

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

5:30 P.M.

MINUTES

Tuesday, October 20, 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	Keith Eaton, Assistant 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 5:31 P.M. All councilmembers were present except for Vice-Mayor Wimpee, Sr. who was excused. The invocation was given by John Pool 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. APPROVAL OF MINUTES

a. The Regular Meeting minutes of October 6, 2015

Councilmember Miles made a MOTION to APPROVE the Regular Meeting minutes of October 6, 2015. Councilmember Young SECONDED and it was APPROVED by a vote of 6-0.

b. The Work Session minutes of October 16, 2015

Councilmember Young made a MOTION to APPROVE the Regular Meeting minutes of October 16,

2015. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

2. **APPOINTMENTS**

a. Appointment to the Local Public Safety Personnel Retirement System (PSPRS) Board

A vacancy has been created on the Local Public Safety Personnel Retirement System (PSPRS) Board due to the resignation of another member. Captain Joe Cowin has been selected by his fellow firefighters to represent the fire personnel with the City of Kingman on this board. At their meeting of October 8, 2015, the Local PSPRS Board voted 5-0 to recommend appointment of Captain Cowin to fill this vacancy. **Staff recommends approval.**

Mayor Anderson made a MOTION to APPOINT Joe Cowin to the PSPRS Board. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

b. Appointment to the Economic Development and Marketing Commission (EDMC)

The EDMC currently has three vacancies due to resignations. One term expires December, 2015 and two terms expire December, 2017. On October 14, 2015 the EDMC voted 4-0 to appoint Yvonne Woytovich to one of the terms expiring December, 2017. **Staff recommends appointing Yvonne Woytovich to fill one of the terms expiring in December, 2017.**

Yvonne Woytovich stated she was the president and chief executive officer (CEO) of the Kingman Area Chamber of Commerce, a member of the Arizona Association for Economic Development (AAED), and a speaker at the recent AAED conference. Ms. Woytovich stated economic development was one of her top priorities and she wanted to be a part of the City commission that focused on it.

Councilmember Miles made a MOTION to APPOINT Yvonne Woytovich to fill one of the terms expiring in December, 2017. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

3. **AWARDS/RECOGNITION**

a. Recognition of Explorer Post #47

The Kingman Police Department Explorer Post #47 participated in the 2015 Southern Arizona Law Enforcement Explorer Competition (SALEEC) over October 10th and 11th in Marana. This year the team won eight trophies in the following categories: 1st Place - Use of Force Scenarios; 1st Place - Active Shooter and Officer Down; 3rd Place - Crisis Negotiations & Building Entry; 3rd Place - Felony Vehicle Stop and Search; 3rd Place - Report Writing and Courtroom Testimony; 3rd Place - Male Obstacle Course; 4th Place - Domestic Violence; 4th Place - Overall Competition.

Mayor Anderson congratulated Explorer Post #47.

4. **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.

Mike Gibelyou of Unisource Energy Services (UES) asked that Consent Agenda item "5d" be pulled for discussion. Mr. Gibelyou stated UES requested the removal of the resolution paragraph requiring UES to pay for the cost of relocating the powerlines if necessary. Mr. Gibelyou stated relocating this particular line would be exceptionally costly for UES. Mr. Gibelyou asked the City to share the cost of relocation if they were not willing to remove the paragraph entirely.

Kingman resident Scott Dunton stated Route 66 was Kingman's best asset and the City should put money towards promoting it, which included working with Jim Hinckley. Mr. Dunton stated Williams, Arizona was an excellent example of the power of Route 66 and the City needed to boost its events calendar in order to bring life into Kingman. Mr. Dunton stated Downtown properties should not be overly regulated as this would prevent development.

Kingman resident Dean Wolslagel stated he had extensive education, training and experience in water conservation. Mr. Wolslagel stated the City had a 15% water loss rate, which was the highest rate in 20 years. Mr. Wolslagel stated the City's loss rate was 7% in 2007 when he was the City water conservation officer. Mr. Wolslagel stated City staff did not know why the losses were occurring and the City needed to hire an auditor or quality control officer to investigate the loss rate.

Mayor Anderson directed City Manager John Dougherty to follow up on the City's water loss rate and prepare a report for the Council.

5. **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. Liquor License Application

Applicant Michele Lyn Lin of Lin's Little China II, Inc has applied for a Series 12 Liquor License at 4120 Stockton Hill Road. **Staff recommends approval.**

b. Resolution 4914-R approving a water payback agreement with Cottonwood Industrial LLC

On October 21, 2014 the Council approved a water payback agreement with Cottonwood Industrial LLC; however, the name of the business was recorded incorrectly as Cottonwood Industries LLC. Resolution 4914-R will correct this. **Staff recommends approval.**

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

The property is identified as tax parcel 311-14-324, is 5,000 square feet in area and a natural low point which ponds with storm runoff. The City has recently acquired adjacent property on Gates Avenue at an appraised value of \$12,000. The owner has indicated that \$12,000 is the minimum she will accept for the property. **Staff recommends proceeding with the Gates property acquisition.**

d. Grant of Utility Easement for UniSource Electric, Inc. at City parcel 322-06-010 located directly south of Interstate 40 (Project ENG15-069)

The City of Kingman is the owner of a 168.46 acre parcel of vacant land (Parcel 322-06-010) located directly south of Interstate 40 between the projected street alignments for Castle Rock Road and Prospector Street. UniSource Electric, Inc. discovered their existing overhead power lines and anchor poles along the western boundary of this parcel are outside of an existing 10 feet wide State utility permit granted for these power lines when this parcel was owned by the State. The proposed

easement is for existing utility lines so there are no anticipated conflicts with current site access, functions and improvements. The easement agreement has a provision to remove or relocate these items at no costs to the City if they are required by the City to accommodate improvements within this parcel for the public benefit. **Staff recommends granting the utility easement for UniSource Electric, Inc.**

e. Proposed Resolution 4977 approving the release of a portion of the cash escrow assurance for Sunrise Business Park, Tract 6037

This subdivision is located along the north side of Detroit Avenue, east of Western Avenue and consists of five commercial lots on 10.74 acres. The project engineer has requested the approval of the release of a \$50,000.00 portion of the cash escrow assurance for the completion of rock excavation during grading. The City Engineer and Public Works inspectors have inspected the site and determined that the completed grading is in compliance with the terms of the final plat and requirements of the City of Kingman Subdivision Ordinance. **Staff recommends approving Resolution 4977.**

f. Reclaimed Water User Agreement

The Lingenfelter Group would like to renew their agreement with the City of Kingman to purchase A+ reclaimed water from the Hilltop Treatment Plant. The water would be used for dust control during the upcoming SNORE race event on October 23-25, 2015. The extension would run through the end of October, 2015. **Staff recommends approval of the Reclaimed Water User Agreement.**

g. Consideration of Resolution 4971-Revised approving a street improvement deferral for Gates Avenue adjacent to Manzanita Baptist Church

Manzanita Baptist Church owns multiple lots along the north side of Gates Avenue west of Fairgrounds Boulevard. A building permit to remodel a gymnasium on the church property has been issued with an estimated construction cost of \$150,000, which requires adjacent street improvements be completed on Gates Avenue per City regulations. The City Engineering Department's opinion of probable cost of these improvements is \$15,242.00. Manzanita Baptist Church sent a letter requesting a non-cash payment street improvement deferral. The Traffic Safety Committee (TSC) reviewed the deferral request and recommended that the applicant either complete the required improvements or make a payment in lieu of completing the improvements to the City. The City Council reviewed this item on October 6, 2015 and directed that a non-cash payment street deferral be granted. **Staff recommends approval of Resolution 4971-R.**

Councilmember Abram made a MOTION to APPROVE the Consent Agenda with the exception of item "5d." Councilmember Young SECONDED and it was APPROVED by a vote of 6-0.

City Engineer Greg Henry displayed the photo of the property that was included in the agenda packet. Mr. Henry stated the easement document included the standard disclaimer holding UES responsible for any costs associated with removing or relocating utility poles to accommodate improvements within the parcel for public benefit. Mr. Henry stated UES would like the language removed, but Staff believed it was in the City's best interest to retain the standard language even though there were no foreseeable plans to develop the property. Mr. Henry stated the easement was located on the west side of the property and was 20 feet wide with some small bump outs for guidewires.

Councilmember Miles asked if the easement would create a barrier to extending the roads in the area.

Mr. Henry stated one or more poles would have to be moved if a road was extended, though there were currently no plans to extend the roads. Mr. Henry stated the City acquired additional right of way south of Windsor Avenue from the State of Arizona as part of a proposed arterial road to the Kingman Crossing property.

Councilmember Miles asked why the easement was not established when the poles were installed.

Mr. Henry stated the property was originally owned by the State of Arizona, which issued an easement permit that may not have been a true legal document. Mr. Henry stated some of the poles may also have been installed outside of the boundaries outlined in the easement permit.

Mr. Gibelyou stated the property did belong to the state when the utility line was installed and the poles were not placed inside the 10 foot easement for unknown reasons, though one possibility was the company utilized an existing dirt road that was outside the easement instead of grading a new one. Mr. Gibelyou stated the concern was not with moving one pole, but the potential for moving the entire line. Mr. Gibelyou stated the line was part of a major circuit and would be very expensive to relocate. Mr. Gibelyou stated the line was specifically designed to allow the poles to act as backups for each other. Mr. Gibelyou stated it would cost about \$50 per foot to install a new line for a quarter of a mile plus the cost of removing the old line and redoing the connections to the substation. Mr. Gibelyou stated the definition of "public benefit" in the easement document was not detailed enough and if the City was responsible for some or all of the cost of relocating the lines it would be less likely to make the decision lightly. Mr. Gibelyou stated if UES was required to pay the entire cost it would have to be spread across all customers including those residing outside of Kingman, which was not fair to those customers.

Councilmember Miles asked if a developer for the property could take over some of the cost of relocating the lines if it became necessary.

Mr. Henry stated he could not comment on that due to the fact there was no developer for the property, which meant the agreement would be between UES and the City.

Development Services Director Gary Jeppson stated the property was 17 acres of commercially zoned land and was not being rezoned.

Councilmember Young asked if the easement could wait until a party purchased the property in order to facilitate an agreement between the new property owner and Unisource.

Mayor Anderson directed staff to work with UES on the easement document and bring it back to Council on December 1, 2015.

Councilmember Abram made a MOTION to TABLE item "5d." Councilmember Young SECONDED and it was APPROVED by a vote of 6-0.

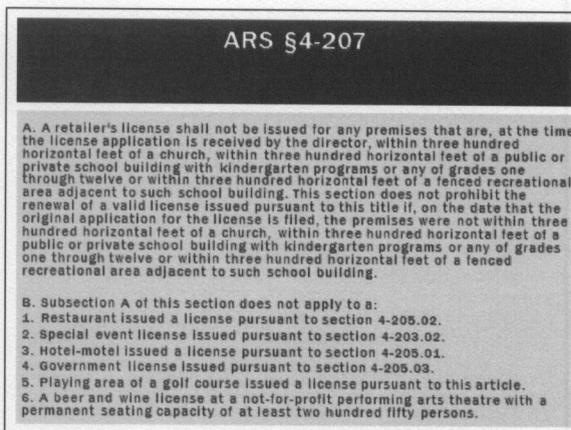
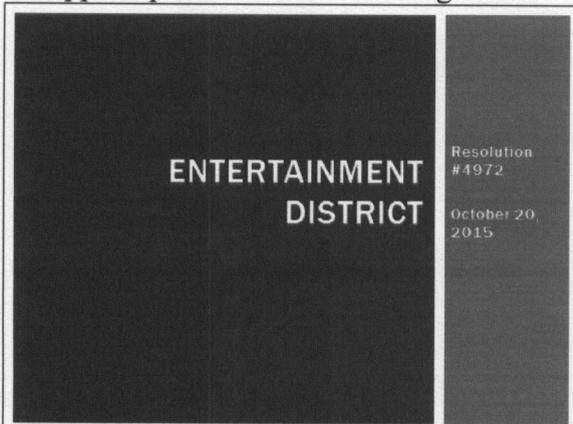
6. **OLD BUSINESS**

a. Entertainment District

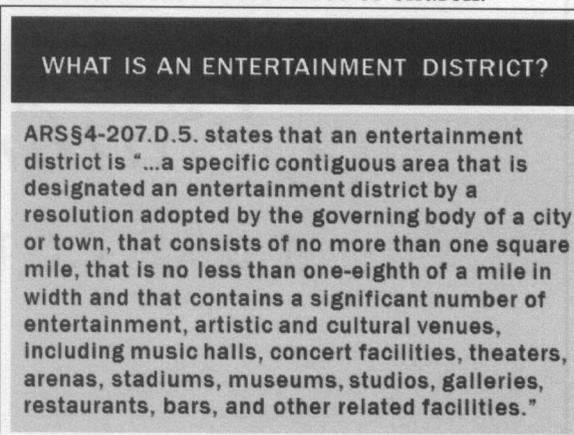
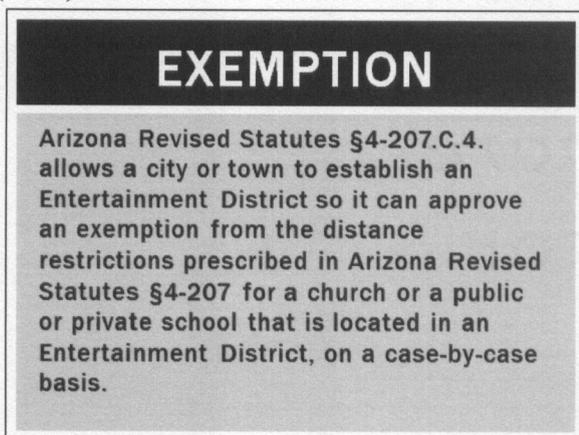
On August 4, 2015, the Council discussed a proposal from the Downtown Merchants Association for the establishment of an entertainment district. The establishment of an entertainment district allows a license for an establishment to serve or sell beer, wine, or spirituous liquor to be issued within 300-

feet of a church a public or private school with programs. **Staff recommends approval.**

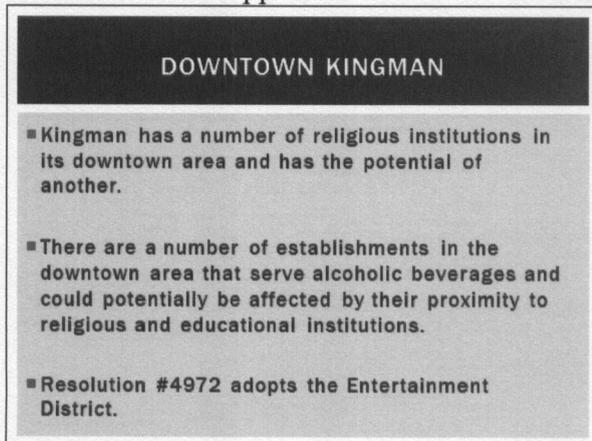
Mr. Jeppson presented the following slides:



Slide one was an introductory slide. On slide two Mr. Jeppson stated the Arizona Revised Statutes (ARS) did not allow sales of alcohol within 300 horizontal feet of a school or church.



On slide three Mr. Jeppson stated there was an exception allowed if an entertainment district was established. Mr. Jeppson reviewed the information on slide four.



Mr. Jeppson read slide five. Mr. Jeppson displayed a map of the proposed district boundaries on slide six and stated the churches and schools must be within the district to put the exemption into effect.

Ms. Yotovich stated she was speaking on behalf of the Kingman Area Chamber of Commerce board and members and asked the Council to support the entertainment district. Ms. Yotovich stated there

was economic potential in Downtown Kingman as demonstrated by the recent growth in nightlife.

Councilmember Miles made a MOTION to APPROVE the establishment of the proposed entertainment district. Councilmember Young SECONDED.

Councilmember Carver asked if the proposed district extended south of the railroad tracks.

Mr. Jeppson stated it did not, but Staff could redraw the boundaries.

Mayor Anderson called for a VOTE and it was APPROVED by a vote of 6-0.

b. Request to Amend Encroachment Permit at 2011 Andy Devine Avenue, ENG15-043

On July 7, 2015 the City Council approved a substantial encroachment permit for the Rutherford's 66 Diner at 2011 Andy Devine Avenue. The encroachment consists of a block wall patio which extends approximately three feet into the Andy Devine right of way. The encroachment permit includes a condition that the block wall meet the site triangle ordinance which allows for a maximum height of 36 inches. On October 9, 2015 staff received a request to modify the encroachment permit to allow for a wall height up to 44 inches. The request also includes the addition of ornamental cars and decorative lighting on top of the wall, and benches between the wall and sidewalk. The work is presently unfinished and a portion of the wall does exceed the 36 inch height limit. **Staff recommends modifying the existing encroachment permit to allow a new wall height of up to 44 inches and allowing the addition of ornamental cars, lighting and benches.**

Mr. Henry stated Staff initially objected to encroachment permit as the wall was close to City water and sewer lines. Mr. Henry stated the wall was already in place and Staff had no objections to the ornaments.

Councilmember Carver made a MOTION to amend the encroachment permit at 2011 Andy Devine Avenue. Councilmember Yocum SECONDED and it was APPROVED by a vote of 6-0.

c. Consideration of sending a ballot measure to the voters regarding the implementation of a primary property tax

At the October 6th Regular Meeting the City Council approved Ordinance 1799 extending the sunset of the additional 0.5% Transaction Privilege Tax increase through December 31, 2017, with the intent of seeking a primary property tax. This would require a ballot measure and stand-alone election to occur in May, 2016, for voter approval. Staff will present information regarding the timeline required for this election and the approximate cost. This will include an update of the timeline to collection of levy revenue. **Council discretion.**

City Clerk Sydney Muhle presented the following slides:

<h2>Timeline for Property Tax Election</h2>	<h3>January 5, 2016</h3> <ul style="list-style-type: none">* Council must approve a resolution to call the election including the amount of money to be raised by this tax in the first year it is imposed.* This amount will be the base to determine the levy limitations for subsequent years.
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Slide one was an introductory slide. Ms. Muhle read slide two.

<h3>February 17, 2016</h3> <ul style="list-style-type: none">* Deadline for Publicity Pamphlet language and submissions.* This includes all arguments for and against the ballot measure	<h3>May 17, 2016</h3> <ul style="list-style-type: none">* Election Day <h3>May 27, 2016</h3> <ul style="list-style-type: none">* Council will canvass the election.* Tentative based on the availability of the election results.
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Ms. Muhle read slide three. On slide four Ms. Muhle stated the ARS required a property tax election to be held on the third day in May.

<h3>Estimated Cost for Special Election</h3> <ul style="list-style-type: none">* The cost for this election is estimated at approximately \$100,000 to \$125,000.* This includes the cost to contract with the Mohave County Elections Department to conduct the election for us and the cost to print and mail the Publicity Pamphlet.* There is also the possibility of an all mail ballot election which would cost approximately \$80,000.	<h3>Next Steps for the Council</h3> <ul style="list-style-type: none">* Provide formal direction to staff to begin the process of sending a question to the ballot for approval of a Primary Property Tax.* Approval of the amount of money to be raised by this tax in the first year it is imposed.* This amount will be the base to determine the levy limitations for subsequent years.
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On slide five Ms. Muhle stated the City lost its vendor for publicity pamphlets so there was some uncertainty as to how much it would cost to print the pamphlets. Ms. Muhle stated the City could not use any resources to promote the tax and it would be up the councilmembers to speak on the issue. Ms. Muhle read slide six.

**Update on Timeline for Levy Process
 and Collection of Revenues**

Timeline As Presented		Timeline REVISED	
February 2017	Preliminary valuations	August 2016	Final valuations
August 2017	Final valuations	September 2016	Property tax bills are mailed
September 2017	Property tax bills are mailed	October 2016	1 st half of taxes are due
October 2017	1 st half of taxes are due	December 2016	COK receives 1 st half of collections
December 2017	COK receives 1 st half of collections	December 31, 2016	Curse of date expiration, Ord. 1799 amended to December 31, 2016 with a new ordinance.
December 31, 2017	1/2% increase in TPT expires		

Finance Director Tina Moline stated slide seven showed a revised property tax collection timeline. Ms. Moline stated the property tax oversight commission required the tax to be assessed the next fiscal year, which meant it would appear on 2016 bills and be collected in 2017 if it was approved by the voters. Ms. Moline stated this would mean the City would not know how much revenue to expect until late June, 2016. Ms. Moline stated Ordinance 1799, which extended the 0.5% Transaction Privilege Tax (TPT) to December 31, 2017, could be replaced with a date of December 31, 2016 if a public hearing was held and it was approved.

Kingman resident Doug Dickmeyer stated the Council and Staff wanted to rush through decisions. Mr. Dickmeyer stated there was no property tax in Kingman for 35 years and the matter should wait to appear on the 2016 general election ballot. Mr. Dickmeyer stated the City did not need a special election for the topic, especially as special elections generally resulted in lower voter turnout. Mr. Dickmeyer stated the lower voter turnout meant the tax had a better chance of passing even though there was no overwhelming support for the tax from the citizens. Mr. Dickmeyer stated a special election was a waste of money and no one had addressed what the tax rate would be.

Ms. Muhle stated the ARS required a special election for property taxes and the issue could not legally be placed on the general election ballot.

Ms. Moline stated the rate depended on the Council's decision. Ms. Moline stated a person with an assessed property value of \$100,000 would pay \$170 per year in property tax if the goal was to replace the \$3 million that would have been earned through the additional 0.5% TPT.

Mr. Dickmeyer stated he would vote for a higher sales tax over a property tax as a sales tax was distributed among everyone, including tourists, whereas a property tax only targeted property owners.

Mayor Anderson stated last fiscal year (FY) was the first year the City collected more sales tax than FY 2006 and that was only achieved due to the 0.5% TPT increase. Mayor Anderson stated there was a 25% decrease in buying power when the two years were compared. Mayor Anderson stated the City would not be able to annex certain properties, such as the airport, if it did not adopt a property tax.

Councilmember Miles asked who created the publicity pamphlet and how the pro/con positions were obtained.

Ms. Muhle stated the City printed the pamphlets and the arguments came from the public. Ms. Muhle stated the City was required to print specific factual information in the pamphlet such as the complete

resolution and the amount to be levied.

Councilmember Carver made a MOTION to MOVE FORWARD with sending a ballot measure to the voters regarding the implementation of a primary property tax. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

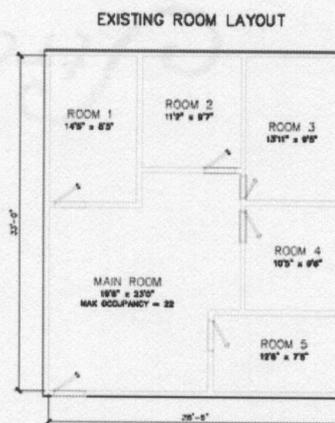
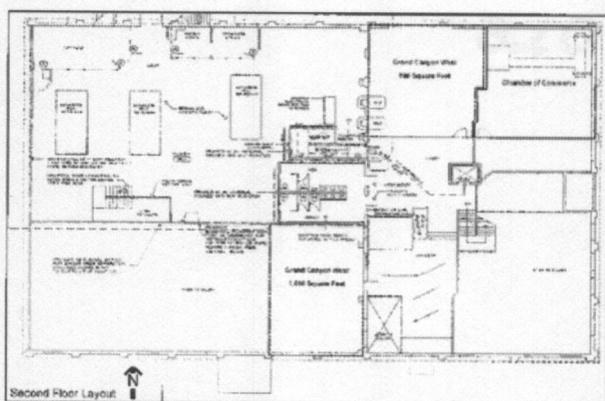
7. **NEW BUSINESS**

a. Discussion of idea on remodel of Powerhouse

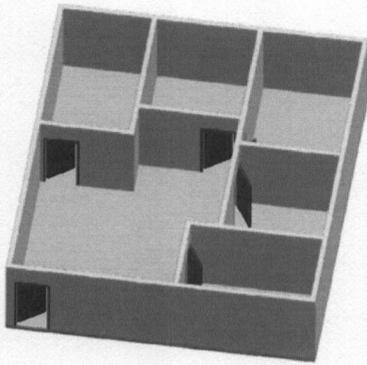
A short time ago the Chamber of Commerce vacated space in the Powerhouse. The City Manager would like to discuss with the Council an idea to remodel the area into a multi-purpose room, conference room, office space, or other such use. The City Manager would like to discuss the many options and ideas and receive feedback from the Council. Public Works Director Rob Owen will present a slideshow overview of the proposed idea at the meeting. **Council discretion.**

Mr. Dougherty stated the Kingman Area Chamber of Commerce moved out of the Powerhouse and the search for new tenants was unsuccessful due to the Government Property Lease Excise Tax (GPLET) law pricing the space out of the competitive market. Mr. Dougherty stated he asked Public Works Director Rob Owen to look at remodeling the space for meetings as the only space currently available was the Kingman Police Department training room. Mr. Dougherty stated the remodeled space would provide meeting space for Staff, the public, and tourism events.

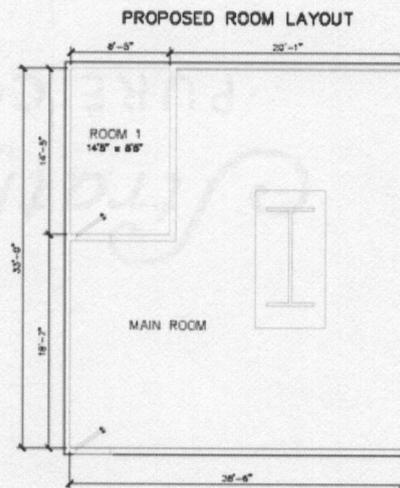
Mr. Owen presented the following slides:



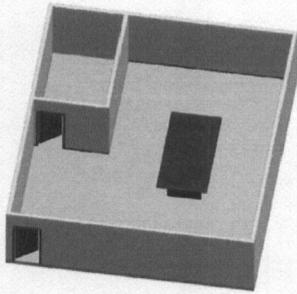
Slide one was a drawing of the second floor of the Powerhouse. On slide two Mr. Owen stated the space was approximately 930 square feet.



Slide three was a three dimensional drawing of the existing layout. Slide four was a photo of the existing space.



Slide five was another photo of the existing space. Slide six was the proposed remodeling plan. Mr. Owen stated the room would be able to hold 62 people.



Description	Cost
Construction:	
Demolition	
Electric installation	\$200
Plumbing/Painting	\$200
Callling tiles	\$900
Floor repair/ refinish	\$200
Cleanup Etc.	\$00
Sub Total:	\$1,600
Set Up:	
Conferance Table	\$1,100
Chairs (XLS)	\$1,200
Conferance Phone	\$200
Copy/Printer	\$1,200
Lap Top	\$1,000
Projector	\$1,200
Screen TV/White board	\$1,000
Fridge	\$200
Waste Recycler	\$200
Clock	\$00
Calendar	\$00
City Map	
Office Supplies	\$200
Internet Plan	
File Storage/Server	
Sub Total:	\$10,300
Total:	\$11,900
Net Occupancy:	
Office Space 620 sqft. = 62	
Notes:	
<p>Since there is no currently there City method of construction, the laptop may need a certain grade (minimum/maximum) or a specific amount of amount (20-30) per month. The internet service, including software will have the same cost as 1000 (minimum/maximum) per month. Conference phone will need a certain PC/IT line installed. Monthly storage equipment for server \$10-20-30-40 per month. May add travel insurance for approximately \$1000 per year.</p> <p>If the desire is to eventually include the Projector in the City network, additional software will be required to enable the network to include the Projector/White board/setting. Insurance, including equipment, will be more than \$1000.</p>	

Slide seven was a three dimensional drawing of the proposed remodel. On eight Mr. Owen stated the displayed cost estimate assumed that the majority of the demolition and construction would be completed by City staff. Mr. Owen stated the bulk of the cost was for information technology equipment and furniture.

Mayor Anderson stated the remodeling proposal would complement the upcoming Tourism Development Commission (TDC) discussions and directed Staff to complete a detailed plan.

b. Kingman Rotary donation of bleacher shade structure

On Wednesday the Kingman Rotary presented a check for a donation of \$3,200 for a bleacher shade structure to be placed at South Side Park. Maintenance is minimal and these are a great addition to City ball field facilities. **Staff recommends accepting the donation.**

Parks and Recreation Director Mike Meersman displayed the photo of the shade structured included in the agenda packet. Mr. Meersman stated the City only had one shade structured installed at South Side Park and Kingman Rotary and Route 66 Rotary wanted to donate the money for an additional shade structure. Mr. Meersman thanked the Rotary organizations for their help in improving Kingman’s ballfields, which were some of the best in the state.

Rotary members Erin Cochran and William Wales stated the local Rotary organizations had not applied for a grant in many years and the goal was to apply each year for grant money to purchase shade structures for the ballfields and playgrounds.

Councilmember Young made a MOTION to ACCEPT the \$3,200 donation for a bleacher shade structure from Kingman Rotary and Route 66 Rotary. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

c. Art sculpture donations

Greg Arnold, the creator of Giganticus Headicus, would like to donate two scrap metal sculptures for placement on City property at the Powerhouse and the corner of US 93 and Fort Beale Road. These sculptures would enhance the City and attract visitors. **The Parks & Recreation Commission voted unanimously to support placement of the art sculpture donations.**

Mr. Meersman displayed the PowerPoint presentation included in the agenda packet. Mr. Meersman read slides one through five. On slide five Mr. Meersman stated he obtained a permit from the Arizona Department of Transportation (ADOT) to display the sculpture. On slide six Mr. Meersman stated the sculpture would be oriented to point towards the Fort Beale trails. Mr. Meersman read slide seven.

Greg Arnold stated he would give permission to the City and the Powerhouse to merchandise the sculptures. Mr. Arnold stated he had success selling Giganticus Headicus merchandise and this would be another way the City could increase revenue.

Mr. Meersman stated Mr. Arnold wanted an agreement that guaranteed the sculptures would be returned to him if the City ever decided to get rid of them.

Councilmember Abram made a MOTION to ACCEPT the donated sculptures and enter into an agreement with Greg Arnold that guaranteed the return of the sculptures if the City ever decided to get rid of them. Councilmember Young SECONDED and it was APPROVED by a vote of 6-0.

d. Consideration of Resolution 4976 eliminating requirements for curbs and sidewalks along Southern Avenue for Fripps Ranch, Tract 1964-D

Raymond W. Stadler, P.E., applicant and project engineer, on behalf of Fripps Mohave Land, LLC, property owner, has requested eliminating the requirement for rolled curbs, gutters and sidewalks along Southern Avenue associated with Fripps Ranch, Tract 1964-D. The subject property is located along the south side of Southern Avenue west of N. Central Street. Resolution 4880-R, passed on July 1, 2014, approved the preliminary plat for Fripps Ranch, Tract 1964-D with certain conditions. Condition 1 allowed an exception, as requested by the property owner, for rolled curbs on Southern instead of vertical curbs as normally would be required by the Subdivision Ordinance for a Minor Arterial street. Condition 3 allowed an exception, as requested, for a delay in the construction of sidewalks along Southern Avenue until the development of the adjacent lots occurs. The project engineer is requesting the exception primarily because the per-lot cost to complete the curb and sidewalk exceeds the market value of the lots. The request has been reviewed by staff and the Traffic Safety Committee. The staff recommendation is that the Council may accept a surety in the amount of \$38,580.00 for the costs of the curbs, gutters and sidewalks at the time of final plat approval rather than approve an exception. The Council, however, may approve an exception to the Subdivision Ordinance per Section 1.14, if certain findings are made. **Staff recommends denying Resolution 4976.**

Project Engineer Raymond W. Stadler stated the phase of Fripps Ranch under consideration was zoned R-1-8 yet all lots were required to be 20,000 square feet, which meant there were only six lots. Mr. Stadler stated there could have been 12 to 15 lots if the property was zoned R-1-6, which would have boosted profits. Mr. Stadler stated the project was working to funnel a lot of drainage from Central Street to Franklin Street in order to avoid impacting neighbors to the north, which was costly. Mr. Stadler stated the area in front of the development would eventually need to be leveled out, which would require the City to remove the sidewalks at its expense. Mr. Stadler stated the sidewalks should be postponed until the driveways could be planned and the drainage addressed.

Councilmember Abram asked if Mr. Stadler would be willing to provide a cash surety.

Mr. Stadler stated he would.

Councilmember Abram stated he was concerned that if the City continued to allow exemptions it would end up with neighborhoods that did not have sidewalk improvements.

Mr. Stadler stated he would not ask for the exemption if the project was a normal development, but it had unique drainage and lot size issues. Mr. Stadler stated an improved drainage channel underneath the sidewalks was the best way to control the water as there were no catch basins nearby, but that was a complicated and expensive project.

Councilmember Miles stated the Kingman Fire Department mentioned they preferred curbs and gutters.

Mr. Stadler stated fire hydrants were installed.

Assistant Fire Chief Keith Eaton stated the Kingman Fire Department was continually fighting with access, and curbs and gutters helped responders to access hydrants and houses. Assistant Chief Eaton stated the department was in support of the surety.

Councilmember Miles asked if the \$38,580 surety was enough money to address all issues in the area.

Mr. Henry stated the surety amount recommended by Staff would only cover curbs, gutters and sidewalks. Mr. Henry stated the City would like a storm drain that funneled to Eastern Avenue and Southern Avenue, but that was a large project and there were currently no storm drains along Southern Avenue.

Councilmember Caver asked if the storm drain project would be at the City's cost.

Mr. Henry stated it would.

Councilmember Yocum made a MOTION to DENY Resolution 4976 and request a cash surety from Fripps Mohave Land, LLC. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

e. Proposed Ordinance 1805 – Amending permit fees in relation to Manufactured Housing & Factory Built Buildings

Since entering into an intergovernmental agreement (IGA) with the State of Arizona Office of Manufactured Housing [OMH], OMH has adjusted their fee schedule for Fiscal Year 2016. Approval of Ordinance 1805 will adjust current City fees to match the OMH Fee Schedule update for 2016, which is required by the IGA. **Staff recommends approving Ordinance 1805.**

Councilmember Abram made a MOTION to ADOPT Ordinance 1805. Councilmember Carver SECONDED and it was APPROVED by a vote of 6-0.

f. Acceptance of the Resignation of Mark Wimpee, Sr. from the Common Council of the City of Kingman

On October 15, 2015, Vice Mayor Mark Wimpee, Sr. tendered his resignation from the Common

Council of the City of Kingman. Council must formally accept this resignation.

Councilmember Abram made a MOTION to ACCEPT Mark Wimpee, Sr.'s resignation. Mayor Anderson SECONDED and it was APPROVED by a vote of 6-0.

g. Council Vacancy Selection Process

The resignation of Vice Mayor Mark Wimpee Sr. has created a vacancy for a seat on the City Council. The vacant seat's term expires the end of November, 2016. According to statute the Council shall fill the vacancy by appointment. There is no process defined in the statutes. Staff recommends that Council direct staff to accept resumes and letters of interest from qualified persons. The Council will review the submitted information to determine the appropriate candidate for selection. **Staff requests Council direction.**

Mr. Dickmeyer asked the Council to publish a list of candidate names and allow enough time for the public to provide feedback about the candidates to the current councilmembers before the Council appointed a new councilmember.

City Attorney Carl Cooper stated the City could publish a press release containing the names.

Mayor Anderson made a MOTION to ACCEPT resumes and letters of interest from qualified persons until 5:00 P.M. on November 3, 2015, submit a press release to the Kingman Daily Miner containing candidate names, and appoint a new councilmember at the Regular Meeting on November 17, 2015. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

h. Discussion and Appointment of Vice Mayor

With the resignation of Vice-Mayor Wimpee, Sr. the position of vice-mayor is now vacant. Council will discuss and possibly appoint a new vice-mayor.

Councilmember Carver made a MOTION to TABLE the appointment of a new vice-mayor until the new councilmember was appointed. Councilmember Young SECONDED and it was APPROVED by a vote of 6-0.

8. REPORTS

Board, Commission and Committee Reports by Council Liaisons

Councilmember Abram attended the Planning & Zoning Commission public hearing for the rezoning of the Kingman Crossing planned development district (PDD). Councilmember Abram stated there was still a lot of confusion regarding the rezoning process and what a PDD would accomplish.

9. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

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

Councilmember Carver stated the splash pad fundraising was progressing and the involved parties hoped to have it open by next summer.

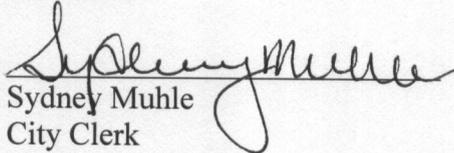
Councilmember Abram stated he attended the Bluegrass Festival and met people from Utah and California who travelled to Kingman for the event.

Mayor Anderson stated there would be a rural transportation advisory commission and a Northern Arizona Manufacturer's Association joint meeting at the Kingman Regional Medical Center Hualapai Mountain Campus on October 26, 2015, a Tri-City Council meeting in Lake Havasu City on October 28, 2015, and an Arizona Mayor's Association meeting in Page on October 30, 2105. Mayor Anderson stated there would be a joint work session between the Council and the Tourism Development Commission (TDC) on Monday, October 26, 2015 at 3:30 P.M. in the Kingman Police Department training room.

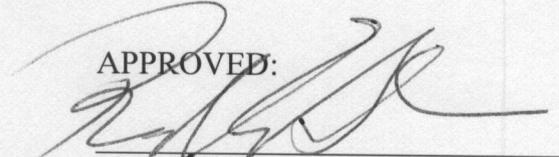
Councilmember Carver made a MOTION to ADJOURN. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

ADJOURNMENT – 7:38 P.M.

ATTEST:


Sydney Muhle
City Clerk

APPROVED:

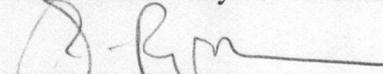

Richard Anderson
Mayor

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 October 20, 2015.

Dated this 3rd day of November, 2015


Erin Roper, Deputy City Clerk and Recording Secretary

