

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

5:30 PM

MINUTES

Tuesday, December 1, 2015

REGULAR MEETING

Mayor: Richard Anderson; **Council:** Mark Abram, Larry Carver, Kenneth Dean, Jen Miles, Stuart Yocum, Carole Young

Officers: John Dougherty, City Manager; Carl Cooper, City Attorney; Jackie Walker, Human Resources and Risk Management Director; Robert DeVries, Chief of Police; Jake Rhoades, Fire Chief; Greg Henry, City Engineer; Mike Meersman, Parks & 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 and Recording Secretary; Erin Roper, Deputy City Clerk

CALL TO ORDER AND ROLL CALL

Mayor Anderson called the meeting to order at 5:30 P.M. and roll call was taken. All councilmembers were present except Councilmember Young who was excused. The invocation was given by Pete Ernst of Manzanita Baptist Church after which the Pledge of Allegiance was said in unison.

INVOCATION

The invocation will be given by Pete Ernst of Manzanita Baptist Church.

PLEDGE OF ALLEGIANCE

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

1. APPROVAL OF MINUTES

a. The Regular Meeting and Executive Session minutes of November 17, 2015

Councilmember Miles made a MOTION to APPROVE the Regular Meeting and Executive Session minutes of November 17, 2015. Councilmember Yocum SECONDED and it was APPROVED by a vote of 6-0.

2. APPOINTMENTS

a. Administer oath of office to newly appointed councilmember

Judge Jeffrey Singer will administer the oath of office for new Councilmember Kenneth Dean.

City of Kingman Magistrate the Honorable Jeffrey Singer administered the Oath of Office to Councilmember Dean.

Councilmember Dean thanked the Council for the opportunity and said he is honored and humbled to serve the City of Kingman. He said he is looking forward to working with the Council on economic development to make Kingman a better place to be. He said he will do the best job he for the citizens of Kingman.

b. Consideration of appointing and/or reappointing Planning & Zoning commissioners

The terms of Commissioners Kirkham and Kress end on December 31, 2015. Commissioner Mark Wimpee Jr. has more than four unexcused absences.

Commissioner Wimpee's term ends December 31, 2016. The City has received two applications for the Planning and Zoning Commission, one of which is from an individual who resides outside City limits. **If the residency requirement stands, Staff recommends reappointing Commissioner Kress and appointing Jed Noble. If the residency requirement does not stand, Staff recommends following the Planning and Zoning Commission's recommendation to reappoint Commissioners Kirkham and Kress and appoint Randy Gorder.**

Mayor Anderson said Randy Gorder rescinded his application to be on the Planning and Zoning Commission.

Mr. Gorder said he asked Development Services Director Gary Jeppson to remove his application due to the current municipal code requiring Planning and Zoning Commission members to be residents of the City. He said he did not want to pose any problems and asked that the code be investigated.

City Attorney Carl Cooper said it is state statute and the City cannot modify it.

Mayor Anderson said this is the one commission governed by state statute. He said he has requested a copy of the state statute and has not received it yet. He said he has seen the local code.

Mr. Cooper and Councilmember Miles said the state statute was included in the meeting packet.

Mr. Gorder said because of the pool of candidates and demographics of the City it should be looked into.

Mayor Anderson said there are a lot of vacancies on other commissions that allowed applicants from outside of the City limits.

Allen Mossberg asked the Council to send the application from Jed Noble back to the Planning and Zoning Commission for review by the commission as Mr. Noble was not able to attend the last meeting. He said the commission would like to ask Mr. Noble questions and resubmit his application. He said he also wanted the Council to look into the state statute. He said another commissioner will be moving to the county next year and the commission will be short members again. He said the commission is running at 110-percent and would like to keep this going. He recommended Commissioner Kress for reappointment to another term and that the City work to retain Commissioner Kirkham.

Mayor Anderson asked when Commissioner Angle would no longer be able to serve on the commission.

Mr. Cooper said it would generally be at the time the commissioner ceases to be a City resident. He said it was not very clear and could be left to the discretion of the Council, but his recommendation was that a non-City resident should not be on this commission per statute.

Mayor Anderson said the commission could potentially be down to four members.

Mr. Mossberg said Mr. Angle has two years left on his term and it is imperative to look

into that statute if at all possible.

Councilmember Miles quoted a portion of the City Code that would allow a commissioner to serve the remainder of their term at the discretion of the Council.

Mr. Cooper said it did not apply to this commission.

Councilmember Miles said it was under the Planning and Zoning Commission code.

Mr. Cooper said he would have concerns, but the decision would be at the discretion of the Council. He said he did not think that it was likely the City would be sued over this action, but it is something he would not recommend.

Councilmember Abram said Commissioner Kirkham has been a very valuable and committed member of the Planning and Zoning Commission. He said he was not sure if Mr. Kirkham had previously resided within City limits, but if there is a possibility for continued service then this should be part of the discussion. He said he was not sure how this would fit in but he would hate to see Mr. Kirkham left out as it would be a loss for the commission.

Mr. Cooper said this was an unfortunate situation in which he was out of the office and one of his assistants gave the opinion that it was okay for Mr. Kirkham to be appointed.

Eugene Kirkham said he had tried several times to be appointed as he had served on the commission in Garden Grove, California. He said he was able to get on the City's commission due to a provision of the code that allowed someone from outside of the city limits to be appointed if there were not enough qualified applicants and they had exceptional experience. He said Mr. Cooper was aware of this. He asked why he was not removed when the error was realized. He said he has so much experience that this would be a loss for the City. He said he put a lot in and can put a lot more into the commission. He said the Council can do whatever they want and he encouraged the Council to allow him to stay on.

Mr. Cooper said doing something in error is reasonable, but doing something on purpose makes it unreasonable and the Council could be challenged for those actions. He said that any zoning decisions made through the use of the commission could be challenged if the Council knowingly violated state statute.

Mr. Kirkham said he disagreed with this as in Garden Grove members were allowed from county islands within the city.

Mr. Cooper noted this is Arizona and the law is different.

Mayor Anderson asked if Mr. Cooper remembered the conversation that Mr. Kirkham referenced.

Mr. Cooper said he did not but he does know the provision Mr. Kirkham is referring to. He said the Council deleted this section from the ordinance about a year ago.

Mayor Anderson asked if this was when the Butler and Golden Valley areas were included in the ordinance.

Mr. Cooper said this was correct and noted it does not apply to the Planning and Zoning Commission, which is under state statute.

Mayor Anderson said this would be a tremendous loss and unfortunately there are not people applying for commissioner positions. He asked if there will be enough people to have these commissions. He then asked Mr. Cooper, City Manager John Dougherty, and Judge Singer to look into how to increase membership on the commissions. He said he would like to see recommendations in a week.

Councilmember Carver said the Council cannot overturn state statute. He said there was an issue previously in which the Council took action concerning a commissioner who moved to Lake Havasu City. He said he reads the statute the same way Mr. Cooper does. He said councilmembers are required to be residents of the City and he feels that if an individual cannot vote on City items then he or she should not sit on the commissions that put forth those things to be voted on. He said he believes there will be enough residents who will be able to fill the seats. He said he feels the City limits itself by only looking at experience.

Mayor Anderson said this only applies to the Planning and Zoning Commission and the City would like to retain Mr. Kirkham's experience on other commissions.

Vicki Kress asked the Council to reappoint her to the Planning and Zoning Commission. She said she wanted to echo Mr. Mossberg and Mr. Kirkham and wondered if there is enough confusion that this should be tabled until more research can be done on whether modifications can be made to stay within the state law. Ms. Kress asked if Mr. Kirkham could be retained until the matter was settled. She said her family has been in Kingman since the mid-1950s and her motivation for being on the commission is to make Kingman its best. She said she believes she has done this and would like the opportunity to continue for another two years.

Councilmember Abram made a MOTION to REAPPOINT Vicki Kress to the Planning and Zoning Commission. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

Mayor Anderson asked if there would be any residency restrictions on a commission forming a work group.

Mr. Cooper said he has not researched this issue.

Mayor Anderson said that as much as he would like to retain Mr. Kirkham, he agreed with Councilmember Carver that the Council would not recommend reappointing him. He said he would like to see something to reinvigorate people to apply for commissions that are shorthanded.

c. **Consideration of appointments/reappointments to the Clean City Commission (CCC)**

The terms of commission members William Ressegue and Margie Hicks end on December 31, 2015. The commission voted unanimously to recommend Council appoint William Ressegue to a three-year term on the CCC ending on December 31, 2018. Commissioner Hicks asked the commission to postpone her reappointment for one month for personal reasons. **Staff recommends appointing William Ressegue to serve on the CCC for a term ending on December 31, 2018.**

Mayor Anderson said the commission tried to retain Commissioner Hicks; however, she said she would reconsider reappointment in another year or two. He said the commission recommended reappointment of William Ressegue.

Councilmember Carver made a MOTION to APPOINT William Ressegue to a three year term. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

d. Parks & Recreation Commission appointments

At the November 18, 2015 meeting of the Parks & Recreation Commission the commission voted to recommend appointing Corralyn Dunshie to her first full three year term. The commission also voted to recommend David Wayt and Edward Pyrzynski for the two upcoming vacant positions of two outgoing members for a three year term on the commission. **Staff recommends approval.**

Parks and Recreation Director Michael Meersman said the commission has two members who served nine years and cannot serve any longer. He said Commissioner Dunshie was appointed to fill a vacant term and both Commissioner Dunshie and Mr. Pyrzynski seem like good candidates.

Mr. Pyrzynski said he applied to the Parks and Recreation Commission because he is a father of four, has served on school boards, and dealt with parks and recreation on several issues. He said the commission encompasses the entire community and he realizes the importance of those services. He said he is a retired letter carrier and thinks Kingman is an energetic community. Mr. Pyrzynski said Mr. Meersman and his crew seem to be doing a good job.

Councilmember Yocum made a MOTION to APPOINT Corralyn Dunshie, David Wayt, and Edward Pyrzynski to the Parks and Recreation Commission. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

3. AWARDS/RECOGNITION

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.

Resident Doug Dickmeyer said that due to the ongoing circumstances involving the City Finance Department, trust has been lost in the ability of the City to act as good stewards of the public's money. He said that combined with the outlook for lower and middle income families and retirees in this economy, he believes it would be best for the City and the residents to table the special election to levy a property tax on City property owners. He said he believes if the election is held it will not pass and will cost the City \$60,000 to \$100,000 that could be spent elsewhere. He said he believes there will come a time when this will pass, but not it is not now. He requested the Council bring this matter back in order to entertain a motion to table it.

Councilmember Carver asked for clarification on the cost of the election.

Mr. Cooper said the Council was not allowed to ask questions and could only respond to criticism once the Call to the Public is closed.

Resident Theresa Evans said she would like the Council to look at a comprehensive guideline to address the color of buildings in downtown Kingman and the type of merchandise a store in downtown Kingman could sell. She said she does not believe pornography and sex videos, even in a back room of a shop, is what families or tourists need to hear about or buy. She said the color of buildings should not be garish and the style should include historical and modern facades.

Resident Joe Longoria welcomed Councilmember Dean to the City Council on behalf of the Mohave County Democratic Central Committee.

Mayor Anderson closed the Call to the Public.

Councilmember Carver asked for clarification on the cost of the election.

City Clerk Sydney Muhle said the cost would be approximately \$40,000.

Mayor Anderson noted that Ron McJunkin requested to discuss Consent Agenda item "4d" and re-opened the Call to the Public.

Mr. McJunkin said he would like to see the Entertainment District boundaries extended to Oak Street. He said the Arnold Plaza building on Oak Street is not included and asked that this area be considered. He said the City may be able to bring this building back to life to prevent further deterioration. He said he would like to see it extend to at least between Second Street and Fourth Street on Oak Street.

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. **Vehicle purchase for the Engineering Department**

The Public Works Fleet Maintenance Division requests Council approve the purchase of one 2015 3/4 ton truck, four wheel drive, gas engine, single rear wheels, long wheel base, crew cab service truck for the Engineering Department. **Staff recommends Council award the bid and purchase the vehicle from Courtesy Chevrolet.**

b. **Liquor license application**

Applicant Robert E. Wheaton of J.B.'s Restaurant #373 has applied for a new Series 12 Liquor License for a restaurant located at 2940 E. Andy Devine Avenue. **Staff recommends approval.**

c. **Consideration of extending the preliminary plat of the Vista Bella Ranchitas Subdivision - Tract 6029**

On November 3, 2015, the Council granted Doug Angle an exemption to Subsection 2.2(8)b.(iv) of the Subdivision Ordinance (which terminates a preliminary plat if it is

not extended within 24 months of Council approval) on the Vista Bella Ranchitas Tract 6029 Preliminary Plat. Mr. Angle is seeking an approval of an extension of the Vista Bella Ranchitas Preliminary Plat. **Staff recommends approval of the Vista Bella Ranchitas Tract 6029 Preliminary Plat with the condition that the developer comply with the drainage requirements specified by the Engineering Department.**

d. Consideration of Resolution 4983 to expand the boundaries of the Entertainment District

Councilmember Carver requested the Council consider expanding the boundaries of the Entertainment District to include the area south of Andy Devine Avenue to Park Street. This expansion is still within the one square mile limitation of the Arizona Revised Statutes (ARS). Staff has drawn a new boundary map and it is attached to Resolution 4983. **Staff recommends approval.**

e. Consideration of a professional services agreement with Sunrise Engineering, Inc. for a Water Master Plan Update

It has been ten years since the last Master Plan Update, which is intended to identify and recommend solutions for the current and future water system. Staff has been negotiating with Sunrise Engineering, Inc. regarding a proposal for the work. The adopted budget includes \$300,000 for an update and Sunrise has submitted a proposal for \$232,000 to complete all tasks associated with the update. **Staff recommends approval.**

f. Resolution 4984, allowing an exception to Section 1-12 of the Streets and Sidewalks Regulations

Staff has received a request for an exception to Section 1-12 of the Streets and Sidewalks Rules and Regulations for 3150 and 3152 Stockton Hill Road (Parcels 320-13-007 & 320-13-044). Section 1-12 of the Streets and Sidewalks Development Rules and Regulations allows one commercial driveway for properties with frontage of less than 300 feet. When combined, the subject properties will have approximately 200 feet of frontage. Rex Ruge has submitted a site plan requesting two driveways for the subject properties. The site plan was reviewed at the November 19, 2015 Traffic Safety Committee and the committee generally agrees with the exception allowing two driveways for the subject properties. **Staff recommends approval.**

g. Inmate work contract

GEO is the new private administrator of the Arizona State Prison Complex - Kingman. The Arizona Department of Corrections has prepared an amendment to the City's inmate work contract naming the new administrator as GEO. There are no other substantive changes to the contract. In order to avoid an interruption of service and continue receiving our inmate work crews, Staff signed the amendment naming GEO as the new administrator.

h. Award of bid for emergency equipment for police vehicles

The Kingman Police Department solicited bids for emergency equipment for four (4) Ford Police Interceptors. Three (3) separate bids were submitted and opened on November 20, 2015. Bids submitted included; \$54,031.60 from MHQ of Arizona in Tempe, \$54,143.60 from Arizona Emergency Products in Phoenix and \$68,481.91 from Creative Communications Sales and Rentals Inc. of Phoenix. **Staff recommends**

accepting and awarding the bid to MHQ of Arizona who submitted the low bid.

Mayor Anderson said he received a request to pull item "4a" from the Consent Agenda.

Councilmember Carver asked for item "4f" to be pulled from the Consent Agenda.

Mayor Anderson pulled item "4d" from the Consent Agenda.

Mayor Anderson opened item "4a" for discussion.

Public Works Director Rob Owen said the low bidder for the vehicle was Courtesy Chevrolet.

Councilmember Abram noted two different prices within the bid from Courtesy Chevrolet.

Mr. Owen said one price is the invoice cost of the vehicle and the price on the front page was the bid price.

Councilmember Abram asked if the City goes out for a "last and final" bid.

Mr. Owen said the City advertises and the bids are opened at a specific date and time.

Councilmember Abram said there was a small difference in price for the City to buy the vehicle locally.

Mr. Owen said there is no preference for local vendors.

Councilmember Abram asked about sales tax.

Mr. Owen said sales tax is included in the bid price.

Councilmember Abram said there is a difference in net money spent. He said he did not know if the City could get around this for future purchases in order to purchase locally when the price difference was small.

Mr. Cooper said he wrote a memo on this topic for a previous Council. He said sales tax blurs the line. He said he would supply this memo to the Council the next day. He said there is no way to address the tax issue in the current code. He said that preferential treatment is severely limited and the City would need to show why they have an exceptional need to protect the local industry. He said it is unconstitutional for various reasons and the current code does not address this. He said this may be an option in the future if the Council directs that.

Councilmember Abram said that historically Navajo County gave a five-percent preference to local vendors.

Mr. Cooper said some entities do that at the risk of litigation. He said the risk is minimal at times. He said there are different levels of risk and it depends on how much risk the Council is willing to accept.

Councilmember Yocum asked if there are transportation costs associated with the out

of town bid.

Mr. Owen said the total price includes delivery.

Councilmember Abram asked if the City could ask all the vendors to consider their bids again.

Mr. Cooper said this would defeat the sealed bid process.

Councilmember Miles asked about warranties on the vehicles.

Mr. Owen said the warranties on the two closest bids were similar.

Mr. Cooper said the Council could make a finding on who is the lowest bidder based on some of these factors.

Mr. Owen said the last vehicle bid was awarded to a local bidder.

Councilmember Miles said the local bidder gave a six year warranty which seems more comprehensive. She said the local bidder provided the best warranty.

Councilmember Abram said the warranties look identical on the bid sheets and are equivalent on both.

Councilmember Carver said the warranties are for the same mileage.

Councilmember Abram said the local bidder is only \$194 higher.

Mayor Anderson said that trying to evaluate all terms of the bids is important and asked how long the bids are good for.

Mr. Cooper said the Council can reject all of the bids and try again.

Mr. Owen said that he believed the bids were good for 30 days and the bids were opened November 9, 2015.

Councilmember Abram said he prefers to award the bid to the local dealer.

Councilmember Yocum said the sales tax of \$600 would remain here as opposed to Phoenix.

Councilmember Miles asked if this would require a change in the protocols.

Mr. Owen said the way the procurement code is written is to protect the City with standardized bids. He said bids have been rejected if they do not meet specifications. He said the City tries to treat all vendors equally.

Councilmember Miles asked if the City could put in a clause for local preference.

Mr. Cooper said this would require research. He said the City could look at the purchases for the past five years and see what the difference is. He said this is frowned upon constitutionally. He said a five-percent preference would be a concern of the sales

tax difference. He said his recommendation is to accept the lowest bid or reject them all. He said the Council can choose to calculate the difference and use other factors to determine the lowest difference.

Councilmember Abram said the Council should follow what the City has been doing for this bid. He said he would like to see something in the procurement policy with purchase and tax price.

Mayor Anderson said the Council has three options: table the item; accept the bid; or reject all bids.

Councilmember Carver asked for the delivery date.

Councilmember Abram said the bid package requested 120 days.

Councilmember Yocum made a MOTION to SEND the vehicle back out to bid and look at the language in the policy.

Mr. Cooper said the second part of the motion could be a direction to Staff instead of a motion.

Councilmember Carver noted that most of the procurement code refers to the Arizona Revised Statutes (ARS).

Mr. Cooper said it does and he can review it and provide this to the Council.

Councilmember Carver asked for the approximate cost to advertise a bid.

Ms. Muhle said it is approximately \$300.

Mayor Anderson asked if there was a SECOND to Councilmember Yocum's MOTION. There was not a SECOND and there was no vote taken.

Councilmember Carver made a MOTION to ACCEPT the bid from Courtesy Chevrolet. Councilmember Miles SECONDED and it was APPROVED by a vote of 5-1 with Councilmember Yocum voting NAY.

Mayor Anderson directed Staff to look at the City's procurement policies.

Mayor Anderson opened discussion on item "4d".

Mr. Jeppson showed a map of the proposed Entertainment District boundaries that was included with the Council packet. He said that for a city the size of Kingman there is a one square mile limit which Kingman is well within. He said this will take the line down two streets rather than following the railroad tracks.

Mayor Anderson asked for the approximate size of the proposed Entertainment District.

Mr. Jeppson said he did not calculate the area, but it is well within the limit.

Councilmember Carver asked if the district includes Arnold Plaza.

Mr. Jeppson said it does.

Mayor Anderson made a MOTION to APPROVE Resolution 4983. Councilmember Carver SECONDED and it was APPROVED by a vote of 6-0.

Mayor Anderson opened discussion of item "4f".

City Engineer Greg Henry said the request is for the former Alfonso's Restaurant. He said Staff received a site plan requesting the combination of the site with the land immediately to the south. He said the applicant wanted to create a second driveway on the property, which would not meet the street and sidewalk requirements. He said the request was approved by the City's Traffic Safety Committee (TSC).

Mayor Anderson asked about the propensity for two driveways to cause traffic jams at the nearby stoplight.

Mr. Henry said it was a concern the TSC considered. He said left turns would not be allowed due to the median. He said this will allow the circulation of traffic coming in one driveway and out the other.

Councilmember Carver said this is only 200 feet. He said the City's traffic study recommended closing many of the driveways. He said there was also a deceleration lane constructed there and this does not have a right turn lane. He said people will slow down to turn in. He said the property owner should pick one driveway as this is so close to the freeway.

Mayor Anderson said asked if there will be one entrance and one exit.

Mr. Henry said the site plan does not prohibit traffic in and out of both driveways. He said the driveway on the north side of the property does provide access to the remainder of the shopping center and the owner could restrict that access. He said the City will need to obtain right-of-way permission from the owner in the future in order to construct a deceleration lane all the way to the freeway.

Councilmember Carver asked how this would work with the existing parking lot and if there would be a concrete barrier.

Mr. Henry said there would probably be a curb. He said the property extends east and south of the existing building.

Mayor Anderson said the TSC recommended approval and the second driveway will relieve some of the traffic and some of the issues with getting on to Interstate 40 (I-40).

Councilmember Abram said a deceleration lane would be needed to relieve traffic.

Councilmember Miles asked if there would be access to the main parking lot.

Mr. Henry said this has not been established and the owner could close that off.

Councilmember Miles said that without a deceleration lane this area would be dangerous.

Mr. Henry said that previously a traffic impact study was required because of the increased traffic due to development of the property. He said a restaurant does not meet the threshold for this and the City would not be able to require a deceleration lane.

Mayor Anderson asked if there was any potential for opening up access to the parking lot to the south.

Mr. Henry said he suspects not as parking for the shopping center currently meets only the bare minimum.

Mayor Anderson said there should be another access to the parking lot.

Mr. Henry said the owners of the two properties would have to discuss that, though the City can facilitate.

Councilmember Abram asked what the distance is from the existing driveway to the new one.

Mr. Henry said there is a 60-foot minimum, but the request is greater than the requirement.

Councilmember Yocum made a MOTION to APPROVE Resolution 4984. Mayor Anderson SECONDED and it FAILED by a vote of 3-3 with Councilmember Abram, Councilmember Carver, and Councilmember Miles voting NAY.

Mayor Anderson made a MOTION to APPROVE the Consent Agenda as presented with the exception of items "4a," "4d," and "4f." Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

6. OLD BUSINESS

a. **Ban handheld electronic device driving ordinance**

Staff has reviewed several ordinances from other Arizona cities and modeled the proposed ordinance from one recently enacted by the City of Tempe. The ordinance bans the use of electronic devices by a driver of a vehicle while on the public right of way, though it does allow for some exceptions. This ordinance may be adopted tonight or Council may make revisions for later adoption. Unless directed otherwise, the ordinance will take effect 30 days after passage. On November 3, 2015 the Council failed to pass a motion to direct Staff to revise and broaden the ordinance and did not take any additional action on this item. Councilmember Carver has requested that the Council revisit Ordinance 1807 as written. **Council discretion.**

Councilmember Carver said this is a valid ordinance. He said he spoke with an attorney who represented a woman who reached down to get answer a text message and hit a motorcyclist. He said there were still out of pocket expenses to pay that insurance did not cover. He said there are all sorts of distractions, but this is one thing the Council can address. He said if it saves one person the cost of injury he will take the wrath of those who cannot use their cell phone.

Councilmember Abram said he agrees and it is unfortunate that the state and the county will not enact laws. He said he has seen too many people mishandle the way they drive because of mobile devices.

Mayor Anderson said 34 states have banned texting while driving. He said this is not an attempt to generate revenue, but a measure to save lives.

Mr. Ray said the repeated attempts by the Council to pass this ordinance are misguided. He said this matter should be put before the voters as it affects the voters the most. He said he is in opposition to establishing a new reason for police officers to contact drivers and feels this is a civil liberties issue. He said local law enforcement has a good reputation and does not want to see Kingman go down the avenue of other states. He said he does not want these kinds of laws here and law enforcement can act upon distracted driving. He said too many people are distracted without a wireless device and he does not want to see additional avenues to degrade civil liberties.

Councilmember Yocum left the meeting at 6:54 P.M. and returned at 6:57 P.M.

Resident Harley Pettit said he agreed with the previous speaker. He said the Council cannot legislate the sense of responsibility and gave the example of drunk drivers. He said Deputy Chief of Police Rusty Cooper could not provide statistics on distracted driving. He said the Council should not pass a law until the county or state come up with something similar. He said people will drive in from another area and get pulled over and even a warning was not a positive experience. He said there are no statistics on this and having it only in the City would be difficult to enforce. He said warnings will be given to visitors and tickets to residents.

Ms. Evans addressed the Council and said the Constitution does not guarantee people the right to operate a vehicle. She said this is because driving is not a right, it is a privilege. She said bad judgement requires steps to correct it. She said this needs to be a primary offense and include all distractions. She said if the City waits for the state or county to pass a law more people could die.

Mayor Anderson asked Chief of Police Robert DeVries how enforceable this ordinance is and what can be done to try to improve driving habits.

Chief DeVries said the ordinance is necessary to begin the journey to better driving habits. He said he recognizes the concerns with this ordinance. He said Kingman police officers are directed to change habits, not generate revenue. He said he supports this ordinance and had to take evasive action the previous day while traveling with his granddaughter due to a man who was distracted by his cell phone.

Councilmember Miles said she read the Coconino County ordinance, which had simpler language and provisions. She said there was a section on having a warning period where officers could inform and educate people. She said this was an important addition.

Chief DeVries said the ordinance would not take effect until 30 days after it is passed and the Council can put in an educational period.

Councilmember Miles said the fines and penalties in this ordinance are double that of Coconino County. She said Coconino County charges \$100 per offense. She asked if it is important to go up to a high amount.

Chief DeVries said the police department prefers not to be involved in penalties and defers those decisions to the attorney and the courts.

Councilmember Abram said 90 days would be sufficient and this would be covered in the newspaper.

Mayor Anderson said the consensus was for 90 days.

Councilmember Miles made a MOTION to have a three month/90 day period after the effective date in which to issue a verbal warning to educate the public. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

b. Discussion and consideration of initiating a landscape maintenance district

At its November 17, 2015 meeting, the Council requested information and examples of landscape maintenance districts in Arizona. **Staff recommends forming a landscape maintenance district for the Kingman Crossing Area.**

Mr. Jeppson gave a PowerPoint Presentation.

Slide 1 - This was an introductory slide.

Slide 2 - Mr. Jeppson gave a synopsis of this slide.

Slide 3 - Mr. Jeppson gave a synopsis of this slide.

Slide 4 - Mr. Jeppson gave a synopsis of this slide.

Slide 5 - Mr. Jeppson gave a synopsis of this slide.

Slide 6 - This slide showed a map of the proposal. He said the hospital is currently the only development in the area. He said the area north of I-40 has approximately 50-percent of the assessed value.

Slide 7 - Mr. Jeppson said he tried to take photos of landscaping examples in the area. This slide showed a photo of a landscaped area on Kino Avenue. He said these areas are often not maintained by the adjoining property owners.

Slide 8 - This slide showed a photo of a drainage area. Mr. Jeppson said these areas would need to be maintained as well.

Slide 9 - This slide showed a photo of a similar landscape area on Santa Rosa south of Airway Avenue.

Slide 10 - This slide showed a photo of a drainage pond at Airway Avenue and Santa Rosa Boulevard. Mr. Jeppson said City crews currently maintain this and with the Landscape Maintenance District this would be maintained based on assessment.

Councilmember Miles asked if there needs to be a conceptual plan for what will be there.

Mr. Jeppson said he believes this is correct. He said improvements would change the value to be assessed. He said changes can be made to this through resolution as development takes place.

Mr. Cooper said the fines mirrored those from Tempe, though somewhat modified as theirs did not include crashes. He said a number of ordinances have step systems and the Council can change this.

Councilmember Miles said that Tempe's ordinance is one of the most restrictive. She said she would prefer to use Coconino County's ordinance including crash related events and an educational period.

Councilmember Carver said if there is a crash there are other factors involved with higher penalties. He said the fines are for recurrences within 24 months and \$500 may be what it takes to get through to someone.

Councilmember Miles said her understanding is that an officer can check a phone to see if use of the device was related to the crash.

Mr. Cooper said it is not easy for prosecution. He said this is a civil offense and officers handle the cases in court. He said that checking a phone would require subpoenaing records.

Councilmember Miles said she does not want Kingman to be known as the city that takes the most punitive measures.

Councilmember Dean said he agreed with Councilmember Carver on the fines for the third offense. He said people needed motivation in order to change a behavior. He said he spoke with Mr. Cooper and the court assessment fee is about \$80 so the total would be \$180.

Councilmember Miles said these occurrences are highest with novice drivers, which many places include in a specific category. She said she would at least like to see an educational period.

Councilmember Carver said the educational period does not need to be a part of the ordinance and can be set through direction to the police department.

Councilmember Yocum said he is opposed to texting and driving, but there are too many other mobile devices and other distractions and he does not feel it is appropriate to target holding a cell phone to your ear. He said the ordinance needs to be broader. He said that pulling someone over for swerving clearly shows they are distracted.

Councilmember Carver made a MOTION to APPROVE Ordinance 1807.
Councilmember Abram SECONDED and it was APPROVED by a vote of 5-1 with Councilmember Yocum voting NAY.

Mr. Cooper asked if the Council would like to set a time period to direct Staff to begin enforcing the ordinance.

Councilmember Carver said Tempe allowed 90 days.

Councilmember Miles said Coconino County allowed six months.

Mayor Anderson said 90 days was sufficient.

Mayor Anderson asked for clarification that if the district is created the hospital would be responsible for 97-percent of the levy right now.

Mr. Jeppson said this was based on current development and assessed value. He said this can be done on a unit base or frontage basis and the Council will have to decide what approach to take and how to assess people within the district. He said assessed value is just an example. He said the City may not want to include the hospital and may want to make this only for properties south of Santa Rosa.

Councilmember Carver asked if a public hearing would need to be held on the levy amount each year if this is based on assessed value.

Mr. Jeppson said this was correct as he understands it.

Councilmember Abram asked for clarification that property owners would not be assessed for just their portion.

Mr. Jeppson said this was an option and the Council can make the assessment on a frontage basis. He showed a photo of a drainage area and said the Council could say they want the assessment on a street frontage basis. He said a shopping center may have a higher assessed value but low frontage, which is something to consider.

Councilmember Miles said she believes there is sufficient information to move forward with this. She said there are a number of ways to assess this but they do not know what would be best at this time. She said it is preferable to move forward to designate the area and consider the assessment later.

Mr. Jeppson said the district may sit dormant until improvements are made.

Councilmember Miles asked if the Council has to create a method for the levy when the district is formed.

Mr. Jeppson said there would have to be information on how it would be assessed. He said the only affected area right now would be on Santa Rosa Boulevard where the south side is not landscaped.

Mr. Dickmeyer thanked Mr. Jeppson for his work in putting this together. He said this would improve and protect the overall look for the City's future. He encouraged the Council to go forward with this to ensure proper landscaping that will not be a cost to the City or the residential property owners. He said this would only be implemented when the property is sold and construction begins on the overpass. He said this will show Kingman is committed to growing while maintaining its desert appeal. He said it would be harder to implement on one side and can be written so that owners on the north side can opt-out without having to start over. He said if the Council does not do this now it will not happen. He said the 160 acres on the south would look like other areas of town, which is not good.

Councilmember Miles said Staff's recommendation is to form this for Kingman Crossing. She asked for clarification that if this moves forward would it come back with a proposed ordinance and assessment method.

Mr. Jeppson said this would come back to the Council to discuss the boundaries and

an assessment method. He said staff would then proceed with a draft and go through the required process.

Councilmember Miles said she wants to move forward with this but there is not enough information to assign an assessment method.

Councilmember Abram agreed and said he did not want the hospital burdened with costs that did not belong to them. He said this was his only concern.

Councilmember Miles said if the boundary is Santa Rosa Boulevard then it would exclude the hospital.

Mr. Jeppson showed a map of the parcel and the potential boundary. He said the area has three separate property owners.

Councilmember Abram said he would like to include the area north of Santa Rosa Boulevard. He said he believes the hospital will do their part.

Councilmember Miles said there needs to be a work shop to discuss the method of assessment.

Councilmember Carver asked for clarification that the area behind the hospital would not be included in this.

Mr. Jeppson said this was correct and the interior of the property would not be included. He said there may be a drainage easement that the City could maintain.

Councilmember Yocum asked about the property owners within the proposed boundaries.

Mr. Jeppson said the area north of the hospital is zoned residential.

Councilmember Miles made a MOTION to MOVE FORWARD and schedule a work shop to discuss the details of boundaries and an assessment method for the Landscape Maintenance District. Councilmember Yocum SECONDED and it was APPROVED by a vote of 4-2 with Mayor Anderson and Councilmember Carver voting NAY.

c. Golf Course Management Agreement

On November 17, 2015, the Golf Course Manager Agreement was proposed by Staff and reviewed with Council. **Staff recommends approval with no changes to the agreement that was proposed at the meeting and reviewed and discussed in Executive Session.**

Mr. Meersman thanked the committee members including Councilmember Carver, Mr. Dougherty, Finance Director Tina Moline, Mr. Cooper, and Levi Pitts for working through this. He said Council directed Staff to come up with a performance based contract. He said Cerbat Golf, LLC, will pay 50-percent of the merchant card fees and golf cart lease. He said the point of sale system will be the responsibility of Cerbat Golf, LLC, and there are performance incentives based on overages above past revenue. He said that this does not include food and beverage sales and is based on annual performance and Professional Golf Association status.

Mayor Anderson asked if Cerbat Golf, LLC, has agreed to the contract.

Mr. Meersman said they had and Mr. Pitts was present if there were any questions.

Councilmember Carver said the City worked on their part then took this back to Cerbat Golf, LLC, and they came back with modifications. He said the final contract is a joint agreement.

Councilmember Carver made a MOTION to ACCEPT the contract with Cerbat Golf, LLC for management of the golf course. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

7. NEW BUSINESS

a. **Transportation for Veteran's Court clients**

Judge Singer is asking for municipal support for veterans who have been admitted to the program but do not have transportation by providing a free pass on KART buses to veterans with Court ordered appointments. **Staff recommends approval.**

Judge Singer said this request is part of a new program being implemented for the Veterans Treatment Court. He said he began working on this program from day one and has been working with partners in Lake Havasu City. He said the first Veterans Court would be next week at the courthouse and he is very proud of the Staff who has put in a lot of work to get this going. He said he hopes this is something the City can be proud of. He said he tried to foresee anything that might come up and one thing that was seen in Lake Havasu City was transportation issues. He said there are a lot of things working to help veterans, but this could be a hindrance so he is trying to address this ahead of time. He said Lake Havasu City sometimes has issues getting veterans to various appointments or meetings and Kingman has the advantage of the Kingman Area Regional Transit (KART) system. He said he would like to provide KART services to transport veterans. He said he cannot say when or if this will be needed but he is sure that down the road there will a veteran who will need help with transportation. He said this is an intensive program and the more hurdles that can be eliminated the better. He said he is asking for the ability to do this based on need and he does not want to have a veteran unsuccessful because of transportation.

KART Administrator Sheri Furr addressed the Council and said she is in support of the Veterans Court and hopes that KART can partner with them to ensure the veterans get where they need to go. She said the KART program is funded through a federal grant that does not allow the City to provide free rides or passes to one group. She said other agencies purchase coupon books and can give those out, but KART cannot spearhead or provide free transportation. She said coupons could be purchased through the court and transportation can be arranged as normal.

Councilmember Yocum asked if the court can purchase these themselves.

Ms. Furr said they would have to. She said some groups purchase monthly passes while others buy day passes. She said some purchase coupons and issue those based on the number of trips. She said she is happy to work with Judge Singer on what is needed. She said the jail purchases coupons because they want to make sure people get off of their property. She said KART sells these to the jail and they can only be used for transportation off of the property.

Mayor Anderson said the City could do this through another entity, but KART has to have a paid pass.

Ms. Furr said KART is able to provide rides during special events because it is available to the entire public.

Councilmember Miles asked how many participants are in the Veterans Court.

Judge Singer said the program has been modeled after Lake Havasu City's and theirs started with one participant and now has over 50 two years later. He said Kingman may hit those numbers, but it is unpredictable. He said he did not know when this scenario could arise, but it is a potential hurdle. He said Lake Havasu City's transport is more limited.

Ms. Furr said Lake Havasu City does not have a transit system anymore.

Judge Singer said Lake Havasu City has tokens donated for various types of transportation.

Councilmember Miles asked how much the monthly passes cost.

Ms. Furr provided the amounts.

Councilmember Miles said the cost could be \$1,000.

Ms. Furr suggested using day passes for this need.

Judge Singer said the number of participants who need this are in the single digits in Lake Havasu City.

Councilmember Miles asked if there is a line item for this.

Judge Singer said there are different methods and the program has a Veterans Resource Team. He said he believes Lake Havasu City's participants receive tokens through donations to the team. He said he wanted to exhaust all possible options.

Councilmember Abram asked for the cost of a day pass.

Ms. Furr said a day pass costs \$5.

Mayor Anderson said the court does not know when they will need this or if another group would step up and provide it. He said if nothing else they would like to use KART and will have to figure it out.

Judge Singer said the court does have a budget for the Veterans Court. He said this need will have to be addressed or there is no point to defendants being in the program.

Mr. Dickmeyer addressed the Council and said he thinks this is something the community can get involved in and people can buy the passes. He said people would support this and there would be no issues.

Judge Singer said this is in line with the Veterans Resource Team, which can help in different ways. He said the community can attend those meetings and gave the date, time and location of the meetings.

Mr. Dickmeyer asked where people can buy the passes.

Ms. Furr said they can be purchased at the KART office.

Mayor Anderson recommended that when the time comes that this need arises that a token or pass could be purchased, but the funds have to come from a source to be determined.

Councilmember Miles asked if the advisory group includes veterans groups which Judge Singer said it does. She said those groups often have resources to help with transportation. She said the community could contribute to a fund and those resources could be donated.

Judge Singer said he would have to look into this. He said the backup plan is using the resource team and other resources for donations to pay for the passes. He said this would be on a need basis and they will have to determine what is best. He said each case will be different and some will be more intensive than others.

Councilmember Miles said there could be a lot of defendants coming in from Golden Valley and other areas.

Judge Singer said this was possible.

Councilmember Miles said the resource team would be the starting place.

Mr. Cooper said there could be a gift clause issue as the City cannot give something to a private individual, but there is a public benefit. He said the City could partially fund this or seek donations.

Councilmember Miles asked if the seed money for the program could pay for this small amount.

Mr. Cooper said there is money budgeted for the Veterans Court.

Councilmember Miles said the direction is to authorize use of start up funds to address this and create a way to accept donations toward it.

Judge Singer said the resource team can help facilitate this and the seed money could be used to address this need. He said he wanted to be prepared for this need.

Councilmember Miles made a MOTION to ALLOW the court to use part of the seed money for the Veterans Court to help with transportation issues. Councilmember Yocum SECONDED and it was APPROVED by a vote of 6-0.

Mayor Anderson said he had an appointment with Praise Chapel to discuss the Veterans Court and he would like Judge Singer to attend.

b. **Public Hearing and consideration of Ordinance 1808 approving the rezoning of certain property from R-2-PDD: Residential, Multiple Family, Low Density, Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum**

A request from Raymond W. Stadler, P.E., applicant, and Mallory Loop Re Trust, property owner, for a rezoning of certain property from R-2-PDD: Residential, Multiple Family, Low Density Planned Development District to R-1-6: Residential, Single Family, 6,000 square foot lot minimum. The R-2-PDD zoning allows for common wall single family homes with reduced setbacks on eight lots on Mallory Loop east of Fripps Ranch Road. The property is described as Lots 9-16, Block 1, Mission Estates, Tract 1982. The intent is to re-subdivide the eight lots into five new lots with five single family homes with typical R-1-6 zoning district setbacks and development standards. There is a concurrent request for the approval of a preliminary plat for Mission Estates II, Tract 6044 for the site. The Planning and Zoning Commission held a public hearing on November 10, 2015. The Planning and Zoning Commission voted 6-0 to recommend approval of the request with the condition that the subject property shall be re-platted as indicated in the preliminary plat for Mission Estates II, Tract 6044 with a maximum of five lots in accordance with R-1-6 zoning development standards. **Staff recommends approval.**

Mr. Jeppson gave a PowerPoint presentation.

Slide 1 - This was an introductory slide.

Slide 2 - Mr. Jeppson gave a synopsis of this slide.

Slide 3 - This slide showed a photo of the subject property.

Slide 4 - This slide showed a photo of the subject property.

Slide 5 - Mr. Jeppson gave a synopsis of this slide.

Slide 6 - This slide showed an aerial view of the property.

Slide 7 - This slide showed a map of the property.

Slide 8 - Mr. Jeppson gave a synopsis of this slide.

Slide 9 - Mr. Jeppson gave a synopsis of this slide.

Slide 10 - Mr. Jeppson gave a synopsis of this slide. He said the comments at the Planning and Zoning Commission meeting were from a neighbor protesting.

Slide 11 - Mr. Jeppson gave a synopsis of this slide. He said the comment made at the Planning and Zoning Commission meeting was concerning a flooding issue in the neighborhood.

Slide 12 - Mr. Jeppson gave a synopsis of this slide.

Slide 13 - Mr. Jeppson gave a synopsis of this slide.

Councilmember Yocum asked for clarification on the comments made at the Planning

and Zoning Commission meeting.

Mr. Jeppson said the comments were made by one person.

Councilmember Yocum said a single family home could cause additional drainage issues.

Mayor Anderson opened the public hearing.

Resident Kate Arnold addressed the Council and said she owns a home on Mallory Loop and there is an issue with flooding. She said she tried to take care of this herself and the drainage in the corner of the subject property does not work. She said the drainage is supposed to redirect to both sides of the loop and does not. She said this has flooded her home and she has put in a retaining wall. She said a neighboring house is higher than hers and the water goes into her property. She said this was the initial problem and she is afraid that additional building will continue this. She said that this needs to be addressed.

Mayor Anderson said that the zoning is not going to impact Ms. Arnold's situation and the Council is looking for what to ask Staff to do to look at this issue.

Mr. Jeppson said that this could possibly be addressed in the subdivision stage.

Mr. Henry said the drainage was not intended to flow north. He said it was intended to flow south to Fripps Ranch Road and deferred to Mr. Cooper on whether or not the City would be responsible for fixing this.

Mr. Cooper said it would need to be looked at and the issue is separate from the zoning issue before the Council.

Mayor Anderson said he would like the City to address this. He asked Staff to look for alternatives.

Councilmember Abram said he lived on Mallory Loop and this issue does occur. He said the concern the resident had was on set backs and that involved the placement of the homes on the property.

Mr. Jeppson said this is a zoning issue and the set back will be greater than what the current zoning allows.

Mayor Anderson opened the public hearing.

Applicant Raymond Stadler addressed the Council and said this will reduce the issues as there will not be the same type of drainage as what exists.

Mayor Anderson closed the public hearing at 8:19 P.M.

Councilmember Abram made a MOTION to APPROVE Ordinance 1808.
Councilmember Yocum SECONDED.

Councilmember Carver asked if there was any consideration of leaving the two lots southwest of the drainage vacant as the lots on the east side would match up with the

development behind them. He said it looks odd to have a large lot.

Mr. Jeppson said the next step is the preliminary plat and the zoning specifies a minimum lot size, but does not prohibit going beyond that.

Mayor Anderson called for a vote.

The MOTION was APPROVED by a vote of 6-0.

c. Consideration of Resolution 4981 approving the preliminary plat for Mission Estates II, Tract 6044

Raymond W. Stadler, P.E., applicant and project engineer, and Mallory Loop Re Trust, property owner, have requested the approval of a preliminary plat of a residential subdivision known as Mission Estates II, Tract 6044. The proposed subdivision is a re-subdivision of Lots 9-16, inclusive, Block 1, Mission Estates, Tract 1982. The proposal is to replat eight existing lots on Mallory Loop east of Fripps Ranch Road into five lots. There is a concurrent request for the approval of the rezoning of the subject property from R-2-PDD to R-1-6. The replatted lots will range from 6,273 square feet to 10,715 square feet and will be developed with single family homes. The Planning and Zoning Commission held a public hearing on November 10, 2015. The Planning and Zoning Commission voted 6-0 to recommend approval of the request with five conditions. The conditions included requirements for the final plat including adding lot and block numbers on the plat, addressing surveying comments, providing a grading plan, geotechnical report and grading permit, showing the existing and proposed water and sewer services, and a requirement that the developer would be responsible for the costs of moving any existing utilities to serve the new lots. **Staff recommends approval.**

Mr. Jeppson gave a PowerPoint presentation.

Slide 1 - This was an introductory slide.

Slide 2 - Mr. Jeppson gave a synopsis of this slide.

Slide 3 - Mr. Jeppson gave a synopsis of this slide.

Mr. Jeppson then jumped to show the preliminary plat map in the presentation. He said there will be five houses on the property and they will be single family lots with detached units. He said if this is approved then the applicant will be able to bring a final plat and build on these lots. He said the Planning and Zoning Commission recommended approval.

Councilmember Yocum made a MOTION to APPROVE Resolution 4981.
Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

d. Public Hearing and consideration of Ordinance 1809 modifying Ordinance 1189 by removing condition "B" of this ordinance as applied to certain property described as Lot 2, Block 4, Southern Vista III, Tract 6002, and prescribing conditions

A request from KTH Consulting, Inc., applicant, and Pioneer Title Trust No. 9099, property owner, for the removal of condition "B" of Ordinance 1189 which rezoned property, including the subject site to R-1-20: Residential, Single Family, 20,000 square

foot lot minimum in 1998. While the minimum lot size in the R-1-20 district is normally 20,000 square feet, condition "B" of this ordinance required that any future lots abutting Hualapai Foothill Estates to be at least 30,000 square feet in size. The subject property, located at 2406 Steamboat Drive, is 47,322 square feet, and the intent is to split the property into two parcels for two single family homes. Due to rezonings that have occurred on surrounding properties, only the subject site and the lot immediately to the north remain subject to the lot size requirements of condition "B." A minimum lot size of 20,000 square feet for this property will conform to the Projected Land Use Map of the Kingman General Plan 2030. Any splitting will need to be accomplished with an approved parcel plat. There are some drainage concerns in the area and the City Engineering Department has requested that a drainage report be submitted with the parcel plat that addresses these concerns. The Planning and Zoning Commission held a public hearing on November 10, 2015. There were objections raised to the proposal that were voiced by several property owners in the Hualapai Foothills area to the east. **In response to the objections, the Planning and Zoning Commission voted 5-1 to recommend denial of the request. An ordinance has been prepared with Staff recommended conditions for the Council's consideration.**

Mr. Jeppson gave a PowerPoint presentation.

Slide 1 - This was an introductory slide.

Slide 2 - Mr. Jeppson gave a synopsis of this slide.

Slide 3 - This slide showed an aerial view of the property. Mr. Jeppson explained the area in question.

Slide 4 - Mr. Jeppson gave a synopsis of this slide.

Mayor Anderson left the meeting at 8:26 P.M. and returned a few minutes later.

Slide 5 - Mr. Jeppson gave a synopsis of this slide.

Slide 6 - This slide showed a map of the property.

Slide 7 - Mr. Jeppson gave a synopsis of this slide.

Slide 8 - This slide showed a drainage map of the area.

Slide 9 - Mr. Jeppson gave a synopsis of this slide and said there are drainage issues and the Engineering Department would like to have a drainage report.

Slide 10 - Mr. Jeppson gave a synopsis of this slide.

Slide 11 - Mr. Jeppson gave a synopsis of this slide and said there were several negative comments at the Planning and Zoning Commission meeting.

Mayor Anderson opened the public hearing at 8:30 P.M.

Resident Allen Burgett said he was there on behalf of himself, his wife, and their neighbors. He said Mr. Jeppson is doing a great job but they disagree on this issue. He said there is a deep channel next to the property that drains from Hualapai Mountain

Road and spreads across the property when it hits the lot as the culvert backs up. He said he wrote a letter on this and was surprised Staff had already presented Council with an ordinance. He said Council can sustain the denial of this and quoted a portion of the presented ordinance. He said this is a question of procedure. He said the tract map was passed in 2005 and recorded in 2007. He said this section of property was left because of the intent of the original ordinance.

Resident Daniel Lardall said he lives directly east of this property. He said there was a compromise that 0.75 acres would be kept to between the lower density sections and the higher density sections. He said the minimum is 30,000 square foot lots. He said to get rid of this would be to deny what the voters' decision. He said the southeast corner drainage pond is not large enough and drains very slowly. He said this could create a breeding ground for mosquitos and needs to be bigger, which would take up a portion of the property. He said he would recommend keeping the zoning the way it is.

Resident Terry Grey said this property is directly behind his house. He said this is identical to a property on Southern Avenue that went back twice for a small strip of land to do smaller lots. He said he spoke to Mr. Ripps, who agreed to the conditions, and the Council denied him twice. He said these should be no less than one acre lots and this is bad planning. He said to leave the zoning alone and the property is too skinny to build two houses on. He said the owner agreed to this and if this was kept for Mr. Ripps it should be kept for the Hill family. He said this would allow other property owners to come in and do the same thing. He said this is a flood zone. He said this goes down Karen Avenue and flows down the hill. He suggested making this a park. He said this has been rezoned too many times and asked the Council to leave this tabled until Councilmember Young returned.

Mayor Anderson asked why staff was differing from the Planning and Zoning Commission recommendation.

Mr. Jeppson said this was because of what Council had previously done on properties to the south. He said this is another portion of the same area.

Mayor Anderson asked if there had been any objection on a prior issue.

Mr. Jeppson said he did not believe so but was not sure.

Mayor Anderson asked if there could be different conditions between the two cases.

Mr. Jeppson said the property has a 40 foot parcel to the east, which represented a greater impact on the Seneca Street lots.

Resident Harley Pettit said in 2006 there was a referendum passed to maintain the acre buffer between the Hualapai Foothills and other developments. He said there was residential opposition at the last hearing and this is a major expense in their area as it affects their property values. He said to stop rezoning after rezoning.

Applicant Kathy Tacket-Hicks addressed the Council and said she was surprised to see this as these are different issues. She said she was aware that the property to the south has already had this removed. She said she is asking for this to be approved as this is isolated and is the final piece of the property. She said the lot size would be more if a portion had not been dedicated to the City. She said having this as one lot will be

peculiar and they wanted to do something that looks nice. She said there is a buffer and it seems inappropriate that the owner should have to provide the buffer twice. She said this is the last lot affected and she thought staff had done a good job. She said they have to do a flood study and would more than make up for this if it had been left. She said the intent has been met for the area the residents want for open space. She said this is only two lots and they do not want to expand. She said there is nothing this condition would apply to as it does not abut the neighboring properties and is a loose interpretation of "adjacent." She said this meets the intent for the property owners.

Mayor Anderson closed the public hearing at 8:49 P.M.

Councilmember Carver asked for clarification on whether in 2006 the Council removed condition "B."

Mr. Jeppson said that was correct.

Councilmember Carver said he wanted clarification on the size and what was in the area to the north of the property that was not included. He said if it was including the other area then only three houses back up to that property and the lot width could be the same. He also asked what the 40 foot buffer was.

Mr. Jeppson said the 40 foot buffer was there and was not being encroached upon.

Councilmember Miles asked if houses were on the property to the south in which condition "B" had been removed, which Mr. Jeppson said he did not know. She then asked for clarification on the lot size, which Mr. Jeppson provided and said the lots are allowed to be 20,000 square feet.

Councilmember Carver asked if the potential split was known.

Ms. Tacket-Hicks said the north side will be a little larger due to the drainage easement. She said the bottom would be approximately 20,050 square feet. She said it lines up beautifully and there will still be a buffer. She said if this had not been dedicated to the City there would still be a buffer and drainage at the bottom. She said this required an update of the drainage report.

Resident Daniel Lardall said there is no area for recreation in the entire subdivision and the set back was there because of the four-inch gas line. He said there is another easement for electric and cable. He said the small property to the north is being developed. He said properties not on Steamboat Drive face the side streets and this is only facing Steamboat Drive. He said full acres would complete the subdivision.

Councilmember Carver made a MOTION to APPROVE the removal of condition "B" for the property under Ordinance 1809. Mayor Anderson SECONDED.

Mayor Anderson said if this was a 70,000-plus square foot lot and 30,000 square feet was given to the City then the number of lots for development is still two. He said he sees were this would line up. He said to look at what staff has done to try to take this into consideration and not penalize the land owner or developer who gave this square footage to the City. He said there is more to this than the subdivision and more background is needed.

Councilmember Abram said that not knowing where the split will be is the biggest concern and the 20,000 square foot lots if fine especially with the buffer.

Mr. Cooper said this could come back with a preliminary plat and both of those matters can be addressed at the same time.

Councilmember Abram said he would like to give the residents a better understanding and help keep the value of the property and size proximity. He said this is the opposite effect from the issue on Mallory Loop. He said showing what this will look like may help ease the residents' minds.

Councilmember Yocum asked how much the applicant is going to have to invest for a preliminary plat that could ultimately be denied.

Mayor Anderson asked if the developer would work with staff to define the boundaries, which Ms. Tacket-Hicks said that she would.

Mayor Anderson called for a vote.

The MOTION was DENIED by a vote of 2-4 with Mayor Anderson, Councilmember Abram, Councilmember Dean, and Councilmember Miles voting NAY.

Mayor Anderson made a MOTION to SEND THIS ITEM BACK to the Planning and Zoning Commission to further define the two lots. Councilmember Abram SECONDED and it was APPROVED by a vote of 5-1 with Councilmember Carver voting NAY.

e. **Public Hearing and Consideration of Resolution 4980 for Conditional Use Permit (CUP) at 4798 North Stockton Hill Road - CUP15-002**

Kingdom of God Church, applicants, and Baltic Enterprises, property owners, have requested approval of a conditional use permit (CUP) to allow for a "Public Assembly Indoor-General" use at 4798 North Stockton Hill Road, Kingman, to operate a church in a C-2 Zoning District. The subject property is zoned C-2: Commercial, Community Business. A parking plan was submitted and reviewed by Staff. The Planning and Zoning Commission met on November 10, 2015 and held a public hearing on this request. The Commission voted 6-0 to recommend approval of the request for the CUP with a condition that the applicant obtain a letter from Mohave County that the existing septic system is sufficient for the proposed use. Comments were received from Mohave County Environmental Quality on 11-17-15 that the existing septic systems are adequate for the proposed use. There was only one objection from a neighboring property owner which was submitted to the City of Kingman by email prior to the meeting. **Staff recommends approval.**

Mr. Jeppson gave a PowerPoint presentation.

Slide 1 - This was an introductory slide.

Slide 2 - Mr. Jeppson gave a synopsis of this slide and said the Planning and Zoning Commission wanted the applicant to check with Mohave County Environmental Services to make sure the current septic system is adequate.

Slide 3 - This slide showed a map of the property.

Slide 4 - This slide showed a map of the property.

Slide 5 - This slide showed an aerial photo of the property. Mr. Jeppson said the property owners to the north objected unless the church leased or purchased their property. He said the septic system is adequate for the property.

Mayor Anderson opened the public hearing at 9:08 P.M.

Resident Bob Peet identified himself as the pastor of the church. He said the building was originally a church and this is the Kingman of God's third time getting a CUP. He said this will finally be their home and everything has been met.

Mayor Anderson closed the public hearing at 9:09 P.M.

Mayor Anderson asked for clarification on the comment received at the Planning and Zoning Commission meeting.

Mr. Jeppson said it was a written comment sent prior to the meeting.

Councilmember Abram clarified that the only concern from the Planning and Zoning Commission was to make sure that the septic system was adequate.

Councilmember Carver stated the CUP was not for a church.

Mr. Jeppson said religious and institutional land use is under "public assembly - indoor general".

Councilmember Yocum made a MOTION to APPROVE Resolution 4980.
Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

f. FY15 financial audit update

Staff will provide Council with an update to the City's FY15 financial audit. This is an informational item only.

Ms. Moline said she wanted to update the Council on the status of the Fiscal Year 2015 (FY15) audit. She said the audit is normally wrapping up; however, due to what transpired two weeks ago it has come to a halt. She said she and the City Manager terminated the relationship with the City's long time auditors and are drafting a Request for Qualifications (RFQ) for a new auditor, which she was hoping to post the following week. She said a new auditor would not be selected until sometime in mid-January. She said the Auditor General placed a deadline of March 31, 2016 to complete the audit which the City would probably not meet. She said the Auditor General informed her that this is not a problem and there are forms required that will need to be posted until the audit can be completed.

Mayor Anderson asked Ms. Moline to provide an update at the next Council meeting.

8. REPORTS

Board, Commission and Committee Reports by Council Liaisons

Councilmember Miles said she attended the Municipal Utilities Commission meeting and there

was a request for the meeting background documents to be available on the City's website. She said the commission believed more people will attend if the background information is available.

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 Abram reminded everyone about the annual Christmas tree lighting and light parade on December 5, 2015.

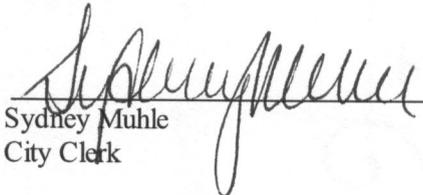
Mayor Anderson said he would be out the rest of the week attending the National Conference of City Councils in Scottsdale, Arizona, and that revenue stabilization would be a topic.

Councilmember Abram made a MOTION to ADJOURN. Councilmember Dean SECONDED and it was approved by a vote of 6-0.

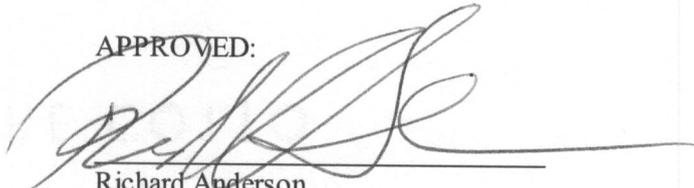
ADJOURNMENT — 9:17 P.M.

ADJOURNMENT

ATTEST:


Sydney Muhle
City Clerk

APPROVED:

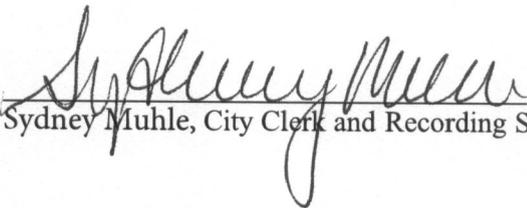

Richard Anderson
Mayor

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

CERTIFICATE OF COUNCIL MINUTES

I, Sydney Muhle, City Clerk and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on December 1, 2015.

Dated this 5th day of January, 2016.


Sydney Muhle, City Clerk and Recording Secretary

