmember Yocum asked Mr. Cooper if an ordinance could be drafted for distracted driving in general, such as eating while driving, and not just hand held devices.

Mr. Cooper stated the ordinance could be drafted according to Council direction.

Councilmember Abram asked Mr. Penwarden if he contacted Mohave County.

Mr. Penwarden stated he spoke with the Mohave County Sheriff and one supervisor, but the idea was not well received. Mr. Penwarden stated the sheriff wanted a state law passed. Mr. Penwarden stated he did not think a state law would be passed in the next year and the City could not afford to wait. Mr. Penwarden stated the law should apply specifically to hand held devices as a broad law would be difficult to enforce.

Councilmember Miles stated she agreed the law should be specific to hand held devices and should not include food. Councilmember Miles stated she wanted information from other areas that successfully passed and implemented the legislation.

Mr. Penwarden stated he had information from Nevada, which had very few second offenders. Mr. Penwarden stated many cities and states used appropriate signage and extended warning periods to help people adapt to the new law.

Kingman resident Harley Petit stated the law would take away freedom and personal responsibility. Mr. Petit stated the City should consider conducting a study on distracted driving before a law was drafted. Mr. Petit stated the ordinance should be a ballot item because it would affect a lot of people.

Ms. Evans stated she was a professional driver and witnessed many acts of distracted driving. Ms. Evans stated she was the victim of an accident on the highway that was caused by a driver using a hand held device while driving. Ms. Evans stated people had the right to have a cell phone, but other people on the road also had the right to travel without fear. Ms. Evans stated the topic was not a ballot issue and Kingman should pass a law in order to set an example for Mohave County and the state of Arizona. Ms. Evans stated Nevada's law saved many lives and asked the Council to pass a law that addressed distracted driving.

Mayor Anderson stated the City needed to do something about the issue in order to take care of its people and neighbors. Mayor Anderson stated the ordinance should start by addressing hand held devices with the ability to expand to other behaviors if necessary.

Councilmember Abram stated the City should reach out to Mohave County for support.

Councilmember Carver stated cell phones were a privilege, not a right. Councilmember Carver stated public safety personnel should not be exempt from the ordinance and the City policy should prohibit using hand held devices while driving. Councilmember Carver stated he agreed with drafting an ordinance that specifically prohibited hand held devices.

c. Authorization for the purchase of storage building

The Kingman Fire Department has been conducting an evaluation of its daily operations from emergency response to daily routines and maintenance. An area of priority is the realization of storage space and the allocation of supplies. Given the current configuration of stations and the increase in department responsibilities in both emergency medical services and hazardous materials, the department has realized the need for additional storage space located at Fire Station 2. The department has identified the addition of a temperature controlled insulated con-ex which will be located inside the sight restricted training grounds as the most effective and efficient manner for storage. This will allow for a long term, yet temporary solution, for department storage and a central location of training equipment and supplies that are both valuable and temperature sensitive. Since the 40' con-ex will be located behind the sight restricted fence and painted a neutral color to not garner any negative attention, the building department has no objections. Presently, Fire Station 2 has two non-temperature controlled con-ex containers located on its premises. In accordance with the City's procurement code, three bids were obtained for this project. The lowest bid was \$6,930.25 from Echo Storage Systems. This project will be funded through the Capital Projects Fund utilizing a portion of the savings from the SCBA Compressor project that was originally budgeted at \$85,000

but incurred an actual cost of \$67,015.90. **Staff recommends Council approves acceptance of the bid from Echo Storage Systems in the amount of \$6,930.25.**

Kingman Fire Chief Jake Rhoades stated the Kingman Fire Department needed to store its hazardous materials response equipment and medical supplies in a secure, climate controlled, central location and there was not enough room in Station 2. Chief Rhoades stated the con-ex container was the most affordable option and would hold its value for future resale.

Mr. Dougherty stated the City was enforcing the sections of the City of Kingman Zoning Ordinance related to con-ex containers and did not think the City should be exempt from the law.

Development Services Director Gary Jeppson stated the property's zoning dictated the allowed number of con-ex containers. Mr. Jeppson stated he believed the zoning of Station 2 allowed one con-ex container.

Mr. Dougherty stated he believed there were two con-ex containers at Station 2.

Mayor Anderson asked if Chief Rhoades was planning to consolidate the contents of the con-ex containers.

Chief Rhoades stated the other two con-ex containers were not temperature controlled and he planned to consolidate them. Chief Rhoades stated he spoke with the building department about the con-ex containers and they did not have a problem with the third unit.

Councilmember Carver made a MOTION to ACCEPT the bid for a storage building from Echo Storage Systems in the amount of \$6,930.25 with the condition that Station 2 come into compliance with the City of Kingman Zoning Ordinance. Councilmember Yocum SECONDED and it was APPROVED by a vote of 5-0.

9. **REPORTS**
Board, Commission and Committee Reports by Council Liaisons

Mayor Anderson attended a Mohave County Water Authority meeting and stated there were no projected water shortages in 2016 and an 18% estimate in 2017 for Lake Mead, which were improvements. Mayor Anderson stated a water conservation concept was released for the Wilcox Basin and he directed Ms. Muhle to provide a copy to each councilmember in order to discuss it at the October 6, 2015 meeting. Mayor Anderson attended the Western Arizona Council of Governments executive council meeting and stated the Headstart program was having problems hiring and retaining teachers and funding the program in the summer.

10. **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 Yocum stated the Sandbox Committee would meet on September 16, 2015 at 5 P.M. at the Garlic Clove.

Councilmember Miles stated the Community Dig It Garden grand opening was a success.

Mayor Anderson stated the Best of the West on Route 66 festival would be held the last weekend in September. Mayor Anderson stated the Mohave County Fair would be held the upcoming weekend.

Mr. Dougherty stated he attended the America's Best Communities (ABC) committee meeting and spoke with a consultant from Flagstaff who was helping with the committee's plan. Mr. Dougherty stated the consultant said festivals created future permanent residents by attracting festival visitors to the community. Mr. Dougherty stated the consultant also relayed that Kingman residents were 4% younger than Bullhead City and Lake Havasu City populations and Kingman needed more retail. Mr. Dougherty thanked Public Works Director Rob Owen and Ms. Walker for their work on reducing sidewalk trip hazards in Downtown Kingman. Mr. Dougherty stated he received many positive comments on the project. Mr. Dougherty stated Grant Administrator Bill Shilling received an Andy Devine Award for public service.

11. EXECUTIVE SESSION

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A)(4) TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

Councilmember Yocum made a MOTION to ENTER Executive Session. Councilmember Abram SECONDED and it was APPROVED by a vote of 5-0.

Council entered Executive Session at 7:01 P.M.

a. Golf Course Management Agreement review

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A)(1) TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

b. City Manager employment contract

c. Discussion and/or action concerning the City Manager's employment contract

Council returned from Executive Session at 8:45 P.M.

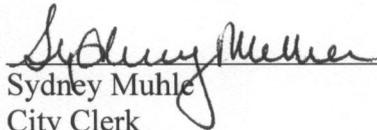
Councilmember Abram made a MOTION to DIRECT City Attorney Carl Cooper to draft a two year employment contract and to AUTHORIZE Mayor Anderson to sign the contract with City Manager John Dougherty at the salary of \$127,500. Councilmember Carver SECONDED and it was APPROVED by a vote of 5-0.

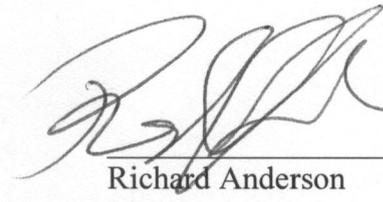
Councilmember Abram made a MOTION to ADJOURN. Councilmember Carver SECONDED and it was APPROVED by a vote of 5-0.

ADJOURNMENT – 8:46 P.M.

ATTEST:

APPROVED:


Sydney Muhle
City Clerk

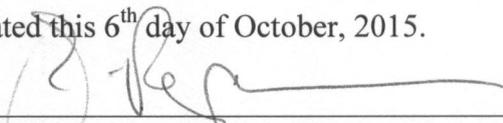

Richard Anderson
Mayor

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 15, 2015.

Dated this 6th day of October, 2015.


Erin Roper, Deputy City Clerk and Recording Secretary

