

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

5:30 PM

MINUTES

Tuesday, December 15, 2015

REGULAR MEETING

Members	Officers	Visitors Signing in
Richard Anderson – Mayor	John Dougherty, City Manager	See attached list
Carole Young - Vice Mayor	Jackie Walker, Human Resources Director	
Mark Abram	Carl Cooper, City Attorney	
Larry Carver	Jake Rhoades, Fire Chief	
Kenneth Dean	Greg Henry, City Engineer	
Jen Miles	Rusty Cooper, Deputy Chief of Police	
Stuart Yocum	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 and Recording Secretary	
	Erin Roper, Deputy City Clerk	

CALL TO ORDER AND ROLL CALL

Mayor Anderson called the meeting to order at 5:31 P.M. and roll call was taken. All Council members were present. The invocation was given by City Attorney Carl Cooper after which the Pledge of Allegiance was said in unison.

INVOCATION

The invocation will be given by Steve McCall of Desert Church of Christ.

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 minutes of December 1, 2015**

Councilmember Young said that she would abstain from voting on this item as she was not present for the December 1, 2015, meeting.

Councilmember Abram made a MOTION to APPROVE the Regular Meeting minutes of December 1, 2015. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0 with Councilmember Young ABSTAINING.

2. **APPOINTMENTS**

a. **Reappointment of commissioners to the Municipal Utility Commission (MUC)**

The terms for Commissioners Pat Yarish, Toby Orr and Marvin Yarbrough will expire on December 31, 2015. No new talent bank applications have been received. **At their November 23, 2015 meeting, the MUC voted 4-0 to recommend reappointment of commissioners Pat Yarish, Toby Orr and Marvin Yarbrough.**

Councilmember Miles made a MOTION to REAPPOINT Pat Yarish, Toby Orr, and Marvin Yarbrough to the Municipal Utilities Commission. Councilmember Young SECONDED and it was APPROVED by a vote of 7-0.

b. **Consideration of appointing two candidates to the Planning and Zoning Commission**

The Planning and Zoning Commission considered eight candidate applications on December 8, 2015 to fill one term expiring in December, 2015 and one term expiring in December, 2016. **The Planning and Zoning Commission recommends that the Council appoint two commissioners from the following candidates: Mark Bailey, Laurie DeVries, Gary Fredrickson, Jed Noble, and Thomas Schulte.**

Councilmember Abram said that there are two seats available on the commission and several names were brought before the commission for consideration. He said that applicant Laurie DeVries pulled her application and four candidates were forwarded to the Council for approval to two seats.

Mayor Anderson noted that no specific recommendation had been made.

Development Services Director Gary Jeppson said that applicant Jed Noble was on the Transit Advisory Commission and would have to resign from that if he were appointed to the Planning and Zoning (P&Z) Commission.

Applicant Gary Fredrickson addressed the Council and said that he has been a resident of Kingman for seven and a half months. He said that growing up he witnessed what a

major freeway does to a city and the good and developments that come with it. He said that his experience can help the city. He said that Moreno Valley, California, grew to 200,000-plus and was a bedroom community struggling for jobs until late in life. He said that this led to him moving to Kingman in April for more economic development and growth. He said that he will be fair and respect the past while moving forward.

Applicant Mark Bailey addressed the Council and said that he has been a homeowner in Kingman since 2006 and a permanent resident since 2013. He said that he worked on the Salt River Project and various other projects. He said that he worked on projects including railroad and pipelines through eminent domain. He said that he was a part of the Arizona Historical Society in St. Johns, Arizona, and served on other committees. He said that he has the general background knowledge and experience including mitigation of rights-of-way.

Applicant Thomas Schulte addressed the Council and said that he retired a year and a half ago. He said that he researched where he wanted to live and this brought them to Arizona. He said that he narrowed it down to a couple of locations and fell in love with Kingman. He said that he bought a house here on their first trip. He said that he was a senior executive in the service industry where there are a lot of regulations and he had to learn and was involved in major project planning. He said that he is a member of the Moose Lodge and volunteers at the golf course. He said that he had to understand the intent of requests and the unintended consequences of them. He said that he learned to dig down to see the issue and how to be a good leader and follower which he worked hard to develop. He said that he learned how to say no and explain why a project was not approved and how to resubmit the request to get it approved. He said that he has done a lot of volunteer work and believes that you have to give something back to the community. He said that it is important to recognize the historical significance of Kingman with the controlled growth. He said that he feels he has something to add and learn.

Applicant Jed Noble addressed the Council and said that he had submitted his application a while ago and was appointed to the commission for the Kingman Area Regional Transit (KART) system. He said that he was not aware of the restrictions of serving on both and would be happy to turn consideration over to another candidate.

Councilmember Carver asked if the other applicants were present.

Councilmember Abram said that the P&Z Commission only put through five applicants and Laurie DeVries pulled out. He said that there is a lot of good expertise and two applicants stand out to him in Mr. Fredrickson and Mr. Bailey. He said that Mr. Shulte was also up there but he noticed Mr. Shulte's willingness to serve on the Golf Course Advisory Commission.

Councilmember Abram made a MOTION to APPOINT Gary Fredrickson and Mark Bailey to the Planning and Zoning Commission. Councilmember Young SECONDED and it was APPROVED by a vote of 7-0.

Mayor Anderson noted that the commission may have another vacancy coming up and he hoped applicants would remain interested. He thanked all of the applicants for applying and congratulated the two new commission members.

c. Discussion and possible action regarding appointment of a vice-mayor

Mark Wimpee, Sr. resigned from the position of vice-mayor and the Council in October, 2015. The Council will discuss selecting a new vice-mayor and possibly appoint a member to that position.

Mayor Anderson said that there would not be an Executive Session for the Vice Mayor selection and asked that those Council members interested let the Council know. He said that those who are interested will have three minutes to convince the rest of the Council on who to move forward with.

Councilmembers Carver and Young expressed their interested in being appointed as Vice Mayor.

Councilmember Young said that she previously served one year as Vice Mayor and the main purpose of this position is to work closely with the Mayor and City Manager on agenda items and to attend several meetings and conferences. She said that this person has to have the freedom and time to serve in the place of the Mayor and requires a lot of community commitment. She said that she has 25 years of leadership experience working at Frontier Communications and had a staff of 200 employees. She said that she is organized and has economic development experience. She said that she feels the Vice Mayor should work closely with the Mayor, Council and City Manager on Kingman Crossing. She said that she has knowledge of strategic planning and moving projects in to the implementation stages. She said that she served one year as Vice Mayor and has served seven years on the Council. She said that she is familiar with staff and commissions and knows most of the employees. She said that she would be honored to get the Council's vote.

Councilmember Carver said that he spend 21 years with the Arizona Highway Patrol and has been the Exalted Leader of the Elks Lodge. He said that he has worked on budgets and has leadership experience. He said that his first couple of years on the Council were spent learning and he is now very active with the Mayor and City Manager. He said that Councilmember Young has been on the Council for seven years and served once as Vice Mayor. He said that he feels it is time to give someone else a shot and that is why he did not vote for her before. He said that he does not always agree with the Mayor and the Council needs someone to show the other side. He said that he serves in an elected office and is not a politician.

Mayor Anderson asked the rest of the Council if they had any questions for either Councilmember Carver or Councilmember Young.

Councilmember Dean asked how long Councilmember Carver had been on Council.

Councilmember Carver said that he was in his third year on the Council.

Councilmember Miles said that she heard one project mentioned and asked what the most compelling strategic issues were for the coming year.

Councilmember Young said that the main issue for her would be sustaining the revenue base to provide essential services. She said that 62-percent of the budget is for public safety and she wants to maintain or exceed the current level of service. She said that positions need to be filled and there will be more growth if the community is for

Kingman Crossing. She said that there are not efficient response times and a fire station and police substation are needed. She said that her focus is public safety and creating a fair revenue base. She said that it is up to the community whether this is through a property tax or a sales tax. She said that the City needs a stable revenue base to maintain service.

Councilmember Carver said that he is in the same mode with a revenue source though he does not share the same priorities. He said that public safety is a necessity but if the City does not have the money to fix its infrastructure then the town cannot survive and there will be no need for public safety. He said that the City has to be able to increase things to provide services and need to give people a reason to come here. He said that without other infrastructure people will not show up.

Councilmember Abram said that a lot of other towns rotate Vice Mayors to give someone else that feel and experience. He asked if, knowing that the Vice Mayor takes the place of the Mayor if something happens to the Mayor and the Mayor's position takes a significant amount of time more than the Council, would that time be available for each.

Councilmember Carver said that he asked someone about this today and they said to quit wasting time focusing on that. He said that he could give that amount of time but would not want something to happen to the Mayor.

Councilmember Young said that she did not want that to be the case. She said that she could step in tomorrow with complete transparency. She said that she has no conflict with organizations and no personal agenda. She said that the Vice Mayor does spend a lot of time in the community and there are a lot of times they will get a last minute call from the Mayor to do something and she can do that.

Mayor Anderson said that there was quite a bit of building going on in 2006, 2007 and 2008 with a lot of homes put in and streets built. He said that many subdivisions were put in before the recession and the streets were given to the City which the City now has to maintain. He said that he would be interested in hearing how each would handle the new and growing function of maintaining new roads.

Councilmember Carver said that the City needs a revenue source to do this and without it the City will have to start pulling from other areas. He said that he has sat down with the Public Works and Finance directors and asked what can be reduced to maintain these. He said that the City would be on a shoestring budget until a revenue source is developed.

Councilmember Young said that the City has a Capital Improvements Plan and has to prioritize. She said that the City does have to repave roads and one issue is having several unpaved roads that do not reach the Capital Improvements Plan. She said that she would like to see this on there. She said that this is based on Highway User Revenue Fund (HURF) funds and unlike the City water and sewer service these are maintained by the General Fund. She said that it depends on what the City has as to what can be done.

Mayor Anderson asked for a roll call vote with each Councilmember saying the candidate they would like to select as Vice Mayor.

Councilmember Young was APPOINTED as Vice Mayor by a vote of 5-2 with Councilmembers Carver and Dean voting for Councilmember Carver.

3. **AWARDS/RECOGNITION**

a. **Citizen recognition**

On October 30th at approximately 10:30 A.M. officers responded to a collision between a motorcycle and SUV at the intersection of Main and Wickieup. The rider of the motorcycle received life threatening injuries as a result of the collision. Off-duty Arizona Department of Public Safety (DPS) Trooper Leo Becenti Jr. and citizen Ellen Baca heard the collision and immediately went to the aid of the rider. According to family members, the surgeons were able to save the rider's life and leg due to the prompt actions of Trooper Becenti and Ms. Baca. Both individuals are to be commended for their quick and selfless response to an individual in distress.

Deputy Chief of Police Rusty Cooper addressed the Council and said that he was representing the police department on behalf of Chief Robert DeVries who was not able to attend. Deputy Chief Cooper explained the incident that occurred and said that the accident victim is now recovering and surgeons were able to save the gentleman's life and leg due to the quick actions of Trooper Becenti and Ms. Baca.

Fire Chief Jake Rhoades addressed the Council and said that in today's society you don't know how people are going to react. He said that this was an extraordinary act and Trooper Becenti and Ms. Baca jumped into action. He said that there is no training to create a tourniquet in this manner. He said that these were extraordinary actions and he is proud to know that there are citizens like Trooper Becenti and Ms. Baca to make a difference.

Deputy Chief Cooper introduced Department of Public Safety District One Lieutenant Ron DeLong and Major John Philpot. He also said that KPD Sergeant David Coffin had spoken with the Bach family who wanted to pass along how grateful they were that Trooper Becenti and Ms. Baca saved both Mr. Bach's life and leg. The family said that Mr. Bach has a long road to recovery but he will walk again. He then presented certificates of appreciation and life saving to Trooper Becenti and Ms. Baca on behalf of the Kingman police and fire departments.

Mayor Anderson said that Kingman is a fantastic town with wonderful residents and neighbors who will go out of their way to help. He said that Kingman cares.

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 Graig Graves addressed the Council and said that he was there to thank the people

who helped save the Downtown Post Office. He said that this took a lot of work and people but it started with the City. He said that he wanted to bring attention to how quirky downtown is and said that his family has had a store downtown for 55 years. He said that he has seen councils come and go and what does and does not work. He said that he has seen angled parking added to the streets and locations with pass through parking such as the Central Commercial building. He said that there are always cars moving in and out. He said that downtown can handle a lot of traffic but cars have to be able to move in and out. He asked the Council to consider this for the downtown area.

Marianne VanHasselt addressed the Council and said that she wished to speak on item "7b".

Resident Scott Dunton addressed the Council and said that he was there as the president of the Route 66 Association of Kingman. He thanked the Council for their support of Route 66. He said that the Ramada hotel was recently redone and looks great. He said that the Chambers family owns several buildings which is tremendous. He said that if you look at the other stuff downtown that the association cleaned up that looks a lot better. He said that Jamie Taylor is in charge of Beale Celebrations now which he thinks is going to take off and their Elks building has been busy every weekend for the last six weeks. He said that things are picking up. He said that the coffee shop was moving into a larger building and Bubba was moving into the coffee shop which is a big deal. He said that Terry Thompson bought the building next to him and is putting in a brewery. He also said that the cross fit business is moving. He said that there are great things going on for Route 66. He said that his family has been here for many years and Route 66 is their life. He said that the General Plan is working and asked the Council to join them in helping with historic things in Kingman. He said that there would be a fundraiser at Beale Celebrations in January and keeping on course is up to the Council.

Mayor Anderson began to respond to Mr. Dunton and City Attorney Carl Cooper stated that this was not allowed during the Call to the Public. Mayor Anderson told Mr. Dunton that he say the "Historic Route 66" sign when he got off of Interstate 40 and thanked Mr. Dunton for this.

Mr. Dunton stated that he asked the Arizona Department of Transportation (ADOT) to change the signs to make this the most important part. He said that the Council has a chance to make this better.

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. Professional Services Agreement at Railroad Museum

According to the agreement, the Whistle Stop Railroad Club (WSRRC) will utilize the "Hertz space" in addition to the original space they occupied in the Kingman Train Depot. WSRRC will be required to have the museum open five days a week. They will also be responsible for routine maintenance of the museum portion of the Depot including, but not limited to, cleaning, dusting, routine repairs, and stocking the restrooms. The City will be responsible for major repairs and the utilities. The agreement renewal will be for one year and will begin on January 1, 2016. **Staff recommends approval.**

b. Award of bid for a new office building

The Mohave Area General Narcotics Enforcement Team (M.A.G.N.E.T.) Board of Directors sought bids for the construction of a new office building at their current location on Flightline Drive. One bid was submitted and opened on November 25, 2015 with the bidder being T.R. Orr Inc. with a construction cost of \$132,000.00. The bid was reviewed and approved by the M.A.G.N.E.T. Board of Directors on December 4, 2015. **Staff recommends approval.**

c. Consideration of an exception to Section 9-5(c)(1) to permit overhead power to a detached garage at 3724 N. Moore Street

The residents at 3724 N. Moore Street are constructing a detached garage on the rear portion of their property. There is a powerline along the rear of the lot that serves the properties on the east of Moore Street and the west side of Bond Street. Unisource Energy will not charge them for an overhead line drop from this power line. Subsection 9-5(c)(1) of the City Code requires underground power. An underground power line will cost the residents \$2,000 and require them to run the line across the Hackberry right-of-way. **Staff recommends approval of the exception.**

d. Authorization for the purchase of a Computer Aided Dispatching (CAD) paging interface

The Kingman 9-1-1 Center currently utilizes a manual process of email, phone, and text messaging to notify Command Staff of major incidents or to call out additional personnel. The CAD paging interface will automate this process. The Kingman 9-1-1 Center and Kingman Police Department have a contract with New World Systems to provide CAD Software and the paging interface would be an add-on to the existing system. **Staff recommends approval.**

Councilmember Yocum made a MOTION to APPROVE the Consent Agenda as presented. Councilmember Abram SECONDED and it was APPROVED by a vote of 7-0.

6. OLD BUSINESS

a. Consideration of grant of easement to Unisource (UNS) Electric at Kingman Crossing property (ENG15-069)

The proposed easement is along the west boundary of the Kingman Crossing property (Parcel 322-06-010) and is intended to cover existing power poles, electric lines and guy anchors that were installed many years ago when the property was under ADOT ownership. This easement request was reviewed and tabled at the October 20, 2015 Council meeting. On November 16, 2015, Staff met with members of Unisource Electric but were unable to reach any additional agreements on the easement language. **Staff recommends including the standard franchise language in the easement document, which requires the electric company to bear the costs of any future relocation of their facilities. Staff further recommends authorizing the mayor to sign the agreement on behalf of the City.**

City Engineer Greg Henry addressed the Council and said that this item was previously

discussed that the October 20, 2105, Council meeting. He said that Unisource has requested an easement for existing poles on the Kingman Crossing property. He said that there was concern last time about a paragraph in the agreement that required Unisource to pay to move the poles. He said that staff has met with Unisource and discussed that paragraph. He said that Unisource has proposed making this a 50/50 split which staff did not agree with. He said that staff is looking at what is best for the City and the language proposed is directly from the franchise agreement ratified by the public at election. He said that Mike Gibelou from Unisource would like to speak on this item. He said that staff feels this is fair and reasonable and is consistent with other City requirements.

Mr. Gibelou addressed the Council and gave them a packet of information. He said that part of this is a review of the last time showing the line for the easement. He said that this will allow the potential to serve more residents. He said that Unisource needs this easement and the main point of disagreement with staff is on the franchise paragraph. He then discussed the packet of information with the Council and said that the Detroit Avenue and Pacific Avenue poles are not in the way of possible expansion. He said that this might serve the Kingman Crossing development at a future date. He said that the concern is definitely the term "public benefit". He said that the franchise language did not include city parcels other than streets. He said that this is a concern for Unisource and sometime in the future there would be the public benefit to move the poles at Unisource's full expense. He said that he hoped the City would exhaust all other options before bringing this to Unisource. He said that Unisource is trying to serve several locations and feel this would be a concern for the future. He said that if Unisource is asked to move these poles then it will not just be Kingman rate payers that would shoulder the burden. He said that this would affect all Unisource customers which is not equitable. He said that Unisource is proposing sharing the costs. He said that Unisource needs this easement and will have to live with this and look at it at a future date.

Vice Mayor Young said that looking at the poles there are some riser poles that would have to be moved. She asked if this also means having to move the main transmission lines.

Mr. Gibelou said that this line is coming out of a substation and it would have to be redone and redirected.

Vice Mayor Young asked if there would be costs associated with the substation.

Mr. Gibelou said that Unisource would not have to move the substation because they own the property. He said that Unisource will have to dig a new trench and went over the process involved with this.

Vice Mayor Young noted that the cost will be put back on the rate payers.

Mr. Gibelou said that this is part of doing business.

Councilmember Carver asked Mr. Henry if the Unisource power poles are within the right of way.

Mr. Henry said that this would have to be determined by a judge as the original permit was issued by the Arizona Department of Transportation (ADOT). He said that ADOT requires utilities to make changes at their sole expense.

Councilmember Carver asked what the worst case scenario would be if something was to happen requiring the poles to be moved out of the right-of-way.

Mr. Henry said that the City would try to exhaust all options before asking Unisource for this. He said that the City has an existing easement with Unisource and if the City had to move these facilities the cost would be on the City. He said that if this proposal is modified for a 50/50 cost share then the existing easement should be modified to cost share as well.

Mr. Gibelou said that the existing easement is because of a large voltage line going through it. He said that he did not think Unisource would be interested in sharing the costs to move that line.

Councilmember Abram asked how many customers Unisource has that would have to share this cost.

Mr. Gibelou said that he did not know this number off hand but it was approximately 175,000.

Councilmember Abram said that they then did not know the cost to each customer.

Councilmember Miles asked for clarification that if the public benefit is to extend the roads that it would also be extended in another area and that both lines would have to be moved.

Mr. Henry said that this would be to provide access to Kingman Crossing.

Councilmember Miles clarified that both lines would be impacted which Mr. Henry said was a potential. She said that there would be a lot of thought before moving these.

Mr. Henry said that there would. He said that in his research cities in the Phoenix area require utilities to move larger lines at their sole expense and some charge just for the consideration of the easement and the cost to move it as well.

Vice Mayor Young asked if the same language is in other easements.

Mr. Henry said that it was for Suddenlink Communications. He said that it has been a while since he read the gas agreement but this language is in all of those contracts.

Mayor Anderson asked if Mr. Cooper had reviewed this agreement.

Mr. Cooper said that he had spoken with the attorney for Unisource and the arguments were the same. He said that the franchise agreement refers to public rights-of-way but extension of those roadways could cause the rights-of-way. He said that this is not currently in the Unisource agreement.

Councilmember Abram asked for clarification that two poles would be in violation if those roads were continued.

Mr. Henry said that this was possible. He also gave an example south of Airway Avenue.

Councilmember Abram asked if anyone knew the span between the poles and if it was possible to move them one direction or the other.

Mr. Gibelou said that the pole in line with Pacific Avenue would be difficult to move but the pole in line with Detroit Avenue can be moved. He said that moving a singular pole is not really the concern. He said that the concern is if someone comes back in 15 years and wants a pole moved as "public benefit" is not well defined.

Mayor Anderson said that public benefit is always a difficult term and he hears the City's position. He asked Mr. Gibelou what the cost for this would be.

Mr. Gibelou said that this was noted in the handout and moving the entire line would cost \$96,000.

Mr. Henry said that even if this language remains as is a future Council could allow the City to pay for a portion of this expense which Mr. Cooper agreed with.

Councilmember Abram said that he sees the argument and there is no guarantee for compensation. He said that the argument is that Unisource rate payers would have to bear the cost which would be around \$2.00 per customer and is not a bad deal. He said that this would be \$0.03 per bill. He said that he sees Unisource's point as giving the City a little bit of buy-in would make the Council think twice before moving the poles.

Mr. Carver said that if this is standard language it is hard to conceive that no other project is encumbered by such language.

Mr. Henry said that everything is currently in the right-of-way where there was no prior easement or one obtained by the City. He said that without that language then all others are covered.

Mr. Gibelou said that this franchise paragraph is new this year and this is a piece of property that the City owns that is not a street. He said that they were recently granted an easement near the library and this language was not in that one. He said that it is in another agreement near the Powerhouse. He said that staff has indicated they would like it in all agreements. He said that in some areas it does not matter but some others are unique. He said that without this other poles can't back them up and it takes longer to restore service.

Vice Mayor Young asked for clarification that this term was only recently added.

Mr. Gibelou said that it was added within the past year.

Councilmember Miles said that she thought this was standard language.

Mr. Henry said that it is within existing street rights-of-way. He said that Kingman Crossing is not a public street at this date and staff is trying to protect the future interest of the City. He said that this language has been in the ordinance and has been applied to City owned parcels within the last year.

Councilmember Carver clarified that the property in question was on the far west side that would not be involved if the City sold the Kingman Crossing property.

Mr. Henry said that this was correct and this area was classified as parks and open space.

Councilmember Carver made a MOTION to ADOPT the grant of easement with the franchise language as presented. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-1 with Vice Mayor Young voting NAY.

b. Battalion Chief - Operations reclassification

The position of Battalion Chief – Operations for the Fire Department is currently an “exempt” status position due to their supervisory status and responsibilities within the department based on their assignment as “Shift Commanders.” The individuals within these positions serve in a mixture of exempt and non-exempt status; however, they lose many of the benefits associated with each classification. The work schedule and the requirements of this position bring the conclusion that these individuals would be better served and better serve the City of Kingman in a non-exempt classification. **Staff recommends the approval of the reclassification of the position of Battalion Chief - Operations as non-exempt status within the adopted pay plan for the city of Kingman.**

Chief Rhoades said that information was requested after the last meeting has been provided to the Council regarding job descriptions, pay scales and comparisons between battalion chiefs and police lieutenants. He said that this issue is all in the history of how it came about. He said that this is based on work schedules and of the six battalion chiefs three work 48/96 hour shifts regardless of the date and time. He said that they are the shift commander and are required as part of the minimum daily staffing. He said that when each shift hits a minimum of 13 people battalion chiefs cannot be allowed off due to overtime for coverage. He said that all other exempt employees work 40 hour weeks and the battalion chiefs cannot due to their schedules. He said that they have to work holidays when other exempt employees are off. He said that Councilmember Carver had asked him how many holidays the battalion chiefs have had off in the last three years and they have worked all but five holidays which they had to use vacation time to take off while other exempt employees get that off automatically. He said that other positions get holiday pay. He said that this can be absorbed into the current budget as the number of engineers has been reduced. He said that the department has reduced positions, will manage overtime, and use their part time program to help cover this. He said that comparisons on duties can be interchanged with the police department lieutenants with the exception that these three battalion chiefs work shifts. He said that they do not get time off during the week and this would be like everyone else coming to meetings on Saturday and Sunday.

Councilmember Miles thanked Chief Rhoades for the job descriptions and the functional duties are very different. She said that her concern was this matter going through the compensation committee and asked if this would be a good idea to do.

Chief Rhoades said that he worked with Mr. Dougherty on this and it never came to the compensation committee because it is a classification change. He said that the day after the previous meeting the committee was not available and this was never a consideration in working with Mr. Dougherty.

Councilmember Miles said that looking at the police lieutenants she thinks there are legal issues involved. She said that she did research on this and found cases in which shift commanders were determined to be exempt and others were non-exempt. She said that the job descriptions are very important. She said that there is still evidence in the job description that make this questionable.

Mr. Cooper said that he was not involved in this and it went through the Human Resources department and the City Manager.

Councilmember Miles said that non-exempt employees were non-managers and this needs to have a legal review. She said that this position seems to supervise full-time employees. She asked if they are full-time first responders.

Chief Rhoades said that this is the exception and there are those out there that manage this both ways. He said that the City of Casa Grande has exempt battalion chiefs who are allowed to collect overtime. He said that this is all over the place and that in looking at Arizona the majority of departments operate this way. He said that the department is trying to go back to how it used to be. He said that he is happy to work with Mr. Cooper to make sure that the department is meeting the intent of this.

Mr. Cooper said that he was not involved in this discussion and Human Resources and Risk Management Director Jackie Walker reviewed it.

Councilmember Miles said that this is a very contentious issue and it would be good to have a legal look at it.

Councilmember Young said that the battalion chiefs are being used as first responders as they go out on all emergency calls as first responders.

Chief Rhoades said that battalion chiefs do not go on medical calls and their response depends on the type of call. He said that they do respond and they do rest during their 48 hour shift, as all firefighters do, but they have a duty to respond. He said that two of the current battalion chiefs are hazmat technicians and will serve in different functions. He said that they are also NIMS certified incident commanders and an incident commander is required on everything the fire department does which has become standard.

Councilmember Dean asked why these positions were exempt in 2005.

Chief Rhoades said that he was not here when this occurred and Ms. Walker could give more insight into this. He said that there was a pay raise received by the police lieutenants and the battalion chiefs were rolled in to match the pay scales. He said that he believed this was contentious then and Ms. Walker could explain this better.

Ms. Walker said that in 2005 the Finance Department noticed a significant amount of overtime usage and recommended looking into the Fair Labor Standards Act (FLSA) and whether or not this position qualifies. She said that there were several exemptions that qualify and the employer has the option to move the position to exempt status. She said that the employer can always go above and beyond the law and pay an employer hourly. She said that the City chose to move the position to exempt.

Mayor Anderson asked for clarification that if a battalion chief goes on a call they are

more than just administrative and act as a first responder.

Ms. Walker said that this was correct but their primary responsibility is administrative though they do respond to many calls.

Councilmember Carver said that he asked Chief Rhoades to provide information on this matter and provided statistics on the number of calls run by the department and by the battalion chiefs. He said that there is something in the exemption about 50-percent administrative responsibilities. He said that the battalion chiefs are not running on that many calls and there was an adjustment when these positions were rolled into exempt status. He said that Human Resources did look back over a five year period and they were give an additional amount to the base. He said that in 2013 two battalion chiefs received an additional three-percent for compression and they are also given certification pay. He said that one police lieutenant get certification pay. He said that if it is a matter of shifts the battalion chiefs know their shifts. He said that if 48 hours is too long then maybe this needs to be cut back. He said this is comparing apples to oranges and the three police lieutenants don't know their shifts and can be called back. He said that he would prefer being told that they want to be paid for the amount of hours they work. He said that the lieutenants and administrative battalion chiefs are being fairly compensated.

Chief Rhoades said that this position will always work 24 hour shifts and would still be able to plan out their shifts. He said that the roll in followed a raise that the police lieutenants received. He said that the supervisory level was looked at and the battalion chiefs that will remain exempt are comparable to the police lieutenants. He said that he has no desire to move those individuals. He said that the operations battalion chiefs cannot take time off like any other employee. He said that to take a holiday off they have to burn their own time and this really is comparing apples to oranges.

Councilmember Carver said that when this was approached the last time the big things was that they would not get time off. He said that they have the ability to take time off and are asking the Council to give them overtime. He said that this is money the City does not have and the fire department's overtime use is high. He said that he would rather see the department hire additional personnel.

Chief Rhoades said that the department is down positions and he would like to bring back the paid-on-call program. He said that the pay rate for paid-on-call personnel is \$12.50 and \$13.50 for paramedics. He said that this program is also voluntary. He said that overtime is being managed more tightly and the elimination of three engineer positions is another way that the department is being more fiscally responsible.

Councilmember Carver asked what the likelihood is that an operational battalion chief can take time off and an administrative battalion chief can fill in.

Chief Rhoades said that there is a difference in training. He said that the prevention and other battalion chiefs stay up on their training but the operational battalion chiefs do these things daily. He said that the department has captains but this is an exception. He said that this would be hit and miss as they are not doing this daily to stay fresh.

Councilmember Miles said that she just attended the department's awards ceremony which was nice. She said that her concern is the process because there is a schedule to speak to adjustments during the budget process. She said that coming forward with this

at this time of year and not going through the compensation committee seems out of sync. She said that not enough eyes have looked at this and there is a need for a comprehensive analysis of the entire salary scale rather than piecemeal. She said that this has been done outside of a compensation analysis which is a bit frustrating. She said that she is not prepared to move forward with this on an individual position.

Chief Rhoades said that he spoke to this during the budget season and finally got it to move toward this which is how it got on the agenda last time.

Vice Mayor Young said she understands that this position is not being paid for the working hours. She said that she is bothered by them not being able to take time off to spend time with their families like other employees can.

Chief Rhoades said that he does not know what another option for this is. He said that the department has paid-on-call positions and voluntary call back. He said that he has one battalion chief with two new little girls and he is working Christmas Eve and Christmas day. He said that the department has tried to get call backs and no one has volunteered. He said that the other option is to drop below minimum staffing.

Councilmember Abram asked if operational battalion chiefs are in the station at all times.

Chief Rhoades said that they are. He said that they will attend department meetings but respond to calls from there. He said that there is no predictability to those calls and the department's calls are up 12-percent and they have not changed a thing. He said that this is all from growth. He said that they could receive calls at any given moment and a shift could have different calls.

Councilmember Abram said that do not have the opportunity to drive home to open presents and the police department can respond from home.

Chief Rhoades said that the department measures response times and the battalion chiefs are responsible for those times. He said that if they are at home then they are not engaged at the fire department and response times would suffer.

Councilmember Abram asked if the department was looking at readjusting because of the hourly pay.

Chief Rhoades said that the pay would be the same but the battalion chiefs would receive overtime and holiday pay. He said that there would not be a pay scale adjustment just the overtime. He said that the battalion chiefs work 2,880 hours annually while regular employees work 2,080 hours.

Councilmember Carver said that he was aware of battalion chiefs who have taken time off to run home.

Chief Rhoades said that the battalion chiefs will run home but he does not condone them staying there. He said that if other departments do that would be the exception. He said that this goes into response time and the model the department has set. He said that the battalion chiefs have to be engaged and that is imperative.

Councilmember Abram said that he thinks of a police lieutenant doing the same thing though they are still on duty.

Chief Rhoades said that this would compare to the administrative battalion chiefs or chiefs who would not be compensated. He said that they would all have to respond if there is a major call. He said that administrative battalion chiefs are also available for calls on duty.

Councilmember Abram said that he does feel for the battalion chiefs with the unavailability where others do not take holidays for them.

Councilmember Carver said that he takes another approach as battalion chiefs have taken holidays. He said that he would recommend they not be grandfathered in with dependent coverage.

Chief Rhoades said that this was started several years ago and the department is in agreement on it.

Mayor Anderson said that Chief Rhoades had indicated that the department would stay within the budget and that he has the flexibility to manage this. He asked, given the turnover and new people, at what point the department will lose flexibility.

Mr. Dougherty said that there will be no point where the department will go back to the overtime amounts of the past. He said that he and Chief Rhoades agreed, that not only this year but every year from here on, the department will stay within budget. He said that the department is shifting things around with the paid-on-call program versus full time employees to maintain this at some point.

Mayor Anderson asked for clarification that they have taken the initiative to stay within the budget which Mr. Dougherty said was correct.

Vice Mayor Young said that this puts in equality that the battalion chiefs will receive holiday pay if they work it.

Councilmember Carver said that the battalion chiefs get holiday pay like every other exempt employee.

Chief Rhoades said that the battalion chiefs would receive holiday pay. He said that they would not get the privilege of being off on holidays and would be treated like every other hourly employee who works holidays.

Councilmember Miles said that this would be applied to the 212 hours works.

Chief Rhoades said that the battalion chiefs would be paid for attending command staff meetings and additional training. He said that overtime has to be approved in order to manage it. He said that the new battalion chief of training will allow for training on duty but off duty training will be compensated.

Mayor Anderson said that he looks at this as initiative from the department for making this fair and has seen and heard that the department will have a responsibility to live within the budget. He said that he does not like to penalize creativity and the department is taking initiative to do this. He said that it needs to be fair and said that the department had to find a way to make changes to improve moral and be fair.

Councilmember Carver said that he does not believe what the overtime will cost is specific to shifts and he does not believe it can be managed that effectively. He said that if this has to be changed it should be done at the end of the fiscal year. He said that the lieutenants took it upon themselves when they promoted and so did the battalion chiefs. He said that there have been different work schedules and they have adjusted the pay and now the battalion chiefs want that plus overtime. He said that he cannot fiscally see doing that.

Mayor Anderson said that there have been strong comments representing both sides and he did not want to send this back for another study. He said that it is the Council's responsibility to make a decision and asked for a motion.

Vice Mayor Young made a MOTION to APPROVE Ordinance 1805. Councilmember Yocum SECONDED.

Councilmember Carver said that this was taking a certain group out of a certain pay range without addressing others in that range. He said that the fire personnel does a great job, as does law enforcement, and fire personnel are in the public eye more. He said that the police lieutenants work more than 40 hours per week and noted that they were not compensated for working during recent prison riots or transportation of things to other sites. He said that the lieutenants should be looked at as they can make the argument that they are not compensated for the hours that they work. He said that he thought Mr. Cooper needed to review this and make sure the classification works within the exclusion. He said that he knows the battalion chiefs have done a great job but he does not think they should be moving one group out of a classification without looking at the others.

Councilmember Miles agreed with Councilmember Carver and said that looking at the job description for the police lieutenants they should be exempt. She said that the Council has to look beyond this and find what is equitable.

Councilmember Dean asked if the police lieutenants receive compensatory time which he was told that they do not.

Councilmember Carver said that they are able to take off holidays.

Mr. Dougherty asked for clarification of the motion as Ordinance No. 1805 was for the next item and there was not an ordinance for this item.

City Clerk Sydney Muhle stated that this was correct and it was noted that there was an issue with the agenda program.

Mayor Anderson said that the previous MOTION would be DISREGARDED.

Vice Mayor Young made a MOTION to APPROVE the reclassification of the three operational battalion chiefs. Councilmember Yocum SECONDED.

Mayor Anderson asked that Mr. Cooper provide the definition for exempt employees.

Councilmember Carver read the exemption requirements.

Mr. Cooper said that it is easier to keep a person hourly than to make them exempt. He

said that Ms. Walker may have the specifics. He said that if the City wanted to make employees hourly that is okay and the difficulty is to keep them exempt.

Ms. Walker said that this was true and the City can always go above the law and give compensatory time or pay employees hourly. She said that the City is not required to make the position exempt which Mr. Cooper agreed with.

Councilmember Abram said that if a change is made then the salary grade and band should be changed as well. He said that otherwise this will allow these employees a two-percent raise due to overtime.

Chief Rhoades said that they would be compensated for the time that they work. He said that this will remove the holidays. He said that if he took a snap shot of the past three years in which there were 33 holidays the operational battalion chiefs took off five holidays and had to take vacation time for this while other exempt employees do not. He said that these are the only exempt employees that are scheduled to work holidays. He said that anything these employees work over 212 hours per month will be considered overtime. He said that these employees work 240 hours. He said that all shift employees work this schedule.

Councilmember Carver discussed splits in the fire department's shift schedule cycle which rotates the number of hours worked by shift employees.

Chief Rhoades said that this does adjust each month with all shift personnel. He said that the department's calculations show average hours worked will remain within the budget.

Councilmember Dean asked for clarification that the three battalion chiefs do not receive holiday pay.

Chief Rhoades said that they are exempt employees so they do not receive holiday pay and they cannot take their holidays off.

Vice Mayor Young said that this was comparing apples to oranges. She said that she believed the police department, City Manager and human resources should be coming to some sort of resolution on their issues.

Mr. Dougherty said that he has not received specifics from the police department. He said that he has no problem looking at this but he has not received anything for review.

Vice Mayor Young said that they should be meeting with Mr. Dougherty on their issues.

Mayor Anderson asked for an update on the police department at the second Regular Meeting in January. He then asked for a ROLL CALL vote.

The MOTION was APPROVED by a vote of 4-3 with Councilmembers Abram, Carver, and Miles voting NAY.

Mayor Anderson called for a break at 7:38 P.M.

Council returned at 7:51 P.M.

c. Public Hearing and consideration of 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 FY 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. This item was previously approved by Council after being sent to the agenda prematurely. Like all other fee increases, this item has been posted on the City of Kingman website for 60 days and must be ratified now that the statutory timeline has been met. **Staff recommends approving Ordinance 1805.**

Development Services Director Gary Jeppson addressed the Council and said that this was a public hearing on a fee changed. He said that an agreement says the City must have the same charges that the state does. He said that this was passed previously but the notice was not posted online for 60 days so it is now being brought back. He said that there was no public comment before and there will hopefully be none now.

Mayor Anderson opened the public hearing at 7:53 P.M.

No one from the public came forward to speak.

Mayor Anderson closed the public hearing at 7:53 P.M.

Councilmember Yocum made a MOTION to APPROVE Ordinance No. 1805. Councilmember Abram SECONDED and it was APPROVED by a vote of 7-0.

d. 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. Councilmember Yocum has requested that this item be revisited. **Staff recommends approval.**

City Engineer Greg Henry addressed the Council and said that this item was discussed two weeks prior. He said that this request is to install a driveway on Stockton Hill Road which can be contentious. He said that the site in question is two separate properties at 3150 and 3152 Stockton Hill Road. He said that the existing driveway is located at Paco's Tacos and the second location is vacant which is what the request is for. He said that the current code allows one driveway per 300 feet and this is 200 feet. He said that the owner has said this location will be a restaurant and this does not create the 200 vehicles per hour that would create the need for a traffic safety study that would require a deceleration lane. He said that the parcel to the east can be accessed through the

subject property and the owner could close the current access. He said that the plaza has insufficient parking and the owner would not be willing to give up parking spaces. He said that eventually Stockton Hill Road will be expanded to three lanes and the City would need to acquire property from the owner. He said that he feels there is a public benefit and the Councilmember Yocum requested that this item be brought back.

Mayor Anderson said that access to the plaza would have to come from Detroit Avenue. He said that people can come out on the north end of the property to access Stockton Hill Road. He said that if the property owner denied this access people would have to go back to Detroit Avenue or use the front access on to Stockton Hill Road. He said that this would cause a bigger traffic jam in the parking lot.

Mr. Henry said that staff sees the need for cross access for public benefit.

Mayor Anderson said that Detroit Avenue could not handle this amount of traffic.

Vice Mayor Young said that this would be a safety issue because of school kids in the area.

Councilmember Yocum said that the applicant is proposing remodeling the existing building which would sit idle. He said that this request would provide access to the vacant lot and traffic to flow through for a drive through with the existing driveway functioning as an exit.

Mr. Henry said that this was correct and both would be right turn lanes because of the median on Stockton Hill Road.

Mayor Anderson asked if the owner has requested a building permit and if there was any idea what type of building this would be for.

Mr. Henry said that the owner has not applied for a permit.

Councilmember Yocum asked for clarification that this improvement was deemed to have no impact on the traffic on Stockton Hill Road.

Mr. Henry said that this was correct if the south driveway only allows traffic in and the north driveway allows traffic out.

Mayor Anderson asked for clarification that if this individual had not purchased both properties there would still be two separate driveways.

Mr. Henry said that this was correct and he did not think that the City could reasonably deny the driveway because of this. He said that the idea is to combine the properties and the two properties together do not meet the threshold.

Mayor Anderson said that the increase in traffic would almost cause the owner to have to close off access to the rest of the shopping center

Mr. Henry said that the City would discourage this but cannot legally stop it.

Mr. Dougherty said that he spoke with the developer of the property and he is aware that if he leaves this as two separate properties then the City would have to grant the

driveway. He said that the owner does not want to do this. He said that the property owner also spoke to the owners of the strip mall and they do not want the traffic. He said that the developer did work with staff on this.

Councilmember Yocum made a MOTION to APPROVE Resolution No. 4984.
Councilmember Dean SECONDED and it was APPROVED by a vote of 7-0.

e. Discussion and possible action on the splash pad water management system type, park location and the City's level of involvement

Staff is requesting Council decision on the type of splash pad water management system, the park location for the splash pad, and the City's level of involvement in the process. Staff recommends a repurpose to irrigation water management system installed at South Side Park or Cecil Davis. If a recirculation water management system is the Council's decision, Staff recommends installing it at Centennial Park. If repurpose to irrigation water management system is the Council's decision and additional funds are required, Staff recommends the City contribute to the project.

Parks and Recreation Director Michael Meersman addressed the Council and thanked the Venture Club for what they have done. He said that what they have done is amazing as is the level of interest. He said that their goals are more in line than their differences. He said that whatever the Council's decision was staff would do the best to keep this as safe as possible. He then gave a PowerPoint presentation.

Slide 1 - Mr. Meersman gave a synopsis of this slide and said that he was in favor of a re-purposing system.

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

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

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

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

Slide 6 - Mr. Meersman gave a synopsis of this slide.

Slide 7 - Mr. Meersman gave a synopsis of this slide and said that it is worthwhile for the City to contribute.

Slide 8 - Mr. Meersman gave a synopsis of this slide and said that the irrigation pump would cost a little.

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

Slide 10 - Mr. Meersman gave a synopsis of this slide and explained how the recirculation system works.

Slide 11 - Mr. Meersman gave a synopsis of this slide.

Slide 12 - Mr. Meersman said that the UV bulb is the cost difference.

Slide 13 - Mr. Meersman said that the Bullhead City splash pad is a recirculating system and showed a photo.

Slide 14 - Mr. Meersman gave a synopsis of this slide.

Slide 15 - Mr. Meersman gave a synopsis of this slide.

Slide 16 - Mr. Meersman gave a synopsis of this slide.

Slide 17 - Mr. Meersman gave a synopsis of this slide and said that this showed how the re-purposing system worked.

Slide 18 - Mr. Meersman gave a synopsis of this slide and said that the rangers are there regularly.

Slide 19 - This slide showed a photo of a holding pond.

Slide 20 - This slide showed a proposed site map of Southside Park.

Slide 21 - This slide showed a photo of another potential site at Southside Park.

Slide 22 - This slide showed a holding pond.

Slide 23 - This slide showed additional turf.

Slide 24 - This slide showed a potential site map of Cecil Davis Park.

Slide 25 - Mr. Meersman gave a synopsis of this slide and said that certified pool operators are not needed as much with a re-purpose system.

Slide 26 - Mr. Meersman gave a synopsis of this slide and explained the holding tank. He said that these are tested for eight years on the splash pad.

Slide 27 - This slide showed re-purposing samples.

Slide 28 - This slide showed re-purposing samples.

Slide 29 - Mr. Meersman gave a synopsis of this slide.

Slide 30 - Mr. Meersman gave a synopsis of this slide.

Slide 31 - This slide showed a photo of the proposed area.

Slide 32 - This slide showed a photo of the proposed area. Mr. Meersman said that the Venture Club would like this to be visible and this would be right along the pool. He said that this would be a good location for the department and could generate more revenue with the snack bar.

Slide 33 - This slide showed an additional site at Centennial Park.

Slide 34 - This slide showed an additional site at the Grandview Pool. Mr. Meersman

said that they would take out the wading pool and have a long, narrow splash pad by the pool. He said that being by the pools would allow staff to check it easily and this is more important with the splash pad than the pool due to the capacity.

Slide 35 - Mr. Meersman gave a synopsis of this slide.

Slide 36 - This slide was the conclusion of the presentation.

Councilmember Yocum asked if it was possible to save more money in the initial building to use equipment the City already has if this were to be a recirculating system or if it would be necessary to have its own site.

Mr. Meersman said that it would have to have it's own.

Councilmember Abram said that he was in favor of a re-purposing system. He asked what would happen if the splash pad used more water than was needed for irrigation.

Mr. Meersman said that it could possibly be used for the community garden but would need to be tested and then it would go to the drain. He said that if this was reclaimed water then he would be in favor of having it go to the drain. He said that a lot of cities use their reclaimed water and he hopes the City will get there some day.

Councilmember Abram said that it was important not to reduce the fun factor and drop the gallons per minute (GPM). He asked if it was possible to put fish in the retention pond.

Mr. Meersman said that this may be possible in the future.

Councilmember Abram said that the funds were solicited to put the splash pad at Cecil Davis Park and they would need to go back to those donors and get their permission to put in anywhere else.

Vice Mayor Young asked which gives the most fun with the most water.

Mr. Meersman said that Southside could do either and would be good for matching the numbers on the splash pad with the irrigation.

Mayor Anderson noted the cost to the City of \$150,000 and he wanted people to know that source would be from impact fees that are sitting in a city account and cannot be used for anything other than park development.

Venture Club President Lisa Bruno addressed the Council and said that they spoke with the community garden who only uses about 15,000 gallons of water per month.

Storm Hargrave addressed the Council and said that when comparing the use for irrigation they looked at feature selection, nozzle size and time management. She said that this would be more like a sprinkle pad for a re-purpose system. She said that with this you find turf to water and the splash pad is a byproduct. She said that they did not know that until they got into this.

Ms. Bruno said that they have a different opinion and thanked Mr. Meersman and the Council members for their time. She said that both are good systems but for the time

frame, budget and location the recirculating system is best. She said that they are trying to meet half way with the Parks Department. She said that after receiving bids they can go into Cecil Davis Park within their budget and time frame. She said that they decided it was best to have a clean slate and come in with actual figures and costs. She said that they want a big splash pad and didn't know re-purposing systems had negatives. She said that this is based on what they have learned and they received bids for both. She then gave a PowerPoint presentation.

Slide 1 - This was an introductory slide.

Slide 2 - Ms. Bruno said that the actual design came from a contractor and is what they want it to look like. She said that every company has the same features.

Slide 3 - This slide showed an additional artist rendering.

Slide 4 - Ms. Bruno gave a synopsis of this slide and said that two of the four contractors would not bid a re-purposing system. She said that this system is not done as much and there is the reality of the potential water use. She said that they factored bed rock in and said that this will require them to maintain the building and sidewalks. She said that they have done their due diligence.

Slide 5 - Ms. Bruno gave a synopsis of this slide and said that there were inaccurate numbers in the spreadsheet Mr. Meersman provided to the Council. She said that this is inconsistent with what they are hearing. She said that the first company utilized above ground tanks. She said that Vortex was an anomaly. She said that both were out of budget and you are buying an irrigation system and attaching a splash pad.

Slide 6 - Ms. Bruno gave a synopsis of this slide.

Slide 7 - Ms. Bruno gave a synopsis of this slide and said that Cecil Davis Park was good two years ago. She said that Southside Park was not favored and provided reasons. She said that this is expanding what they came to do and is more than what they want. She said that they want this to be within budget and be good for the City. She said that the water use will exceed the need. She said that they don't think this is great for the cost of the recirculating system.

Slide 8 - Ms. Bruno gave a synopsis of this slide and said that they want this to be more visible and safe. She said that putting this at Centennial Park the water would be saved for the lake at the library. She asked why go ahead of the game and pay for a recirculating system and allow someone to bear the burden.

Slide 9 - Ms. Bruno gave a synopsis of this slide and said that this will take educating people and children. She said that they only ever talked about the recirculating system and this has always been in their bid. She said that Centennial Pool does not have UV filtration and this allows better safety. She said that what they are asking for is bigger and more state of the art for holding and treating the water. She said that the contractor will also provide training to staff. She said that they are trying to do as much as they can to make this a success.

Slide 10 - Ms. Bruno said that the timeline would change for Southside Park.

Councilmember Carver said that they asked the Venture Club to get new bids and this is

more than what they started with because of the state of the art features to reduce the amount of time needed by the Parks Department. He said that the Venture Club has done everything they were asked to do. He said that this started at Cecil Davis Park and they have been slighted that this is being looked at now. He said that this should have been looked at all along and his personal feeling is he doesn't want this to be experimental. He said that the City knows how to do pools. He said that if they can't come up with a holding tank then they have to limit the features and the amount of time they can run. He said that the re-purposing system is not a fix all. He said that the Venture Club put this out initially and to do this now is up to the City to do it or not. He said that nothing has changed his mind so far and recirculating is the direction to go. He said maybe down the line they could put in a re-purposing system.

Ms. Bruno said that maintenance is costing less than \$5,000 to \$10,000 in each city and this could be the City's contribution with staffing.

Councilmember Carver said that Dr. Tori Sandoval gave a presentation on a lawsuit and the cost to settle it. He said that the regulations have come a long way.

Vice Mayor Young agreed and said that the Venture Club did everything they asked for. She commended the Venture Club for their hard work and said that their recommendation should be considered highly.

Councilmember Miles commended the Venture Club and said that this is a phenomenal feat. She said that the Council has to look at the potential use and the impact on parking as this park is surrounded by residential housing. She asked if the club had had any communication with the neighbors or if there was adequate parking.

Ms. Bruno said that they have not talked to them but the City agreed to move the recycling bins at the park to open more parking.

Councilmember Miles said that they had the budget for the recirculating system and asked if the public health would be satisfactory.

Ms. Bruno said that the same parking concern exists at Centennial Park and the issue has been addressed elsewhere. She said that parking could always be an issue.

Councilmember Miles noted that Centennial Park is not in a residential area. She asked what the security impact would be on the City for the chemicals and the park ranger.

Mr. Meersman said that Cecil Davis was for a re-purposing system. He said that the recirculating system can be more challenging. He said that Bullhead City has had problems with trash clogging their lines. He said that if this happens on a weekend they will have to call someone out. He said that at Centennial Park the park rangers could keep this from happening. He said that there are other issues like bikes and skateboards as well and whatever the Council decides staff will do.

Mayor Anderson said that they talked about Cecil Davis Park and the concern with the park rangers. He asked what the major concern was now.

Mr. Meersman said that the re-purposing system sprays clean water and there are issues with the recirculating system if there is a clog. He said that this is the reason to have a ranger there as they would keep people doing what they should do.

Mayor Anderson said he wanted to reiterate what Councilmember Carver said. He said that the fastest growing area is the Southeast portion of town. He said that Southside Park would be great for revitalization but would take time. He said that the East side does not have much while Centennial Park has an awful lot. He said that this is the reason Cecil Davis Park was looked at and why it is still being looked at. He said that the City owes the people in that area something for a community project.

Councilmember Yocum said that based on what he has heard they should stick with Cecil Davis Park. He said that Centennial Park has enough to offer and Cecil Davis Park could use the feature. He said that he would prefer the re-purpose system as the City already uses the water to irrigate. He said that he would rather not see the Parks staff have a maintenance issue. He commended the Venture Club for their efforts and said that they originally looked at the re-purposing system and should try to stay that course.

Councilmember Carver said that he did not recall the recirculating system being discussed.

Ms. Hargrove said that she would hate to see the City spend money because they think its less money to maintain it.

Councilmember Dean thanked the Venture Club for doing their homework and bringing this to the Council. He said that he thinks this is a great idea and he didn't want to rush into this but understands they want to get this out for the kids. He said that he sat at all three parks and Cecil Davis was the busiest. He said that there are houses by that park. He said that this feature could bring a lot of kids and he was concerned about the parking by the houses. He said that they may be anticipating this and wondered if this would be a concern. He asked if it was possible to have some sort of fence.

Ms. Hargrove said that the vision was not to fence this off and most are not. She said that this is a residential area and there is parking. She said that she walked around that park almost every day and three sides have open street parking. She said that she has been there when four soccer teams were practicing and then parking was full but people were not parking in front of homes. She said that there will be people there no matter what.

Councilmember Dean asked if it was possible to have a volunteer ranger to patrol the park.

Ms. Bruno said that those issues will happen no matter where the splash pad is. She said that at Centennial Park it would not be as visible for safety. She said that the club would help organize this and they want it to be where in can be seen and not vandalized. She said that they want to protect the asset as well.

Vice Mayor Young said that they have to consider children and traffic and residents in that area are used to children.

Ms. Bruno said that there is a Head Start, day care and church nearby and this is a great location.

Jim Winso signed up to speak but left prior to this item.

Mr. Dunton addressed the Council and commended Venture Club for their efforts. He said that he keeps asking and doesn't understand why Lewis Kingman Park has not been mentioned. He said that pumping water should be cheaper and the City could have the splash pad on Route 66 with a lake and allow clean water to splash the kids. He said that this would be easier and cheaper. He said that this would keep it on Route 66 where people can see it. He said that he would want to pay to recirculate and clean the water. He said that the City could make money by having the kids fish. He said that this will never break even.

Councilmember Carver made a MOTION to MOVE FORWARD with the splash pad at Cecil Davis Park with a recirculating system. Vice Mayor Young SECONDED.

Councilmember Dean said that they have to look at the cost to maintain and there will be a bigger cost.

Councilmember Yocum said that long term the cost is lower with a re-purposing system and he was in support of the repurposing system.

Vice Mayor Young asked what the cost of ownership was.

Ms. Bruno said that it was between \$5,000 to \$10,000 and \$4,000 to \$6,000 with the recirculating system with the same size splash pad they have proposed.

Mayor Anderson said that in an area with nothing there there will be start up costs and the City has invested in those areas. He said that if they are investing in the community there will be a cost and they have done that elsewhere.

Ms. Bruno said that this will be half of a million dollars in savings.

Mr. Meersman said that the numbers they are quoting for maintenance will be higher because this is not where the employees are. He said that there will be different numbers for each location.

Mayor Anderson asked for a roll call vote.

The MOTION was APPROVED by a vote of 6-1 with Councilmember Yocum voting NAY.

f. Fiscal Year (FY) 2015 financial audit update

Staff will provide Council with an update as to the status of the City's FY 2015 financial audit. At the last Council meeting, staff informed Council that the previous audit firm's services had been disengaged and a request for proposal (RFP) to hire a new audit firm was being drafted.

Finance Director Tina Moline addressed the Council and said that she provided an update of the financial audit at the last meeting. She said that the City has disengaged with the existing auditors and a Request for Proposal was posted on December 14th which will close on January 8th. She said that they will be reviewed and evaluated and a selection will be sent to the Council at their January 19th meeting. She said that this means that the City will not meet the March 31st audit deadline. She said that the audit

will be completed in May or June and the City will not be able to apply for a certificate of achievement and excellence.

Mr. Dougherty said that since an employee has allegedly embezzled the department has taken corrective action. He said that Ms. Moline has implemented additional security and now has three people to approve transactions and all have access to the accounts now where they did not before. He said that they will all review transactions and will all work on the budget because they do not have a budget director. He said that they have all willingly stepped up and Ms. Moline has really taken on a lot. He said that Ms. Moline has also received two manuals for public and private internal and external controls. He said that everyone thought everything was in there and this was the result of over trust of one person. He said that he and Ms. Moline have talked and everyone will do reconciliations and be cross trained on each other jobs so this will not allow this to happen again.

Ms. Moline said that she wanted to clarify that they did have internal controls but they were not always followed upon review.

Mayor Anderson said that there is a legal process on this and the case is being built by the state who will prosecute this. He asked if they were going to work on the return of assets or if this was separate.

Mr. Cooper said that some asset forfeiture has already taken place and other methods are being reviewed. He said that upon conviction the City would be a victim in the case and can get restitution through liens on real property.

Mayor Anderson said that the insurance company was going after the auditors due to an internal control violation.

Ms. Moline said that this was correct and this was only for this certain item. She said that their review was adequate for what they tested through their sampling.

Councilmember Dean said that this gets them out of being held accountable for the job the City paid them to do which Ms. Moline said was correct.

Harley Pettit addressed the Council and said he doesn't think the City has to rely on insurance for \$500,000. He said that he agreed the City should get their money back from the auditors plus damages. He said that he imagines that is what they are going to pursue. He said that the City should get back their investment in the auditor and get actual damages and punitive damages. He said that the City should get their money back and he would like to see this as a citizen.

Mayor Anderson said that he was thankful that the staff in Finance and the City Manager once the warrant was released and had an original figure they believed that needed to be looked at for additional money and jumped right on it. He said that they could have tried to sweep this under the rug but that is not the direction they took and he appreciates that. He said that he has also heard that the City needs to hire for that position right away. He said that he thinks there was a stroke of brilliance from the Finance Director to change things and now they will have three or four people who will have knowledge of transactions and thanked her.

g. Property tax initiative

Discussion, direction and possible action concerning the proposed property tax being placed on the ballot in May, 2016. Several councilmembers have voiced concerns about asking voters to approve a property tax due to a recent embezzlement investigation involving a former City employee. **Staff is neutral, though Staff is still in favor of a property tax to add stability to the City's revenue.**

Mayor Anderson said that he requested this item and has heard indirectly from others about what Council members have said. He said that this is a tough time to try to decide to do what is correct. He said that there is a lot of anger and hostility and people are here and that they have talked to have a greater understanding. He said that they still have an issue of looking at resources and being able to do police, fire, roads, inspections, and engineering. He said that he took some figures from several years' budgets and annual reports. He said that he wanted to give people an understanding of the magnitude of the problem that the City is facing then discussed the sales tax revenue and buying power from 2006. He said that since then the City has cut the work force despite the growing population and additions through annexation. He said that the downward trend in retail means less people are buying in the area and friends and neighbors who own businesses went out of business. He said that online shopping has also hurt. He said that this continues to have an impact on growth and the City's ability to do growth. He said to look at what Kingman does and the City has full services. He said that Bullhead City has a fire district with a separate property tax. He said that there is not a City of Kingman property tax and the closest item is for the Kingman Unified School District. He said that the City gets nothing from the property tax. He said that Lake Havasu City has an irrigation tax and a property tax. He said that neither of those cities run their water departments. He said that citizens need to look at what they get with what is being paid and what is being threatened by the City's inability to stabilize the revenue stream. He said that the City has the option for a food tax which he personally does not believe in as he hates charging for clothing. He said that 51 cities in Arizona have a sales tax equal or greater than Kingman. He said that during the good times until 2008 people built a lot of homes and roads that the City is now maintaining. He said that proposing the property tax was not an increase in revenue but would offset the amount to sunset. He said they are continuing to lose retail to online shopping and they are hoping that a couple of things they are working on will bring merchants though the City cannot dictate where they go. He said that this is one of the reasons they are looking at the property tax. He said that the latest incident was created by one person and the people who are the most upset are the people who worked with her. He said that good people's reputations have been hurt. He said that in fairness to the people who have called and who have looked at the property tax that is why this is on the agenda now. He said that there were a couple of people who wanted to speak. He said that if there is still a majority of the Council who want to pursue this then they will take the time and effort in selling it.

Doug Dickmeyer addressed the Council and said that he believes the majority of Kingman residents are not in favor of the property tax. He said that he believes that it will not pass and believes that the majority believes that it will not pass. He said that the City says they don't have enough money but want to spend \$60,000 on the cost of an election. He said that they will then have to make a temporary tax permanent. He said that he believes that residents are used to paying and would accept an increase. He said that making the sales tax permanent would ensure this is distributed equally to all. He asked the Council to table this to eliminate the special vote. He said that the Mayor talked about revenue not coming in but the median household income has fallen and is

impacting residents more than larger cities. He said that this cannot go too easy.

Councilmember Carver asked City Clerk Sydney Muhle to provide the correct cost for the election.

Ms. Muhle said that this was approximately \$30,000 to \$40,000.

Mayor Anderson said that Mr. Dickmeyer has suggested raising the sales tax and explained his concerns with doing this. He said that 55 to 60-percent of the sales tax comes from people who do not live here. He said that there is nothing in the provisions that limit what can be collected. He asked what the impact is to businesses here for people here to receive an increase.

Mr. Dickmeyer said adding to the sales tax a little bit would increase revenue a lot to be able to run the City. He said that the Council is putting a lot of the responsibility on people that cannot afford it in retired and hard working families by putting a tax on their property while they are struggling to make ends meet. He said that the majority of City employees are driving around in much newer vehicles than a lot of residents are. He said that he knows the City needs money to run on but he doesn't believe putting it on the backs of the citizens is the way to go at this point. He said that he believes the City should increase the sales tax so it is evenly distributed and then look for other revenue resources by bringing in new businesses. He said that it is not the residents' responsibility to run the City it is the Council's.

Mayor Anderson said that his concern is that this is another band aid and until the state legislator does something about online purchasing to pay five-percent and cities and towns don't do anything. He said that this needs to be made whole.

Mr. Dickmeyer said that other states have required this.

Vice Mayor Young said that she does not like to increase taxes. She said that residents are going out of town to buy large price items and the sales tax is going down each year despite the increase. She said that by increasing the sales tax that puts the burden on businesses to stay in business. She asked if Mr. Dickmeyer would prefer a property tax or a food tax.

Mr. Dickmeyer said that it is not the residents' job to stop the bleeding. He said that this is an election year and candidates are talking about reducing the tax on citizens while the City is talking about increasing it.

Vice Mayor Young asked how to get more diverse businesses with a high sales tax.

Mr. Dickmeyer said that it is not that high compared to other areas and people move here because there is no property tax. He said that sales tax exemptions can be made.

Mayor Anderson said that that law has changed and there are a lot of out of town property owners. He said that two-thirds of Kingman is undeveloped.

Mr. Dickmeyer asked if this is the responsibility of the citizens of Kingman.

Councilmember Carver asked why it isn't the responsibility of homeowners and why we need police and fire and paved roads if there isn't home ownership. He said that

residents do not pay anything that tourists coming into town do not pay.

Councilmember Yocum said that asking citizens to pay for services that they already use is not penalizing them.

Mr. Dickmeyer said that they pay sales tax here.

Mayor Anderson said that citizens pay a water bill for what they use and pay sales tax for what they want to buy.

Mr. Dickmeyer said that the City is getting taxes.

Councilmember Carver asked who has a problem if the City fails to exist and said that he hears that no one likes taxes. He said that the issue is the end user as the citizens of Kingman. He said that citizens do not pay to be a resident of Kingman and there is no ownership. He said that there will be a revenue problem. He said that they can do more with more ownership and the increase of home values.

Mr. Dickmeyer said that the City does not generate revenue they spend money. He asked what is coming to the City to bring revenue.

Councilmember Carver said that they need more sources to provide more services.

Mr. Dickmeyer said that they will always get more from citizens.

Councilmember Carver said the citizens of Kingman have not paid a property tax for almost 30 years. He said that the City has to provide services to citizens that they expect. He the Kingman Area Regional Transit (KART) program was instituted they wanted to know how the City would pay for this when the grant funding went away and said that this is the same thing with Highway User Revenue Funds.

Mr. Dickmeyer asked where the City is going to get more money when the homeowners and citizens run out.

Vice Mayor Young said that the biggest benefit to homeowners is police and fire protection. She said that the city cannot pay for this without a stable revenue stream.

Mr. Dickmeyer said that the City cannot come to the well of the citizens every time they need money.

Vice Mayor Young said that the biggest benefit is police and fire and the City does not have enough revenue to protect it. She said that the City does not take in enough money.

Councilmember Miles said that she does not see this as the forum for this discussion.

Mayor Anderson said that when they change from a sales tax to the property tax then they will reduce the sales tax to offset it. He said that if a person owns their home and they pay a property tax they probably itemize it which saves their federal tax dollars. He said that the more affluent the more of a right off you get. He said that this will be harder for a smaller home owner. He said that with a sales tax people spend less. He said that on a \$100,00 home value deemed by the county this is \$208.

Ms. Moline said that this was at the \$3 million levy.

Mr. Dickmeyer said that social security is fixed. He said that he pays \$1,500 per year in county tax. He said that the City will never get rid of the sales tax and if the property tax is implemented then both will go up. He said that people surviving on social security cannot make ends meet.

Councilmember Carver said that the City has not gone to the well for 30 years and there is a property tax credit available.

Vice Mayor Young said that if we have to cut back on public service, which is where the city is right now, that means the fire rating goes down and citizens' home insurance goes up.

Councilmember Miles said that if the City is getting to the point where they have to reduce public safety then the Council better go for more than just the break even. She said that unless they plan to replace this then they need more homework. She said that they are minimizing the impact of the trust lost in the City by the embezzlement. She said that she understands the work that has been done but there is more than a months worth of work in figuring out where all of these defects happened. She said that until the City has that the public will be asking for more answers. She said that they are still in the preliminary stage of this discussion and it seems like the community response is immediate and certain that this is not the time due to the trust factor. She said that she thought it was important to bring this up as this is an issue. She said that she thinks the Council needs to sell something positive and has to do better than to just keep on keeping on. She said that they have to solve some things and this ties into increasing their funding stream. She said that they will have to ask for more and building trust is important and they need to focus on that.

Harley Pettit addressed the Council and said that this is controversial. He said that the City can have a tiered sales tax structure and threatening public safety is not the way to go about selling this. He said that the property tax is based on the \$210 figure and this multiplies for higher home values. He said that one person will be paying a higher rate for the same protection. He said that their investment is in their home and some citizens have over bought. He said that this is better than having money in the bank or in an investment. He said that the potential for the property tax could be higher than the normal rate. He said that this is a budget issue and there is no magic number. He said that taking the low hanging fruit is not the answer and the city has to encourage jobs and industry. He said that things like online shopping is more reason not to invest in a retail venture.

Councilmember Yocum asked what is higher if the citizens are the low hanging fruit.

Mr. Pettit said that this was industry, landing fees at the airport and skilled labor to bring up the city economy.

Mayor Anderson said that this is not something that can be done in a short time.

Marianne van Hasselt addressed the Council and said that she is not a property owner. She said that she would gladly pay for police and fire. She said that this issue came up where she lived previously. She said that they needed an educated future and voted for

it. She said that this only comes to a little bit and she believes people should pay for police and fire.

Williams Wales addressed the Council and said that the City knows they need money. He said that they have to look at the reality and the City needs to tell people what they are going to do with it. He said that the Council has to tell people this will go for police and fire and have to sell it. He said that the Council has to do this and it is not going to happen automatically. He said that this town does not vote of sales tax because they don't trust the Council. He said if they focus on the tax going to cover police and fire then it might have a chance.

Mayor Anderson said that this item was for discussion and possible action. He asked if the Council still wants to pursue this. He said that the Council approved their Code of Ethics a couple of months ago and if the Council makes the decision to pursue this then the entire Council will go forward and try to get it. He said that if the Council decides against this then it is a dead issue. He asked if the Council should continue with the effort and said that if so they will put their time and the staff's time into it. He said that if not then they will continue with the sales tax.

Councilmember Abram said that they could not continue with the sales tax unless it goes to a vote.

Councilmember Carver said that it could be increased at will.

Councilmember Abram said that he does not want to see a food tax. He said that the property tax brings a stable revenue base and the City needs a diverse revenue base. He said that the city does need industry and he is in agreement with the trust issue regardless of what happened. He said that the Council does have to sell this and he thinks it is necessary. He said that they want the true and correct story of why this is needed and to make sure this is the right time.

Councilmember Yocum said that taxes don't always go away but 30 years ago the Council chose to eliminate the property tax. He said that they created this conundrum and the City has been lucky enough to get by with this. He said that relying on a single source is not financially wise. He said that they need more than just one source and regrettably the property tax was not in place for the last 30 years. He said that if so they would probably be in better shape with the budget for the necessary improvements and development. He said that the need a more diverse revenue stream and can't rely on one.

Mayor Anderson asked for a poll on pursuing this measure.

Councilmember Dean asked if this was for pursuing a game plan.

Mayor Anderson said that the Council would have to organize and would need a special meeting to do so.

Councilmember Miles said that the Council has to give a levy amount in January and that gives them a couple of weeks to get that game plan together.

Mayor Anderson said that this was for the game plan and the levy and the vote is later.

Ms. Moline said that the levy must be established January 19th.

Ms. Muhle said that the levy would be established January 19th and the Council would pass the resolution to call the election in February. She said that once the election is called then staff will proceed with the election and publicity pamphlet procedures.

Councilmember Miles said that the Council would have to base the amount of the levy on what they would do with the money. She said that they will have to decide if they are just going to replace what they have or if they are going to go for more and what they are going to use this for.

Ms. Muhle said that this was correct and reminded the Council that the levy amount would be the limit that the City could receive every year. She said that if the Council chooses to pursue a \$3 million property tax they can not go back out later and ask for a \$6 million property tax.

Mayor Anderson asked if the Council was going to pursue this or if they were going to drop it and asked Ms. Muhle take a poll of the Council by roll call.

The Council VOTED to PROCEED with the property tax election by a vote of 6-1 with Councilmember Miles voting NAY.

7. NEW BUSINESS

a. Presentation of GIS needs assessment

The City has hired Sunrise Engineering to prepare a Geographic Information System (GIS) needs assessment. GIS is used by cities and other entities as a means to store, manage, and share data across departments and with the general public. It has been almost 10 years since the last GIS assessment was prepared for the City. Staff has asked Sunrise Engineering to discuss the assessment and answer any questions there may be on the report. This presentation is for informational purposes only.

Mr. Henry said that Sunrise Engineering had been contracted to conduct a needs assessment. He said that the City asked the consultant to come up and give a presentation on what this system can do. He said that this would put information from each department into one central location with the tools to query and manipulate the data for evaluation. He said that this would allow the department to pull information from the GIS system in just a few seconds. He said that the City would be able to take data from accident history and recommend improvements or look at election districts. He said that there is no limit on the data that can go into the system and it is a big investment. He said that the last needs assessment produced 9-1-1 increases and other departments can benefit from this as the data can be easily accessed. He said that a vice president from Sunrise Engineering was present but had to leave due to the late hour. He then introduced Jarom Hlebasko from Sunrise Engineering.

Mr. Hlebasko addressed the Council and provided an introduction to the concept of GIS. He said that the GIS system provides smart information to you and gave an example of searching pipes for line sizes, material, and type of water. He then showed several features of the GIS program and provided examples of how this could benefit the City. He said that there is smart information behind the selections to search for

assets and analyzing data. He said that the City could utilize this to search for fire hydrants that need to be replaced which allows staff to budget to replace them. He also showed examples of sewer lines and the ability to trace the flow up and down stream. He said that this system traces each asset and can be accessible anywhere on any device. He also showed mobile examples of the system. He said that this saves time and money and eliminates the need for expensive equipment. He said that for economic development this could be used to showcase properties. He said that this would also allow citizens to report problems on the City's website and this system makes it a lot easier to stay organized and address the community's needs. He said that this helps staff do their jobs more efficiently. He then showed a park locator online which showed the different amenities and directions to each. He said that this could also be used to show election polling locations and provide directions to those. He said that citizens would be able to search for City services and zoning districts would be interactive to provide information on applicable ordinances and regulations. He said that this would also provide tax parcel information which can be used for reports to the county assessor's office. He said that this could generate mailing information within specific zones for land use publications. He then thanked Mr. Henry and the Engineering Department staff. He said that the local government has been very open and he appreciated the opportunity to participate in this study. He said that this system would be a time saver to make things flow through departments more easily.

Councilmember Abram asked Mr. Hlebasko about the information available to the public on the website.

Mr. Hlebasko said that there are different levels of security and certain information can be for internal use.

Councilmember Abram clarified that the City would have the administrative rights to the program.

Councilmember Yocum asked about the security of the system.

Mr. Hlebasko said that the system is government approved and the federal government is using a lot of it.

Mr. Henry thanked Mr. Hlebasko for coming to give the Council this information. He said that there are many permanent records that would be ideal to store here while some other information may not be as valuable. He said that this system would be used more internally. He said that this item was only for this presentation and the City would look at where to go from here during the budget process.

b. Public Hearing and consideration of Resolution 4985: Request for a Conditional Use Permit (CUP) to permit a public assembly - general use, specifically a church, at 112 N 4th Street (Case CUP15-001)

A request for a CUP to allow a "Public Assembly – Indoor General" use at 112 North Fourth Street, Kingman, to operate church. This portion of the Central Commercial Building will have 234 seats. The property is zoned C-2 and is in Historic Commercial Overlay District. **The Planning & Zoning Commission and Staff recommend approval of the request based on the findings that the application conform to the standards for review, findings of fact, required findings of a CUP**

and analysis with the condition that the applicant meet with the Building Department and resolve the building official's concerns about the mezzanine use and comply with all regulations set forth by the Fire Department.

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 proposed floor plan of the building.

Slide 4 - This slide showed a site map and indoor site plan.

Slide 5 - This slide showed a closer view of the space.

Slide 6 - Mr. Jeppson gave a synopsis of this slide.

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

Slide 8 - Mr. Jeppson gave a synopsis of this slide and said that use of the mezzanine has been addressed with the building official.

Slide 9 - This slide showed an aerial view of the property.

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

Slide 11 - Mr. Jeppson gave a synopsis of this slide.

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

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

Slide 14 - Mr. Jeppson gave a synopsis of this slide.

Slide 15 - Mr. Jeppson gave a synopsis of this slide.

Slide 16 - Mr. Jeppson gave a synopsis of this slide.

Councilmember Carver asked if the determine factor for parking was based on on-site parking or on-street parking. He asked how on-street parking would be handled versus off-street parking.

Mr. Jeppson said that on-street parking is not exclusive.

Councilmember Carver asked what the requirements for parking were if people not attending church services were trying to find parking and parking became an issue.

Mr. Jeppson said that one of the conditions for the Conditional Use Permit (CUP) was to have 59 off-street parking spaces. He said that this condition should also be applied to other users.

Mr. Cooper said that the City has to treat everyone in this classification the same. He said that any other downtown CUP would have to comply with this.

Mayor Anderson opened the public hearing at 10:34 P.M.

Applicant Matt Lockin addressed the Council and said that he has been working with the church and Carol Ott. He then gave a PowerPoint presentation.

Slide 1 - This slide showed a map of the site with an aerial view.

Slide 2 - Mr. Lockin said that the church would not be using any portion of the retail side of the building.

Slide 3 - Mr. Lockin said that there would be 234 fixed seats on the first floor. He said that the second floor would be used for classroom space and there would be no balcony access.

Slide 4 - Mr. Lockin said that he heard several comments at the Planning and Zoning Commission meeting and the building would be used for typical functions of the church.

Mayor Anderson said that this showed there would be from 15 to 50 people in the building in the evenings and asked how many people would be present in the evenings.

Mr. Lockin said that this would not be every Monday through Friday and the church could provide more details. He said that these were just general numbers.

Slide 5 - This slide showed the general level of use by day and the hours of operation.

Mayor Anderson asked if there had been any consideration on Friday evenings to curtail bible study.

Slide 6 - Mr. Lockin said that the church had obtained permission to use more than double to required number of parking spaces. He said that the church wants to be good neighbors and they had reached out to surrounding property owners and secured enough parking above and beyond on-street parking. He said that Wells Fargo's parking lot is on a first come-first serve basis and there were no exclusive parking rights. He then highlighted the on-street and private parking and the amounts available.

Slide 7 - Mr. Lockin gave a synopsis of this slide regarding the findings of the commission.

Slide 8 - Mr. Lockin said that the church has met and addressed the parking issue.

Josh Ott addressed the Council and said that a lot of people don't understand allowing the church to rent the building. He said that they have looked quite a bit and done a lot to try to get businesses downtown to further the revitalization. He said that they believe this will further this by bringing people downtown on a day when no one is there. He said that they would love to put more people downtown to provide businesses with an opportunity. He said that he would like to see Kingman have a parking problem downtown.

Mayor Anderson noted that there are other tenants in the building and asked how this impacts them being able to stay in the building and parishioners doing business.

Mr. Ott said that they try to treat all of the tenants the same and prefer that they get along. He said that he believed they would be able to work together. He said that it is difficult to find a tenant that would not overwhelm the area.

Mayor Anderson asked if Mr. Ott sees this happening until the church looks for an actual building on their own site.

Mr. Ott said that this was all they could look at for now.

Brett Johnson addressed the Council and said that he is the local pastor of the church. He said that the church is grateful to be able to move into a permanent location and it is time for them to move on from Lee Williams High School. He said that the church does not know what specifically they will do as they have never had a permanent location. He said that they have to get a flow and hope to have small group bible studies and student ministries. He said that they are a three to four year old church and are not large though they are part of a larger church. He said that he has heard this will overwhelm downtown. He said that the church is still growing and he cannot see having that kind of influence. He said that the lease on the building is for five years and is not their final location. He said that this is the best permanent location they can find right now and want to be great neighbors for the the life and vitality they would bring to downtown.

Mayor Anderson said that he met with Mr. Johnson before the Planning and Zoning Commission meeting and he realized as time goes on they would work with the community and the community would work with them. He said that Friday night is important downtown and asked how the church would become a part of that and not lock horns knowing that events are planned at the same time. He said that he expected the church to meet with the merchants and to work together.

Councilmember Carver asked Mr. Johnson about the five year lease.

Mr. Johnson said that this was dependent upon getting the CUP.

Mayor Anderson asked if this was negotiable if the church found a place they wanted to build on in a couple of years.

Mr. Johnson said that he imagined something could be worked out but they wanted to fulfill their contractual obligation.

Councilmember Dean asked if any consideration had been given to a lease of less than five years.

Mr. Johnson said that the lease makes the most sense realistically as they are a younger church and would be going through a bigger process which takes about five years.

Rosalee Hunt addressed the Council and said that she is a resident of downtown. She said that she felt the Council needed to see what the general neighborhood said and worked up a basic form and petition for people to say whether they were for or against this. She said that she focused on this as a zoning issues. She said that churches in other locations are set back and there are issues with parking. She said that it is hard to

compare to the 1970's when there were more businesses. She said that she collected 60 signatures against this, 15 signatures for it, 18 signatures who were undecided, and 17 with no opinion. She said that this was two to one against this and the basic feeling was this is not the best location. She said that this will impact the neighborhood and the town. She said that she talked to a lot of people and there are a lot of strong feelings about this.

Councilmember Miles asked if these surveys were done in businesses.

Ms. Hunt said that this was of residents only and if a person had a business they did not do it. She said that they tried to do this as one signature per residence only. She said that the majority of other signatures were downtown and some were businesses.

Mr. Graves addressed the Council and said that this is not a church issue but a business decision. He said that this is not in line with the General Plan and the Planning and Zoning Commission said that it was not the right fit. He said that his family has been here for a long time. He said that this would affect 12 buildings and tenants are open 24/7. He said that taking away street parking leaves nothing. He said that they are only now getting businesses downtown thriving and this does not bring in tax dollars. He asked where the City's option was when this affects downtown. He said that the area will return to negative growth. He said that he contacted other cities and they asked why you would put a church in the middle of a commercial area. He said that the City has spent millions of dollars in the area and the negatives of this far outweigh the positives. He said that this needs to be tabled to find a better fit.

Councilmember Carver asked Mr. Graves if he feels the Otts are being irresponsible by leasing this property to a church.

Mr. Graves said that his understanding is that there are other locations that would fit better.

Councilmember Carver said that they own the building and have a viable renter. He said that this is why CUP's are available and to not approve the CUP the Council would need a legal reason. He said that this goes back to the landlord renting to the tenant.

Mr. Graves said that this is about running a business. He said that this was initially for Sunday and asked where there will be parking during the week. He asked if the church will be using the approved parking for the other days of the week when businesses need traffic to do business. He said that people are going to park as close as they possibly can and this could run into a problem.

Councilmember Miles said that she would like to explore Mr. Cooper's legal interpretation. She said that if she heard him correctly in order to issue the CUP the church would have to prove something.

Mr. Cooper said that as a general rule for CUP's the City has facts that they have to find. He said that this is where the federal statute comes into play in that the City cannot pose a substantial burden in meeting this.

Councilmember Miles asked about this not being in compliance with the General Plan.

Mr. Cooper said that a CUP is for an extra usage and certain restrictions may be

applied. He said that the City has not been enforcing the parking rules and regulations and the church has to be treated as any other category. He said that there has to be a compelling government interest. He said that parking is not a compelling interest.

Councilmember Miles noted that Community Development Block Grant (CDBG) funding had been invested into this building and there are costs associated with this decision as the City is saying that there will be no opportunity for this building to be commercial for five years.

Mr. Cooper said that according to case law this is not a compelling government interest.

Mr. Graves said that the grant funding said that the building could not be leased to a church within a five year period and this ties back to the owner of the property. He said that there are many examples where this went to court and it never happened. He said that this is an interesting situation and when the forefathers for planning and zoning planned the city they had a business district downtown and churches were around the perimeter. He said that downtown is a central focal point and is drawing people downtown. He said that if the City starts limiting growth that is not what they are after. He said that they have waited a long time for this and it would be a shame to give up on what the General Plan was trying to build on. He said that it would be great to have another type of building and there could be. He said that there are ways to explore that and there are always options. He said that this doesn't have to go in.

Mayor Anderson said that the General Plan is a guideline and is not restrictive or binding. He said that downtown came together to build downtown and the City cannot dictate private property use. He said that this is about property owners rights and how to make them merge together. He said that if there is a way if this goes through that they can work together to get more parishioners downtown to do business it would be nice if other places were open on Sunday. He said that there are challenges and opportunities to make this positive. He said that the building has not had tenants and this could have been due to poor property management. He said that there are a lot of businesses downtown like that. He said that he is glad there were 60 people in the room rather than the seven Council members guessing. He said that they are raising valid points and parking is an issue during the week. He wondered if there was a way to run bus service on Sunday and said that there were additional things that can continue to be explored to alleviate some of the problems and fears.

Mr. Graves said that during the week is the concern and the number of cars downtown is where there would be a problem.

Wade Simon addressed the Council and said that Central has been amazing to his family. He said that it is full of so many wonderful, positive people and they want to love on downtown. He said that the City is going to see the economy boom with the presence. He said that every time they come downtown they pay tax dollars. He said they can't wait to get involved and want to do it with love.

Mayor Anderson said that he heard comments that while the church was at the high school people went to church and took off. He said that they had to make a special trip and this would be more of an opportunity to be downtown.

Mr. Simon said that he and his wife have breakfast downtown almost every Sunday morning and this would become more consistent and more regular. He said that they

can't wait to get more restaurants because they are down there.

Tom Meadows addressed the Council and said that he has lived here since 1969 with the exception of his time in the Air Force. He said that there is a lot going on downtown and Central Christian is a baby church. He said that it was started in a guy's garage then moved to the Seventh Day Adventist before going to Lee Williams High School. He said that the church is crowded and the schools needs its rooms back because there are too many kids. He said that this will make an impact on downtown and he doesn't think it will be negative. He said that this won't be an empty building and the area will see cars during services. He said that parking is going to be parking forever and is something that they will have to live with.

Debra Sixta addressed the Council and said that she is a 24 year resident and business owner. She asked the Council to approve this so the church can have a positive impact on downtown Kingman.

Dean Colvig addressed the Council and said that he has lived here since 1979. He said that AP Pawn has agreed to allow the church to use their parking lot during all non-business hours as has Wells Fargo. He said that Rednecks has as well and they submitted a letter wanting the church to come in. He said that downtown is a ghost town on Sunday mornings and not many businesses are open on Sunday. He said that they are filling holes and providing exposure. He said that before Lee Williams he had been to one business downtown. He said that this increases exposure and he has been to all of these business that he would never have been to before. He said that they look forward to being good neighbors. He said that they can bring dog food to the shelter and want to help. He said that this is their town. He said that they get help from Henderson, Nevada, but this was started by Kingman folks and they don't want to do anything to hurt the community because they live here.

Larry Cubis addressed the Council and said that 15 years ago downtown was pretty dodgy and there was not a lot down here. He said that they have some culture downtown and are building on. He gave kudos to the businesses who have come down during bad economic times. He said that they took leaps of faith. He said that with having lawyers presenting everything this says that the church is big with big dollars and will sue right away. He said that he got a feeling they were seeing a lot of deception. He said that weddings only have 100 people and during the week the church will have events like funerals when the church won't have the parking lot of the bank or pawn shop. He said that the City needs a lot of stock on what business owners are doing downtown and the financial input into the community. He said that the City is looking for additional revenue but businesses failing is losing the revenue stream. He told the Council to take time in their decision.

Councilmember Carver referred to Mr. Cubis' comment regarding life events and said that people don't look at it from this.

Mr. Cubis said to look at how many people attend funerals.

Marianne VanHasselt addressed the Council and said that she supports downtown merchants with dollars. She said that this is a commercial district. She said that they can work together with times and that the sales tax issue is a compelling government interest. She said that there must be minimal adverse impact for a CUP and the City cannot get sales tax from downtown. She then provided statistics from downtown

businesses. She said that downtown businesses help bring revenue and the church will be operating during prime business hours. She said that she heard church members say that they want to have an impact downtown. She said that there is a serious restriction to not conflict with sales tax income.

Mr. Dunton addressed the Council and said that never in the history of Arizona has the state thought it would be a good idea to have a church by a bar. He said that the entertainment zone allowed this to happen. He said that Praise Chapel has something going on every day and people come early and stay late. He said that there are 400 cars at Praise Chapel. He said that the church is saying they will be good neighbors but this is not concrete and they hope they will be good neighbors. He said that in Scottsdale people going to bars have to park blocks away. He said that this would be adding 200 cars on top of 200 cars. He said that millions of dollars have been invested and that perpetuates a government interest. He told the Council not to sentence people downtown and this is the wrong place.

Katie _____-Graves addressed the Council and said that she owns property here. She said that her mother said she wanted downtown to be the way it used to be. She said that she wants to start businesses downtown and the church will not bring revenue. She said that when she was here two months ago the church said it would only be on Sundays and now they will be here every day. She asked what about the businesses and parking and said that the church will take the closest parking. She said that downtown residents want to bring it back and the area is doing a great job bringing in businesses. She said that her visiting friends are excited about how the area has grown. She said that she has been here her whole life and this is not the right fit. She said that the church has been offered other buildings that have parking. She said that she may look at the building if the rent is right and asked where everyone is going to park. She said that if people see people standing around going to church they are going to think it is crowded and are going to drive passed. She told the Council not to be bullied into this. She said that the lawyers were here and she still has not seen a business plan saying what is going to happen. She said that not it is just bible studies and won't just be once a month.

Bill Wales addressed the Council and said that he loves this town and is very involved in this town. He said that Mr. Jeppson and Mr. Cooper have explained that the church meets the CUP requirements and the Council can't make this decision based on this being a church. He said that this is an organization that needed to find another facility to meet their needs and connected with the most wonderful landlord in this town. He said that the building has been vacant for four years and he doesn't see where a business can be put in. He said that he is sure there will be life events but this was used for events before. He said that he can't imagine being upset if she had a couple of events a week and this will be a positive influence downtown. He said that they do buy stuff here and will be a positive effect. He encouraged the Council to approve the CUP.

Nicholas Bodine addressed the Council and said that he is an executive with Central. He said that the church has several churches including one in Las Vegas in a warehouse district and one that meets in a bar which impacts the business in that the members stay and eat. He said that they are not a typical church and try to reach people who are un-church. He said that "celebrate recovery" offers hope for everyone and he wondered why downtown businesses would not want people recovered. He said that they are raising good people and good students and partner with organizations already here. He said that they do church a little differently. He said that they have worked with the Otts

who have been great to work with and this is just the next step to get down the road. He said that Tim from Blackbridge Brewery was going to speak to studies he has done to show churches bring revenue in. He said that they don't want to be bad neighbors and there will be parking available.

Cere Tabbert addressed the Council and said that she is a downtown resident. She said that she shares a lot of the same concerns especially about becoming a social services hub. She said that she has heard a lot of solutions and it would be great to have the CUP for one to two years at a time.

Cheri Deline addressed the Council and said that she operates a pet sanctuary. She said that she is one of the longest running tenants downtown and there are a lot of social services down here. She said that she is tired of downtown being the ashtray and this is not a religious issue. She said that she has nothing against this church but does not want it in downtown. She said that it is becoming a social services hub down here and doesn't think people recovering belong in an entertainment district. She said that it is busy in the evenings and there is not a lot open on Sunday because people busted their butts during the week. She said that parking is pretty much all taken and people have to park a block away from shops. She said that she doesn't want a parking issue and doesn't want this to be a social services hub. She said that parking has impacted the thrift shop and people will not walk all the way to AP Pawn. She said that they will park in front of the thrift shop and take away her business.

Shawn Stinson addressed the Council and said that everyone is talking about parking though he has never heard parking complaints with other events at that building. He asked what the issue is now.

Ms. Vanhasselt addressed the Council and said that when parking is not a problem many of the other businesses are dead.

Carol Ott addressed the Council and told them to think about the whole of Kingman. She said that the issue has been parking and some cities close down parking and people have to walk past shops. She said that when she travels she walks past shops and looks at this as bringing life to Kingman. She said that this is not about the money. She said that this is about a bigger Kingman and bringing life. She said that the building sits there empty and the propensity is for buildings to get run down and have rocks thrown through the windows. She asked if we want life and excitement. She said that she also wants business and tax dollars and this doesn't make sense to her. She said that this is a perfect fit to get life. She said that she loves Rednecks and the area didn't have life before they started getting some of these things. She said that this will perpetuate more life than named several small towns and explained their downtown areas. She said that this is a perfect fit and will fill in life. She asked what the Council wants in a 13,000 square-foot building that won't take up parking.

Bubba Floyd addressed the Council and said that he owns Rednecks. He said that he is opening a new business and he believes in downtown. He said that this will bring sales tax revenue. He said that he is going to open on Sunday and he hopes and prays they will come and spend money and socialize and by the 20th of the month he will write a check to the state. He said that he hopes and prays the Council will consider this and grant them the opportunity to come and visit. He asked why others aren't complaining about parking and said it is because they want the sales tax revenue. He said that they will socialize and will make downtown.

Ms. _____-Graves said that she put out on Facebook to come down and speak. She said that church members don't go into coffee shops. She said that businesses are having to solicit and she doesn't think this is the right fit. She said that the parking will be every day of the week and she wanted to make sure the Council understood where she was coming from.

Dennis Colvig addressed the Council and said that he has lived here for over 36 years. He said that this is his city and he has done many things here. He said that he wanted to speak briefly and thanked the Council for their consideration. He said that he was glad he was not in the Council members' seats. He said that he was speaking on behalf of the church. He said that he loves Kingman and it is a part of him. He said that this is the right decision to grant the CUP.

Mayor Anderson closed the public hearing at 11:53 P.M.

Mayor Anderson said that the Council heard a lot from both sides with many valid points. He said that given the time they have spent here they were entitled to hear the Council's thoughts.

Councilmember Carver asked if the entertainment district came after this request.

Mr. Jeppson said that it came before.

Councilmember Carver clarified that the downtown businesses heard about the potential CUP and did this to protect the liquor licenses downtown. He said that this was the reason for the entertainment district.

Mr. Jeppson said that the Downtown Merchants wanted the City to adopt it.

Councilmember Carver asked Mr. Cooper if he had heard anything that would give the Council any inkling that this does not meet the CUP requirements.

Mr. Cooper said that it is not his job to make a factual determination and looking at the case law this does not meet the compelling government interest if this met litigation.

Councilmember Yocum said that he heard compelling arguments from both sides and he agreed with some of those from each. He said that he appreciates everyone's input. He said that this is a difficult decision and he is respectful on both points of view. He said that he doesn't think a church occupying the building will hamper the area, that they wish to be good neighbors and he thinks the congregation will make every attempt to be. He said that it may be a different fit. He said that the church looks forward to supporting the merchants and hopes that the merchants will return that. He said that he hopes for an odd cooperation.

Vice Mayor Young said that listening to everyone she tries to be objective. She said that she doesn't see parking as an issue as a business would still cause a parking issue. She said that a couple of people were concerned about public safety regarding drug and alcohol rehabilitation. She said that she hopes businesses do increase their business and to hear the same issue from the church that all of the parking spaces are taken. She said that this is a difficult decision because she felt like they were being railroaded into making it.

Councilmember Abram said that he is happy to go on record that Jesus Christ is his Lord and Savior. He then quoted a section from the federal statute and said that he is not sure there is a substantial burden because the church has yet to move into the building. He then quoted a section of the zoning regulations and said that looking at the General Plan and the general welfare of downtown there is the potential of there being jeopardy due to having a general assembly there. He said that there is the probability of not having a property tax and it is the job of the City to bring in tax revenue by generating businesses. He said that he worked at a church and understands the hardships of finding a right building. He said it appears to be a right fit and is probably not the right thing long term for the City.

Councilmember Dean said that he has heard compelling statements from both sides and he is also a Christian. He said that either way someone will be mad and he was still wondering if granting the CUP for one to two years was even possible. He said that he doesn't know if the Council could grant the request for a shorter period of time to see if this causes a problem and see if it would cause a problem during the week.

Councilmember Miles asked if it was possible to grant a one to two year CUP.

Mr. Cooper said that this goes back to the federal statute and the City has to treat the church as they do everyone else. He said that this has not been imposed on any other CUP and could come to litigation if pursued in this manner. He said that it is his job to protect the City and the Council needs to list a compelling government interest to deny this. He said that denial is considered a substantial burden.

Councilmember Miles said that she is also a Christian and a member of a small faith community so is very sympathetic to this. She asked why this spot was selected when there are so many other vacant spots and said she did not know the answer. She said that she thinks the most compelling thing is the enthusiasm of the church to bring life to that building. She said that this does not seem like the fit for downtown and this is such a centerpiece building for the heart of the retail and historic district. She said that this is not the best fit in her mind. She said that this was coming from her love of Kingman and she was trying to make a wise choice for the community. She said that the merchants are putting in so much effort. She said that she has listened to everyone and this is a tough call. She said that speaking about the opportunity cost five years is a long time. She said that it is hard to believe that this wouldn't be a retail establishment downtown to help this booming district.

Mayor Anderson said that he has moved around several times to places with churches downtown or on the outskirts. He said that it can work but there are some problems. He said that he disagreed with Mr. Cooper and goes back to the person who owns the building and the offers of a lease and the tenant who agrees to it. He said that the City cannot agree to a CUP for a shorter period of time though the owner and tenant could modify it but that is up to them. He said that it bothers him that a couple of years ago the church met in the back room and now is at 300 people and he was not sure Central Commercial would be able to hold them in a few years. He said that there are a lot of followers and asked what happens if the church has outgrown the building in a couple of years. He said that this goes back to Ms. Ott and the church. He said that this is a complex issue and he believed in the need for a revenue base from downtown. He said that he believed the tenants and the parishioners will probably patronize the businesses downtown and he was not sure how much of a loss of revenue there would be because

the church is in there. He said that he was concerned about the neighboring businesses and suggested that the church and the merchants meet regularly and report back quarterly as to what issues have been identified to remedy. He said that both owe one another that opportunity. He said that they covered the thoughts and concerns and understand the issues brought before them. He said that there has been excellent representation on both sides and both have strong reasons. He said that he hopes what ever decision is made people on both sides will make it work or help find another place.

Councilmember Carver made a MOTION to APPROVE Resolution No. 4985.
Councilmember Yocum SECONDED.

Mayor Anderson called for a roll call vote.

The MOTION was DENIED by a vote of 2-5 with Mayor Anderson, Vice Mayor Young, Councilmember Abram, Councilmember Dean, and Councilmember Miles voting NAY.

c. Creation of a Court Clerk position for Veterans Court

Based on the anticipated participation rate of the new Veterans Treatment Court program, Staff recommends adding a Veterans Court Clerk position for program support. Currently the Municipal Court has an unfunded .50 FTE (full-time employee) Court Clerk position. Staff recommends funding the .50 position and increasing it by .50 to be 1 FTE. The position will remain at the same salary grade as the current Court Clerk position, but will be re-titled to Veterans Court Clerk and the job description revised to better align the tasks with those related to a veterans treatment court program. **Staff recommends approval.**

City Magistrate Judge Jeffrey Singer addressed the Council and said that the Court had a half-time employee who retired. He said that the Veteran's Court needs a clerk and the position will be necessary. He said that there is budget for operational costs for the Veteran's Court and court personnel will be the lion's share of this. He said that Court Administrator Ruthie Teigen has been doing this but cannot continue. He said that the court wants to take the half-time spot and the other half from the budget for the Veteran's Court to create a full time spot. He said that he is hoping to hire for the position by the beginning of February and that the Veteran's Court will become their sole focus. He said that this is similar to how Lake Havasu City started with their Veteran's Court. He said that the Veteran's Court is hoping to have four people in the program by the end of the year and the court needs help. He said that he cannot burden his staff with this more than he already has. He said that this will not take any additional money it is just being moved around.

Councilmember Dean asked for clarification that this position will still be at \$22,000 per year.

Judge Singer said that this amount was just through June 30th. He said that the Court has already budgeted with the half-time position and he wants to supplement the remainder from the Veteran's Court. He said that this is what is needed for the program.

Councilmember Abram made a MOTION to APPROVE the creation of a Court Clerk position for the Veteran's Court. Councilmember Miles SECONDED and it was

APPROVED by a vote of 7-0.

d. Resolution 4986: compensation and classification plan

Attached Resolution 4986 amends previously adopted Resolution 4953 by amending the classification and compensation plan for FY 2015/2016 to reflect changes in Fire Department personnel classification and Municipal Court personnel. **With Council approval of previous related agenda items, Staff recommends approval of the change to the classification and compensation plan.**

Mr. Cooper said that this codifies the Court Clerk and Fire Department matters.

Councilmember Carver said that he through the Battalion Chief - Operations would be in a different pay grade which he was told was incorrect.

Councilmember Abram made a MOTION to APPROVE Resolution No. 4986. Mayor Anderson SECONDED and it was APPROVED by a vote of 7-0.

e. Department presentation - Fire

The City Manager has directed each department head to give a brief presentation to the Council and Public on the purpose and future of the department. The Fire Department will provide a report for informational purposes only.

Chief Rhoades had provided a copy of a PowerPoint presentation to the Council prior to the meeting and went over it with the Council. A copy of the PowerPoint presentation has been attached to these minutes. The PowerPoint was not displayed due to technical difficulties.

Chief Rhoades said that he wanted to discuss what had been accomplished this year and the department going forward. He then read the mission statement of the Kingman Fire Department which had recently been revised by a committee of department employees. He said that they also defined the departments values for the future. He said that the department serves the City of Kingman as one of the only municipal fire departments in the county. He said that the department maintains tight relationships with the neighboring fire districts and are working on making these relationships closer. He said that this means the service only gets better for Kingman and anyone who travels through. He said that following retired Fire Chief Chuck Osterman is a blessing and Chief Osterman and the people in the organization left a legacy and foundation to build on. He said that the department has gone through tough time during the past year and have hired for every position within the department. He then discussed the schedules, stations, and staffing of the department. He said that saying that the department is "just a fire department" is not accurate and discussed the services the department provides. He said that the department also manages dispatch and reiterated the strong relationships with the police department and surrounding fire districts. He then discussed each of the fire stations individually and said that rebuilding Station Two and adding Station Five are priorities for the department. He said that Station Two is currently in a 50 year old building and its apparatus had to be specially designed to fit into the building. He then said that the station on Gordon Drive is okay. He said that the department is currently good to take calls across the City boundary of Gordon Drive

and the department is working to make this automatic to make the City better. He then discussed the coverage gap caused from the lack of Station Five and said that this causes significant response time to the East bench. He said that the station will help response times which are not good right now. He then discussed the department's new \$3,000 to \$4,000 hazmat trailer which the department obtained through a grant. He said that the hazmat risk through the city is tremendous though the department does not have a lot of those calls. He said that the need to store this trailer and the department's brush truck, which are currently stored outside at Station Two, mean that the new Station Two will have four bays to extend the life of the equipment. He then gave a synopsis of call statistics for the department and said that the number of calls the department responds to increases each year. He said that this year calls for service are expected to reach over 10,000. He said that emergency calls are up 14-percent over last year. He said that the department could do things different. He said that the department wants to maintain the same level of service even on low priority calls and those numbers will continue to increase. Chief Rhoades then discussed how Insurance Service Office (ISO) ratings are calculated and said that these ratings mean lower insurance rates for homeowners. He said that the goal is to get to an ISO rating of two which he said is very attainable. He then discussed the department's priorities for the coming year. He said that there are programs the department is trying to implement in the coming year. He said that 46-percent of the department's calls are handled by Station Two. He said that implementing a rapid response vehicle program would keep the red trucks in the station more. He said that the department is applying for grants and the new Battalion Chief in charge of training has a background in grant writing. He also discussed the department working toward accreditation. He said that the department has basic infrastructure issues and said that updates to the preemption system were made this year. He said that the department is pushing the parameters on vehicle life. He said that the department continues to come up with new goals and are working toward achieving them. He said that an example of this is the department's health and wellness program and the implementation of fitness testing.

8. **REPORTS**

Board, Commission and Committee Reports by Council Liaisons

There were no reports given.

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

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

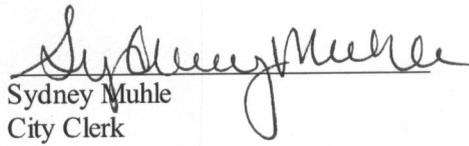
Mr. Dougherty wished everyone a happy holidays and said that he would be in Lake Havasu City the following day for meetings.

The Council wished everyone Merry Christmas.

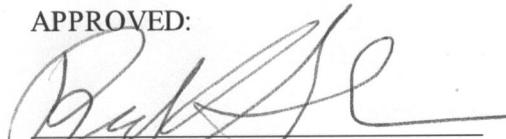
Mayor Anderson ADJOURNED the meeting at 12:44 A.M on Wednesday, December 16, 2015.

ADJOURNMENT

ATTEST:


Sydney Muhle
City Clerk

APPROVED:

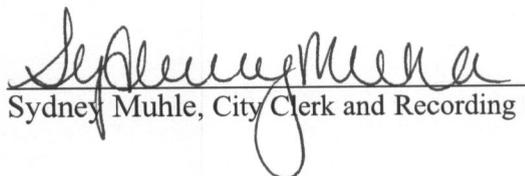

Richard Anderson
Mayor

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 15, 2015.

Dated this 19th day of January, 2016.


Sydney Muhle, City Clerk and Recording Secretary

