

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

**5:30 PM**

**MINUTES  
REGULAR MEETING**

**Tuesday, February 2, 2016**

**CALL TO ORDER AND ROLL CALL**

<b>Members</b>	<b>Officers</b>	<b>Visitors Signing in</b>
<b>Richard Anderson – Mayor</b>	<b>John Dougherty, City Manager</b>	<b>See attached list</b>
<b>Carole Young – Vice-Mayor - EXCUSED</b>	<b>Jackie Walker, Human Resources Director</b>	
<b>Mark Abram</b>	<b>Carl Cooper, City Attorney</b>	
<b>Larry Carver</b>	<b>Len DeJoria, Fire Marshal</b>	
<b>Kenneth Dean</b>	<b>Frank Marbury, Assistant Engineer</b>	
<b>Jen Miles</b>	<b>Rusty Cooper, Deputy Chief of Police</b>	
<b>Stuart Yocum</b>	<b>Mike Meersman, Parks and Recreation Director</b>	
	<b>Tina Moline, Finance Director</b>	
	<b>Gary Jeppson, Development Services Director</b>	
	<b>Rob Owen, Public Works Director</b>	
	<b>Joe Clos, Information Services Director</b>	
	<b>Sydney Muhle, City Clerk</b>	
	<b>Erin Roper, Deputy City Clerk and Recording Secretary</b>	

Mayor Anderson called the meeting to order at 5:30 P.M. All councilmembers were present except for Vice-Mayor Young, who was excused.

**INVOCATION**

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

Pastor Ernst provided the invocation, after which the Pledge of Allegiance was said in unison.

**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 Work Session minutes of January 7, 2016**

Councilmember Miles stated on page one the name "Landell" needed to be changed to "Landells" and the word "Forth" needed to be changed to "Fourth."

Councilmember Miles made a MOTION to APPROVE the Work Session minutes of January 7, 2016 as amended. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

**b. The Regular Meeting and Executive Session minutes of January 19, 2016**

Councilmember Miles stated on page two the name "Ally" needed to be changed to "Alie" and the motion on page six needed to be changed from "Councilmember Carver made a MOTION to REVISE Ordinance 1810R to allow all lots to raise certain types of poultry" to "Councilmember Carver made a MOTION to RETURN Ordinance 1810R to the City Attorney's Office for further review on allowing City residents to raise poultry on residential lots."

Councilmember Miles made a MOTION to APPROVE the Regular Meeting and Executive Session minutes of January 19, 2016 as amended. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-0.

**2. APPOINTMENTS**

**a. Appointments to Historic Preservation Commission (HPC)**

The HPC currently has three vacancies: two full terms that will expire in December, 2018 and one partial term that will expire in December, 2017. In addition to these three vacancies, one member had over three unexcused absences during 2015 and may be removed from the commission per Kingman Municipal Code. The HPC was unable to meet in November, 2015 to review candidate applications due to lack of attendance. The HPC meets quarterly and will have its next Regular Meeting on February 23, 2016. **Due to issues obtaining quorum, Staff recommends Council appoint members from the following candidates: Jim Hinckley and Scott Dunton.**

Mayor Anderson asked if James Hinckley or Scott Dunton were present; neither candidate was present.

Mayor Anderson stated the Council should probably appoint new members to the commission since it was very short on commissioners, even though the Council preferred to ask the candidates questions before appointing them.

Councilmember Abram made a MOTION to APPOINT James Hinckley and Scott Dunton to the Historic Preservation Commission. Councilmember Yocum SECONDED.

Councilmember Carver asked if the commission was unable to meet due to not having enough members to meet quorum.

Mayor Anderson and Councilmember Abram said yes.

Mayor Anderson called for a VOTE and it was APPROVED by a vote of 5-1 with Councilmember Carver voting NAY.

### **3. AWARDS/RECOGNITION**

#### **a. Proclamation: Women making history month**

Mayor Anderson read the proclamation.

### **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.

Kingman resident Ryan Abella stated he was a graduate student that relied on the internet for school. Mr. Abella stated Suddenlink introduced data allowance on internet packages, which either throttled the speed down or cut off access completely when a customer hit a limit. Mr. Abella stated Suddenlink did not give any notice before implementing the change and Suddenlink was the only broadband provider in town. Mr. Abella stated the other providers were too slow and not accepting new customers. Mr. Abella stated he was not alone in this issue as the results of a small survey showed only one person supported the cap and 71% went over the cap. Mr. Abella stated Suddenlink stated only a fraction exceeded the cap, which was not true. Mr. Abella stated Suddenlink was a private company, but he wished the City would look into any franchise agreements it may have with the company. Mr. Abella stated the data cap hurt many people. Mr. Abella stated Suddenlink was the only broadband provider and it was important that they had ethical business practices.

Mayor Anderson directed City Attorney Carl Cooper and City Manager John Dougherty to investigate the issue. Mayor Anderson stated the City should consider the complaint in order to support the community even though it involved a private business.

Kingman resident Jonathan Winder stated he was raised in Kingman and wanted to stay. Mr. Winder stated he wanted a prosperous future and internet access was very important for prosperity in the 21st century. Mr. Winder stated cable subscriptions were down as people switched to alternative sources of entertainment. Mr. Winder stated the executives at large companies like Suddenlink were looking for ways to recoup loss, such as charging extra for data even though data did not cost the company anything. Mr. Winder stated Suddenlink did not provide any warning for the change. Mr. Winder asked the City to review any lease agreements or exclusivity with Suddenlink and other providers and to use alternative companies if possible.

Mayor Anderson directed City Clerk Sydney Muhle to collect the last two speakers' contact information and give it to Mr. Dougherty and Mr. Cooper.

Kingman resident Harley Petit asked the Council to address Consent Agenda item "5c." Mr. Petit stated the City was in a financial crisis and lifting the exempt status from salaried employees would worsen the situation. Mr. Petit stated the City should offer comp time like

private business offered. Mr. Petit stated it did not affect the budget to award comp time. Mr. Petit stated exempt employees understood they would work more than 40 hours a week when they accepted the positions.

## 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. Special event liquor license

Applicant Regina Musumeci of the Kingman Powerhouse Kiwanis has applied for a Series 15 Special Event Liquor License for an event to take place Saturday, March 19, 2016 from 3 P.M. to 11:00 P.M. at Beale Celebrations, 201 N. 4th Street in Kingman. **Staff recommends approval.**

### b. Replace Court fax machine

The Court needs to purchase a fax machine to replace the 10 year old machine that we have. The current fax machine is beyond repair due to the age and degradation. The Court would like to purchase a Xerox MFC 3325 from Copier Source. Copier Source is the only business that is Xerox Certified in sales & service/repair. All supplies such as toner cartridges are provided at no additional cost. The Court is asking to purchase the fax machine from our Court Enhancement Fund. This fund has been established for the Court to be able to make required purchases that affect Court operations. **Staff recommends approval.**

### c. Resolution 4995: amending classification and compensation plan

By a majority vote of the Council on January 19, 2016, Council approved changing the FLSA status for the Police Lieutenant classification from FLSA Exempt to FLSA Non-Exempt eligible for overtime. Resolution 4995 will amend the classification and compensation plan for Fiscal Year (FY) 2015/2016 to reflect the change. **Staff recommends approval.**

### d. Fiscal Year 2016-2017 budget calendar

At the Council work session on January 7, 2016, Council reviewed the preliminary budget calendar for Fiscal Year (FY) 2016-2017. With Council's decision to postpone the property tax measure, the budget calendar has been updated to remove the adoption of tax levy date. Additionally, there was a change to the February timeline. These changes did not impact any of the Council work session dates. All other dates remain the same as originally provided. **Staff recommends Council adopt the FY 2016-2017 budget calendar as drafted.**

### e. Resolution 4993: authorizing the mayor to sign a professional services contract with HintonBurdick, PLLC

On January 19, 2016, Council awarded HintonBurdick, PLLC the professional auditing services contract for the City's annual financial audit for Fiscal Years (FY) 2015-2019. The contract's term is for five years and can be extended for additional one-year terms thereafter. The contract can be terminated at any time given 90 days written notice. **Staff recommends Council authorize the Mayor to sign the professional services contract to engage in professional auditing services with**

## **HintonBurdick, PLLC for FY 2015-2019.**

Councilmember Dean asked that item "5c" be removed from the Consent Agenda.

Councilmember Abram made a MOTION to APPROVE Consent Agenda items "5a," "5b," "5d," and "5e." Councilmember Carver SECONDED and it was APPROVED by a vote of 6-0.

Councilmember Dean stated Mr. Dougherty warned the Council that the floodgates would be opened when the lieutenants were reclassified. Councilmember Dean stated he worked in the private sector and while he understood it was different from the public sector, he worked a lot of overtime without additional compensation. Councilmember Dean stated people accepted salaried promotions with the understanding they would work uncompensated overtime. Councilmember Dean stated more people would come forward now that the lieutenants were reclassified. Councilmember Dean stated he voted to approve the operations battalion chiefs because they worked shifts and were unable to take advantage of City holidays. Councilmember Dean stated he agreed with Mr. Petit and while he respected the work of the Kingman Police Department, he felt the lieutenants knew uncompensated overtime was part of the position when they accepted it. Councilmember Dean stated the Council should revisit the issue.

Mayor Anderson stated Chief of Police Robert DeVries was supposed to provide data on overtime hours.

Deputy Chief of Police Rusty Cooper stated the department did not have any historical data, but the lieutenants did start tracking their time that week. Deputy Chief Cooper stated the department did not ask for the lieutenants to be reclassified as non-exempt and the original request was for a blended position.

Mayor Anderson asked if the job classifications were created by the City or State.

Deputy Chief Cooper stated the City created the job description and while there was no State mandate, there were probably unified industry standards.

Mayor Anderson asked if Deputy Chief Cooper considered assigning a lieutenant to the swing shift.

Deputy Chief Cooper stated the department did want to have a lieutenant on-duty 24 hours a day, 7 days a week, but did not currently have the staffing.

Councilmember Dean asked if the department could assign two lieutenants to the day shift and one to the night shift.

Deputy Chief Cooper stated that would not work with the current staff.

Mayor Anderson asked if the department had any have reserve officers.

Deputy Chief Cooper stated the department did not and it abandoned the program years ago because it was very cumbersome and the department was not getting the financial value from it. Deputy Chief Cooper stated a reserve officer would also not be able to fill a lieutenant's role.

Councilmember Miles asked for the lieutenants' work schedules.

Deputy Chief Cooper stated the lieutenants worked 10 hour shifts 4 days a week and covered different divisions and responsibilities.

Councilmember Miles asked if the City could be vulnerable to a Department of Labor complaint due to the discrepancies in pay between the administrative battalion chiefs, who did not receive compensation for overtime, and the administrative lieutenants, who now would. Councilmember Miles asked why the Council was not being equitable to the administrative battalion chiefs.

Human Resources and Risk Management (HR/RM) Director Jackie Walker stated the Council made that decision and while it may not be equitable, it was legal.

Councilmember Abram stated he voted to approve the hourly rate with the full intent that Staff remained within budget. Councilmember Abram stated he was not sure if the administrative battalion chiefs took on operational roles.

Deputy Chief Cooper stated it was not possible to compare the two jobs as the Fire Department overtime was built in whereas the Police Department's needs were unknown.

Councilmember Abram stated the blended position would have been a better choice, but it all came down to budget.

Ms. Walker stated the administrative battalion chiefs do not frequently respond to emergencies, but they are required to respond if they are called. Ms. Walker stated the fire marshal would be called the most due to investigative duties.

Deputy Chief Cooper stated it was a mistake to label lieutenants as "administrative" as they conducted a lot of operational tasks.

Councilmember Dean stated the only comparison he made was the holiday issues associated with shift work, and that it was a big difference.

Deputy Chief Cooper agreed it was a big difference.

Councilmember Carver stated there would be administrative and operational lieutenants in a perfect world, but the City did not have that luxury. Councilmember Carver stated the current lieutenants never knew when they would get called out. Councilmember Carver stated the staffing levels in the Fire Department were self-imposed and they resulted in overtime. Councilmember Carver stated the lieutenants' overtime would still have to be approved, which provided checks and balances.

Mayor Anderson agreed that overtime needed to be controlled and emergency services would only increase as the City expanded, Interstate 11 (I-11) was constructed, and the industrial park expanded. Mayor Anderson asked if the department would sort itself out as the City expanded.

Deputy Chief Cooper stated it would due to the additional personnel that would need to be added. Deputy Chief Cooper stated management would begin to specialize, but there needed to be an incentive to make the positions attractive to people.

Councilmember Dean asked why the lieuetants were asking for the adjustment now.

Deputy Chief Cooper stated the request originated over disagreements with how the reclassification of the operations battalion chiefs was handled, particularly that it did not go through the employee compensation committee.

Councilmember Yocum made a MOTION to APPROVE item "5c." Councilmember Carver SECONDED. Mayor Anderson called for a ROLL CALL VOTE and the motion was APPROVED by a vote of 4-2 with Councilmember Abram, Councilmember Carver, Councilmember Yocum, and Mayor Anderson voting AYE and Councilmember Dean and Councilmember Miles voting NAY.

## 6. OLD BUSINESS

### a. **Reconsideration of CUP15-001: Central Christian Church at 112 North 4th Street to operate a "Public Assembly-Indoor Use (Church)"**

On December 15, 2015 the Council failed to adopt a motion to award a conditional use permit (CUP) for the Central Christian Church to operate a "Public Assembly-Indoor" use at 112 North 4th Street (CUP15-001). On January 19, 2016 the Council passed a motion to reconsider the CUP for Central Christian Church with the conditions of a one year review, a five year expiration by a vote of the Council, and prohibiting the operation of soup kitchens, methadone clinics, etc. **Based on the findings that the applicant will conform to the Standards for Review, the Findings of Fact, and that the Required Findings are met, the Planning and Zoning Commission and Staff recommend approval of this CUP.**

Mr. Cooper stated the discussions between Staff, Council and the Central Christian Church resulted in the conditions outlined in the item summary. Mr. Cooper stated he met with the church's legal staff and they created a release from potential litigation should the Council decided to approve the CUP.

Mayor Anderson stated the Staff and church discussed several items, including the understanding that there would be days that events would be held at the church and there would be days or evenings when things were held in the City, and he looked forward to the continued collaboration.

Councilmember Abram made a MOTION to APPROVE the conditional use permit for Central Christian Church. Councilmember Yocum SECONDED and it was APPROVED by a vote of 6-0.

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

A request from KTH Consulting, Inc., applicant, and Pioneer Title Trust No. 9099, property owner, for the removal of Condition "B" of Ordinance 1189 which rezoned property including the subject site to R-1-20: Residential, Single Family, 20,000 square foot lot minimum in 1998. While the minimum lot size in the R-1-20 district is normally 20,000 square feet, Condition "B" of this ordinance required that any future lots abutting Hualapai Foothill Estates to be at least 30,000 square feet in size. The subject property, located at 2406 Steamboat Drive, is 47,322 square feet and the intent is to

split the property into two parcels for two single family homes. The Planning and Zoning Commission held a public hearing on November 10, 2015. There were objections raised to the proposal that were voiced by several property owners in the Hualapai Foothills area to the east. In response to the objections, the Planning and Zoning Commission voted 5-1 to recommend denial of the request. On December 1, 2015 the Council held a public hearing to consider this request. The Council voted 5-1 to send this item back to the Planning and Zoning Commission for further consideration and instructed the applicant to provide a proposal showing how the property will be split. On January 12, 2016 the Planning and Zoning Commission reviewed an exhibit provided by the applicant indicating how the property would be split. The proposal will meet the requirements of the R-1-20 zoning district and will not increase the density above one residence per 30,000 square feet if the adjoining open space/drainage parcels are included in the calculation. **The Planning and Zoning Commission voted 4-3 to recommend denial of the request. Ordinance 1809 has been prepared with Staff recommended conditions for the Council's consideration.**

Development Services Director Gary Jeppson displayed the slides, which are included at the end of this report. On slide one Mr. Jeppson stated it was a public hearing. Mr. Jeppson reviewed the information on slide two and three. On slide four Mr. Jeppson stated the applicant was requesting the removal of Condition "B." Mr. Jeppson skipped ahead to the slide displaying an aerial map of the property and stated it was located on Steamboat Drive. Mr. Jeppson displayed the photos on slides seven and eight. On slide nine Mr. Jeppson stated the map showed the areas that already had Condition "B" removed. On slide 10 Mr. Jeppson stated the drainage parcel the applicant dedicated to the City was included on the map. On slide 11 Mr. Jeppson stated the lots would have met the size requirement if the drainage parcel had not been dedicated to the City. Mr. Jeppson reviewed slide 15 and 16.

Councilmember Dean stated he visited the property and asked if the lots that border Seneca Street to the south continued for a mile to Hualapai Mountain Road.

Mr. Jeppson stated it was not a full mile, but was a long stretch of property. Mr. Jeppson stated Condition "B" was already removed from all the land to the south of the area outlined in red on the aerial view map.

Councilmember Dean asked why Condition "B" was not lifted from the lot in question when it was removed from the other properties and if this was the reason behind the request.

Mr. Jeppson stated Staff recommended approving the request because Condition "B" was already removed from the properties and the removal would still exceed one per 30,000 square feet.

Mayor Anderson asked what value the drainage designation provided to homeowners in the area

Mr. Jeppson stated it mitigated flooding in the area.

Mayor Anderson asked if theoretically the flood control could increase the value of their property by having appropriate drainage around their lots.

Mr. Jeppson said yes.

Kathy Tackett-Hicks stated she was there on behalf of the owner and the request was not unique as Condition "B" was already removed from the other lots. Ms. Tackett-Hicks stated the intent was to provide a transition lot. Ms. Tackett-Hicks stated the main condition was a 40 foot buffer with 30,000 square foot lot size and the map clearly showed that if the drainage had not been provided the lots would have met the requirements. Ms. Tackett-Hicks stated Condition "B" only applied to lots abutting the Hualapai Foothills properties, which these lots no longer did due to the City parcel. Ms. Tackett-Hicks stated it was important to recognize that the owner dedicated land to the City, which was a good move over an easement. Ms. Tackett-Hicks stated it was not right to put developers in the position of dedicating land and then asking for additional services. Ms. Tackett-Hicks stated the developer agreed to update the drainage review, which would help the City and the residents in that area. Ms. Tackett-Hicks stated the lot line fit nicely against the Hualapai Foothills lots. Ms. Tackett-Hicks asked the Council to approve the request as it was not right to double dip the developer. Ms. Tackett-Hicks stated the intent was still met because there was a buffer, which was the original intent of the approving Council. Ms. Tackett-Hicks stated the zone was the same and compliant with the General Plan. Ms. Tackett-Hicks stated the developer was committed to building an excellent product and there was no risk of lowering property values.

Mayor Anderson asked why the owner did not request the waiver at the time of the donation.

Ms. Tackett-Hicks stated the request was not made because the ordinance only applied to lots adjacent to Hualapai Foothills property and with the donation the lots were no longer adjacent to the properties. Ms. Tackett-Hicks stated this caused Condition "B" to no longer apply.

Councilmember Abram asked for the width of the lots.

Ms. Tackett-Hicks stated the width was the same as the one acre lots.

Mayor Anderson opened the public hearing at 6:29 P.M.

Kingman resident Allen Burgett stated his letter was included in the agenda meeting packet and he wanted to emphasize that he and his wife spent several months researching the area through neighbors, county records and realtors in order to make an informed decision on purchasing their property. Mr. Burgett stated the final plat showed a one acre lot with one house behind his property in 2007. Mr. Burgett stated the map did not say subject to change and that was what they used to make their decision. Mr. Burgett asked why Condition "B" was not removed at the same time as the other properties in 2006 and included on the final plat map. Mr. Burgett stated he made a records request for the documents surrounding that decision. Mr. Burgett stated Condition "B" was still in effect and the Planning and Zoning Commission voted twice to reject the request. Mr. Burgett asked the Council to reject the request.

Kingman resident Dan Lordahl stated he has lived on Seneca Street for 23 years and went through the original zoning process and petition. Mr. Lordahl stated renegotiation occurred after the rezoning was voted down and the plan was to have a single home between each street on Seneca Street. Mr. Lordahl stated all Seneca Street properties were greater than one acre. Mr. Lordahl stated there were at least three objections to the

removal of Condition "B," which was more than 20%. Mr. Lordahl asked Council to reject the request and it was bad planning on those who purchased and developed the lots to think they could change it at the last minute. Mr. Lordahl stated Condition "B" was removed from the other lots with no foresight because it would reduce the value of the homes on Seneca Street, which would lower taxes

Councilmember Miles stated according to the photo there should be one house aligned to one house, but it did not appear to line up on Steamboat.

Mr. Lordahl stated they were all acre plus properties and may not line up exactly.

Mr. Petit stated the property could be larger than 30,000 square feet and the Hualapai Foothills lots were one acre and greater. Mr. Petit stated an access way was not what was originally agreed upon when discussing a buffer. Mr. Petit stated the developer created the situation by ignoring the minimum lot size. Mr. Petit stated the remaining property could be dedicated to a neighborhood park and it would still match what was intended in the area.

Developer and contractor of the subdivision Mike Hill stated developing was a give and take. Mr. Hill stated the City wanted the extra 10 feet of his property because they were not sure if they were going to extend Sage Street. Mr. Hill stated he now needed the 10 feet back. Mr. Hill stated he could put one house on the lot, but if he did he would also erect a large garage. Mr. Hill stated it would look much better with two houses. Mr. Hill stated the extra 10 feet was in addition to the 40 feet of drainage easement. Mr. Hill stated it was originally meant to connect Sage Street to Hualapai Mountain Road, not for drainage. Mr. Hill stated if he had not given the City the additional 10 feet he would not be asking for the removal of Condition "B." Mr. Hill stated developing a subdivision involved give and take and a developer did not get everything he or she wanted at one time; the developer had to go back and ask.

Councilmember Dean asked for an explanation of "final plat."

Mr. Jeppson stated a final plat was a plat that was recorded with the county recorder and final plats could be amended.

Mayor Anderson asked if the City could give back the additional 10 feet.

Mr. Jeppson stated the 10 feet was now contained within the 40 feet the City owned as a parcel. Mr. Jeppson stated the City did have the option to deed back the property, but he did not know how the Engineering Department or Public Works Department would feel about it.

Assistant Engineer Frank Marbury stated Staff would need time to examine the issues. Mr. Marbury stated he was not prepared to answer that question and City Engineer Greg Henry would be the best person to comment on it.

Mr. Lordahl stated there was a four inch gas pipeline in that area.

Mayor Anderson closed the public hearing at 6:44 P.M.

Councilmember Abram stated he looked at the property and understood the concern from the neighbors on Seneca Street, but felt there was a sufficient buffer.

Councilmember Abram stated arranging one house behind the other would preserve the aesthetics and keep the neighborhood consistent.

Councilmember Yocum made a MOTION to APPROVE Ordinance 1809.  
Councilmember Carver SECONDED. Mayor Anderson called for a ROLL CALL VOTE and it was APPROVED by a vote of 6-0.

**c. Update on Water Infrastructure Finance Authority (WIFA) refinance request**

In September, 2015 Council voted unanimously to direct Staff to make a formal request to WIFA asking them to refinance the City's Hilltop Wastewater Treatment Plant (HTWWTP) loan at a current market rate and extend the loan term by two years. WIFA staff has received and reviewed the City's request and will be meeting with Staff on February 1, 2016 to discuss their analysis and recommendations to the WIFA Board, who meets on February 17, 2016. **Staff will provide Council with an overview of WIFA's recommendations and the impact each will have on the Wastewater Fund. The WIFA Board will make the final decision on whether or not to approve any of the recommendations presented.**

Finance Director Tina Moline reviewed the item summary and stated the current balance on the loan was about \$26 million. Ms. Moline stated WIFA looked at community hardships, financial stability of the agency's wastewater funds, and the impact the request would have on WIFA's bond portfolio. Ms. Moline stated Staff drafted a request that focused on community hardship and included information such as the median household income, poverty level, service to Mohave County residents, and the inability to expand the system due to the recession. Ms. Moline stated WIFA would not recommend to refinance and extend the term, but they recognized the hardship and need to help the City. Ms. Moline stated she and Mr. Dougherty had a meeting with WIFA staff and they they wanted the City to review proposed alternatives and return with a revised request. Ms. Moline stated the City had about \$3.6 million in restricted reserves as required by WIFA. Ms. Moline stated WIFA could grant the City permission to utilize those reserves. Ms. Moline stated she would bring information on the possible uses for the funds to the Council at the next meeting, which would allow the Council to make a decision in March, 2016 for WIFA's review in April, 2016.

**7. NEW BUSINESS**

**a. Council handbook**

Councilmember Miles asked Staff to research Council rules of decorum and procedure. The City Attorney's Office and City Clerk's Office located several Arizona examples. **Staff would like the Council to review the examples and provide guidance and direction.**

Mayor Anderson thanked Staff for pulling documentation from seven different cities and stated there was a fair amount of consistency.

Councilmember Miles stated Staff found some good examples for the Council handbook, especially for new councilmembers who may not be familiar with Council norms and protocols. Councilmember Miles stated she compiled a list that could be given to Mr. Cooper or reviewed by the Council.

Mayor Anderson stated he would prefer to review the list of suggestions ahead of time.

Councilmember Miles stated some of the items addressed time, which was excellent. Councilmember Miles directed Mr. Cooper to create a list and bring it back to Council for review.

Mr. Cooper stated the councilmembers could email their ideas and comments directly to him and he would incorporate them into a draft.

Mayor Anderson directed Council to provide their ideas to Mr. Cooper by the end of the weekend.

**b. Limit time for Council Meetings**

Councilmember Yocum would like discussion and possible action on putting a time limit on how long Council Meetings last. **Council discretion.**

Councilmember Yocum stated many constituents believed the Council had become too inactive and long-winded. Councilmember Yocum stated the Council needed to be more efficient and work within budgeted time. Councilmember Yocum stated the Council held very long meetings recently and it needed to focus on motivating themselves to work through tough agenda items more effectively. Councilmember Yocum stated the Council should agree to adjourn by 9:00 P.M. and put the responsibility on themselves to work through the agenda. Councilmember Yocum stated Council was exhausting Staff and residents with continual talk and tabling. Councilmember Yocum stated one example was Ordinance 1809, which should not have been returned to the Planning & Zoning Commission and Council a second time. Councilmember Yocum stated there was merit in thoroughness, but also a lot of value in being efficient. Councilmember Yocum stated the Council would only provide ammunition to those residents that claimed government was slow and inefficient.

Mayor Anderson stated one tool that could be used was the call to question, which consisted of any councilmember making a motion to move to the final vote. Mayor Anderson stated there were times the councilmembers listened to each other out of courtesy when the majority of the Council was ready to make a decision. Mayor Anderson stated the Council did need to work together to ensure timely meetings and he would rather be a Council of action than inaction.

Councilmember Dean stated he was new and liked to be informed. Councilmember Dean stated he liked a lot of information and did not want to impose a time limit. Councilmember Dean stated he wanted to remain in the meeting for as long as it took and the agenda may need to be adjusted if there were too many controversial issues on one agenda.

Councilmember Yocum stated councilmembers could research and ask Staff questions ahead of time. Councilmember Yocum stated there were many discussions that lasted one hour yet arrived at the same decision that would have made 10 or 15 minutes into the discussion. Councilmember Yocum stated the Council needed to budget time just as it asked Staff to budget money.

Councilmember Miles stated no one wanted extremely long meetings and control of the agenda was important. Councilmember Miles stated the issue could be addressed in the Council handbook, but a time limit was not the answer. Councilmember Miles stated items needed to be sent back if they were not quite right, such as waiting for the

property lines on Ordinance 1809.

Councilmember Carver stated meeting times would be reduced if the Council listened to Staff and Mr. Cooper. Councilmember Carver stated if Mr. Cooper told the Council they could not do something then the conversation should stop. Councilmember Carver stated he did not like a time limit and agreed that the handbook and controlling the agenda could reduce the length of the meetings.

**c. Direction on proposed concession agreement at the Powerhouse**

Staff was approached by Wild West Coffee about placing a kiosk for the sale of drinks and snacks inside the Powerhouse. Under a proposed concession agreement Wild West Coffee would pay 10% of their sales to the City on a monthly basis. The kiosk would need to be connected to water, sewer, and higher voltage power. The only location accessible to water and sewer is upstairs between the museum entrance and the photo gallery, which would require the kiosk to be lifted into place upstairs. The kiosk consists of three units that are approximately 3 feet wide by 10 feet long and weighing 500 pounds each. Staff received quotes for the required work ranging from approximately \$4,000 to \$8,000. **Staff is requesting direction from Council on whether to proceed with the concession agreement and authorization to spend City funds to complete the required work to allow the kiosk. Staff does not recommend utilizing City funds for the required improvements.**

Mr. Dougherty stated the vice-chair of the Tourism Development Commission (TDC) suggested tabling the item in order to re-route it to the TDC in the hopes TDC could fund the work. Mr. Dougherty stated Mr. Cooper had concerns with the entire proposal, which meant the Council may want to table the item entirely.

Mr. Cooper stated the proposal could result in a gift clause violation. Mr. Cooper stated the City was also not able to provide a loan to the kiosk owners. Mr. Cooper stated the Government Property Excise Tax (GPLET) would also become a factor and would need to be addressed in the agreement. Mr. Cooper stated the main concern was the use of City money.

Public Works Director Rob Owen stated he was approached by the business owners and Kingman Visitors Center employee Josh Noble as visitation increased during the period of time the Powerhouse had a restaurant. Mr. Owen stated he was looking for direction on whether Council was interested in creating a concession agreement with the business owners and working out funding later.

Mayor Anderson directed Staff to table the item.

**d. Reclassification of City Electrician**

This is a request to reclassify the City Electrician 1 position to a City Electrician 2. This will help recruiting to fill a position recently vacated by the retirement of Rick Pierce. The first recruitment was unsuccessful due to the current compensation plan for the position. **Staff recommends the reclassification of the City Electrician 1 to City Electrician 2.**

Streets Superintendent Jack Plaunty stated the City's long term electrician recently retired and the position was more accurately described as a signal technician since the individual was responsible for maintaining all the traffic signals in the City. Mr. Plaunty stated he only received four applications during recruitment and only one of those

applicants was qualified. Mr. Plaunty stated the City was unable to convince the person to accept employment because the compensation was too low. Mr. Plaunty stated he researched comparable positions and determined that reclassifying would allow the City to bring in a foreman level electrician with signal experience. Mr. Plaunty stated reclassification would move the position to the 211 salary grade and help with recruiting. Mr. Plaunty stated signal technician 2 and electrician 2 positions were set up as a lead or foreman person with an electrician helper or signal technician 1 working for them. Mr. Plaunty stated the City needed a person who could work alone because there was only one position. Mr. Plaunty stated moving to electrician 2 would help the City recruit qualified applicants and eventually hire more electricians.

Councilmember Miles asked if the request was developed with the HR Department.

Mr. Plaunty stated the HR Department was working on a new job description.

Councilmember Dean stated he heard it was hard to find an electrician in general and suggested pushing nonwage compensation as many private companies could not provide the same level of benefits.

Mr. Plaunty stated the position was for a signal technician, which was more involved than a basic electrician. Mr. Plaunty stated many of the applicants had strong electrical backgrounds that would fit for training, but they did not have the experience to work alone as the only signal technician. Mr. Plaunty stated the liability was very high when working with traffic signals on busy roads, such as Stockton Hill Road.

Councilmember Abram stated the City was not competing with local electrician needs, but for a higher level of expertise.

Mr. Plaunty stated that was correct and there was a limited pool of people familiar with signal equipment, the majority of which worked for municipalities or private vendors.

Councilmember Abram asked if Mr. Plaunty researched classes that would train technicians for the City.

Mr. Plaunty stated there were opportunities for that type of system, but the time required for them was the current issue. Mr. Plaunty stated the City did not have a signal technician at this time.

Councilmember Abram stated the City could hire an electrician 1 and train them to the necessary level.

Mr. Plaunty stated there were a lot of schools and apprenticeship programs, but the level needed to work alone could not be obtained in a two week class. Mr. Plaunty stated the City did not have a signal technician at this time and the liability of not having one did not allow the City to take that route at this time.

Councilmember Abram stated the City may need to hire a contractor to work on the signals while the training occurred. Councilmember Abram stated the City could get someone certified and then work on the experience.

Mr. Plaunty stated a person could take a written test or a two day class and become certified, but it did not give them the field experience to handle accidents or lightning

strikes. Mr. Plaunty stated the City had a qualified applicant it wanted to hire, but could not hire them due to the current compensation plan. Mr. Plaunty stated the applicant was also a local person, which removed the need to look at relocation expenses. Mr. Plaunty stated the applicant already had better benefits than the City offered and the City could not make up the difference in salary.

Councilmember Miles asked if there was a \$6,000 difference between the two levels as it appeared on the salary scale.

Mr. Plaunty stated electrician 1 was in the 209 grade and he was authorized to offer up to Step 7. Mr. Plaunty stated the applicant did not accept due to the difference in insurance benefits.

Councilmember Abram stated there was a \$6,300 difference between the two grades.

Councilmember Dean asked how long the City had been recruiting.

Mr. Plaunty stated the previous electrician originally stated he was going to retire in March, 2016, but changed his mind and retired in January, 2016. Mr. Plaunty stated the job announcement closed in November, 2015 and he was unable to hire anyone from that round. Mr. Plaunty stated the job was not yet re-posted. Mr. Plaunty stated he was working on an organization chart for his division that would show what it accomplished, including the on-call system and future additional positions.

Councilmember Miles stated this decision could affect the City later and it needed to come before the Council in a complete package during the budget season. Councilmember Miles stated the Council was again looking at compensation one position at a time, which was frustrating. Councilmember Miles stated the City should re-advertise and look into training.

Mr. Owen stated the reclassification did go through the Compensation Committee, City Manager, and HR Department.

Councilmember Miles asked if the City had a form to address all issues.

Mr. Owen stated there was a reclassification form and the HR Department was working on the job description.

Mayor Anderson stated he did not want to be driving on Stockton Hill Road without working traffic signals. Mayor Anderson stated the Council needed to act and address the issue. Mayor Anderson stated this was part of the problem of only having one person completing a job. Mayor Anderson stated the job should not be re-posted when the City did not have success recruiting the first time around. Mayor Anderson stated the City should not look at adding a second person for many years.

Councilmember Carver made a MOTION to RECLASSIFY City Electrician 1 to City Electrician 2. Councilmember Abram SECONDED.

Councilmember Miles asked if \$6,000 would bring in a qualified person.

Mr. Plaunty stated it would align with industry standards.

Councilmember Abram stated the City may still want to look at hiring a contractor until the new hire could be brought on board.

Mr. Owen stated part of the issue was geographical as Mohave County did not maintain signals and there were no cities close enough to call for help.

Councilmember Yocum made a MOTION to CALL FOR THE QUESTION.  
Councilmember Carver SECONDED and it was APPROVED by a vote of 6-0.

Mayor Anderson called for a vote and it was APPROVED by a vote of 4-2 with Councilmember Dean and Councilmember Miles voting NAY.

## 8. REPORTS

### Board, Commission and Committee Reports by Council Liaisons

Mayor Anderson stated the Clean City Commission was gearing up for another cleanup and working on providing reusable bags in place of plastic bags.

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

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

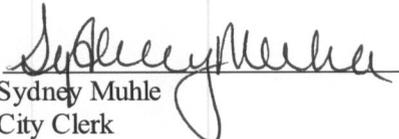
Mr. Dougherty stated he would attend the Arizona City/County Manager meeting in Sedona, Arizona for the rest of the week. Mr. Dougherty asked the Council to consider attending the Greater Arizona Mayors Association/Tri-City Council Legislative Day and dinner on February 11, 2016.

Mayor Anderson stated he agreed with Mr. Dougherty and that several legislators would attend the dinner, including those representing Kingman. Mayor Anderson stated some of the attending legislators were promoting legislation that was not in the best interest of the City and the Council needed to ensure the City's voice was heard. Mayor Anderson stated he and Councilmember Carver would attend the Mohave County Republican Forum on Wednesday, February 10, 2016.

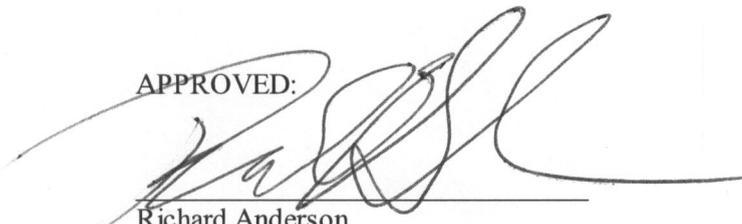
Councilmember Abram made a MOTION to ADJOURN. Councilmember Yocum SECONDED and it was APPROVED by a vote of 6-0.

## ADJOURNMENT - 7:45 P.M.

ATTEST:

  
Sydney Muhle  
City Clerk

APPROVED:

  
Richard Anderson  
Mayor

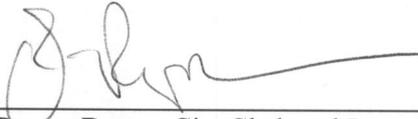
STATE OF ARIZONA)  
COUNTY OF MOHAVE)ss:  
CITY OF KINGMAN)



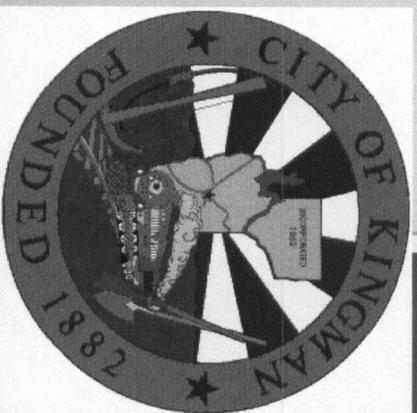
CERTIFICATE OF COUNCIL MINUTES

I, Erin Roper, Deputy City Clerk and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on February 2, 2016.

Dated this 16th day of February, 2016.

A handwritten signature in black ink, appearing to read 'Erin Roper', written over a horizontal line.

Erin Roper, Deputy City Clerk and Recording Secretary



# Rezoning Case RZ15-005 Modification of Ordinance No. 1189

*City Council Meeting*  
*February 2, 2016*

# General Information

- Applicant: KTH Consulting, Inc.
- Property Owner: Pioneer Title Trust No. 9099. Hill Development, Trustee.
- Requested Action: Modification of Ordinance No. 1189 by removing Condition "B" as it applies to Lot 2, Block 4, Southern Vista III, Tract 6002. The subject property location is at 2406 Steamboat Drive.

## Analysis of Request

- The request is to modify Ordinance No. 1189 by removing Condition “B” as applied to Lot 2, Block 4, Southern Vista III, Tract 6002.
- Condition “B” requires the minimum lot size of lots adjacent to the eastern property boundary to be not less than 30,000 sf. Normally 20,000 sf is the minimum lot size in the R-1-20 zoning district.
- Removal of Condition “B” would allow the lot which is 47,322 sf to be split by parcel plat into two parcels for two single family homes.
- Condition “B” no longer applicable to other properties, except Lot 1 immediately north due to rezonings surrounding the site in 2003-2006.
- A minimum lot size of 20,000 sf would be consistent with R-1-20 standards and would also conform to the General Plan.

## **Physical Characteristics, Public Utilities and Transportation**

- Slopes generally southeast to northwest. Located in Zone X which is not considered a flood plain. However the site is surrounded on three sides by drainage parcels and easements.
- Existing water lines in Steamboat Drive. Sewer lines terminate with manholes in Steamboat Drive. The lines run westward in the surrounding streets. Also five-foot wide public utility easement located along property frontage on Steamboat Drive.
- Steamboat Drive provides access. 50-foot wide right-of-way, paved street with curbs, gutter, and sidewalk.

## Findings of Fact

- Location and Size: 47,322 square feet (1.09 acres), located at 2406 Steamboat Drive.
- Existing Zoning and Land Use: R-1-20 zoning however, Ordinance No. 1189 includes additional development standards and conditions unique to the property.
- Projected Land Use: Low Density Residential 1-2 dwelling units per acre.
- Surrounding Land Use and Zoning:
  - North: Residence under construction and zoned R-1-20, beyond is land zoned R-1-40 with single family homes on 1-acre lots.
  - East: HFE zoned R-1-40 with homes on 1-acre lots.
  - South: Vacant land zoned R-1-20.
  - West: Across Steamboat Drive is vacant land and homes on property zoned R-1-8.

# Aerial View of Site



Subject Property

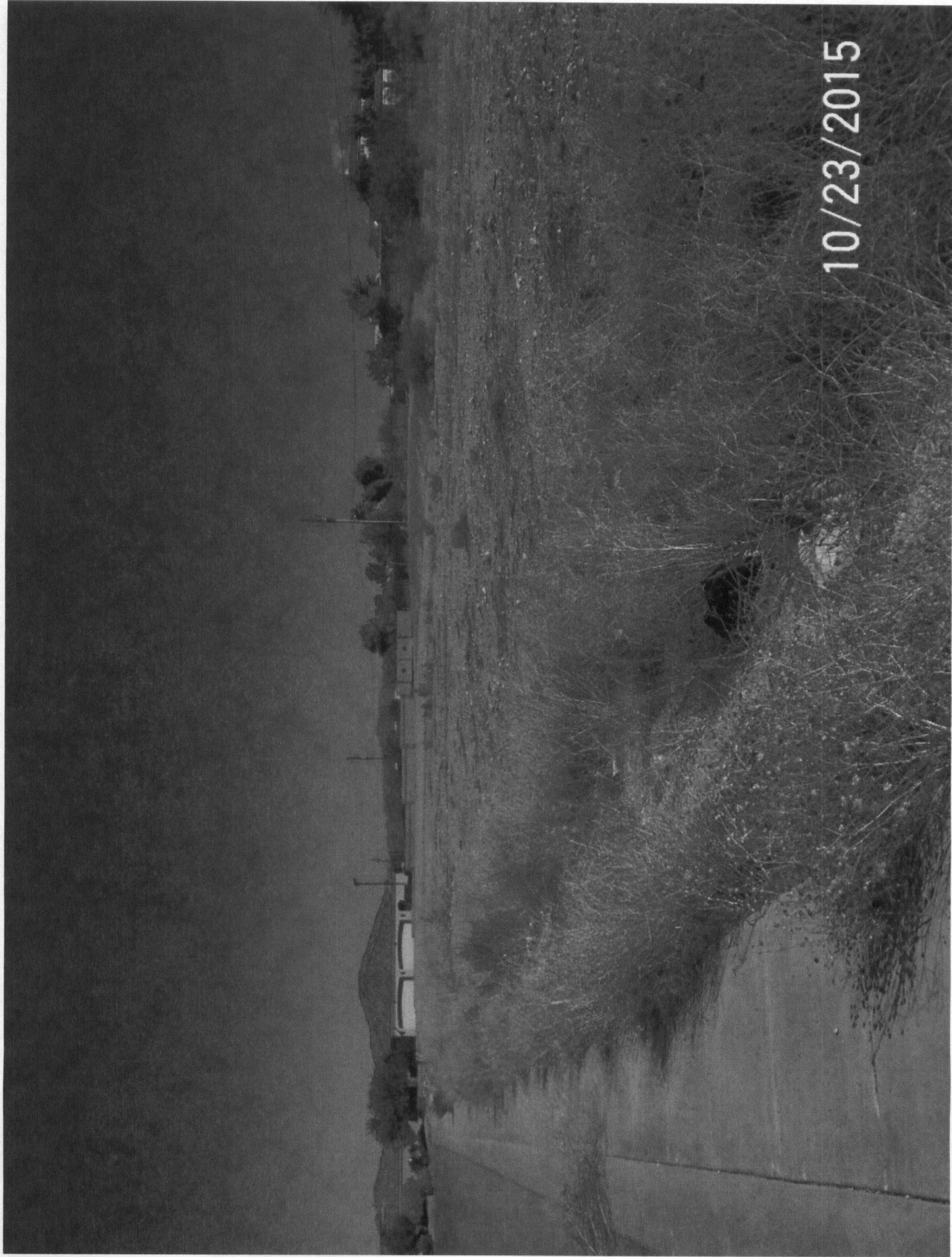
© 2015 Google

Imagery Date: 2/15/2015 36°11'36.40" N 113°59'42.25" W elev: 3675 ft eye alt: 6131 ft

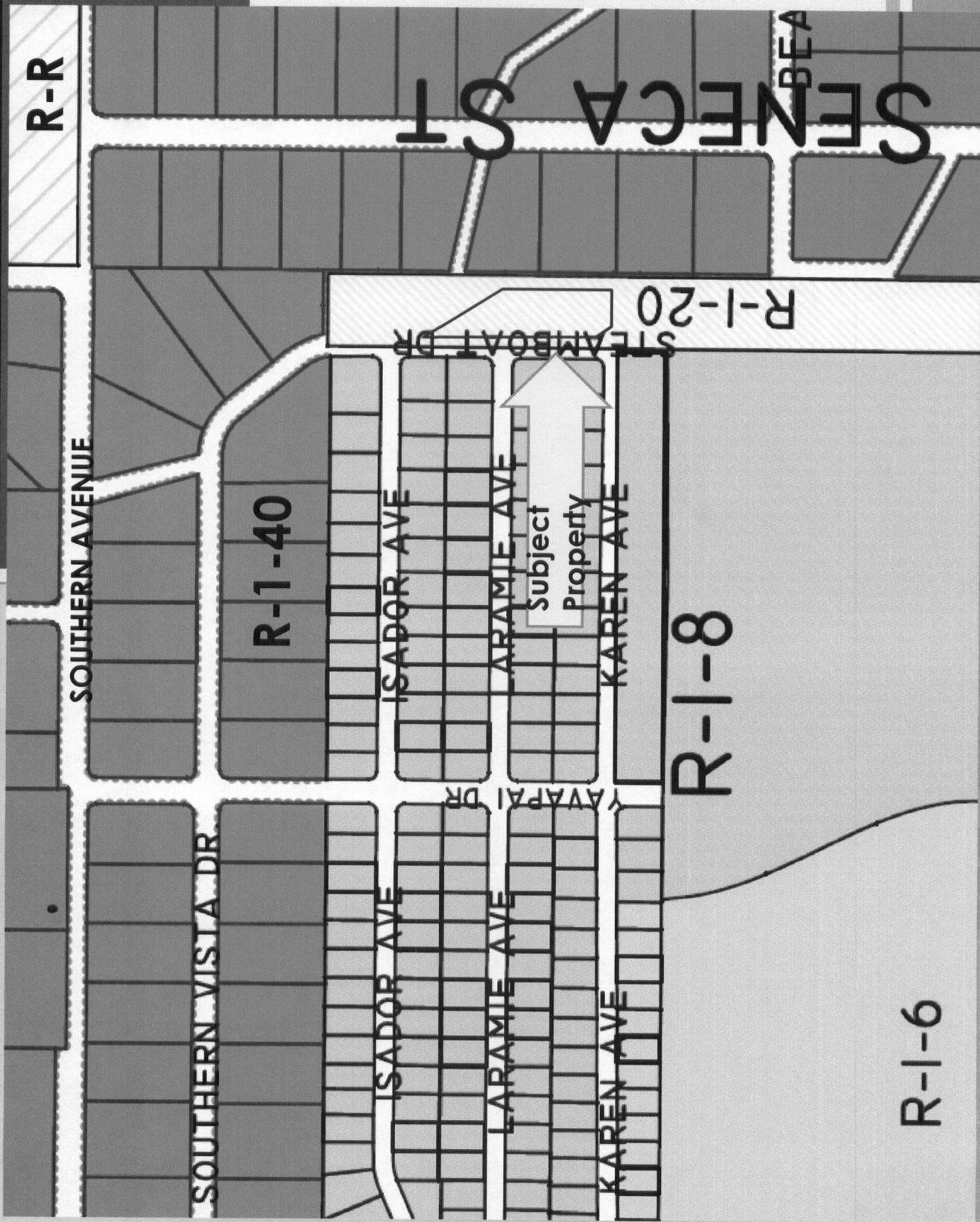


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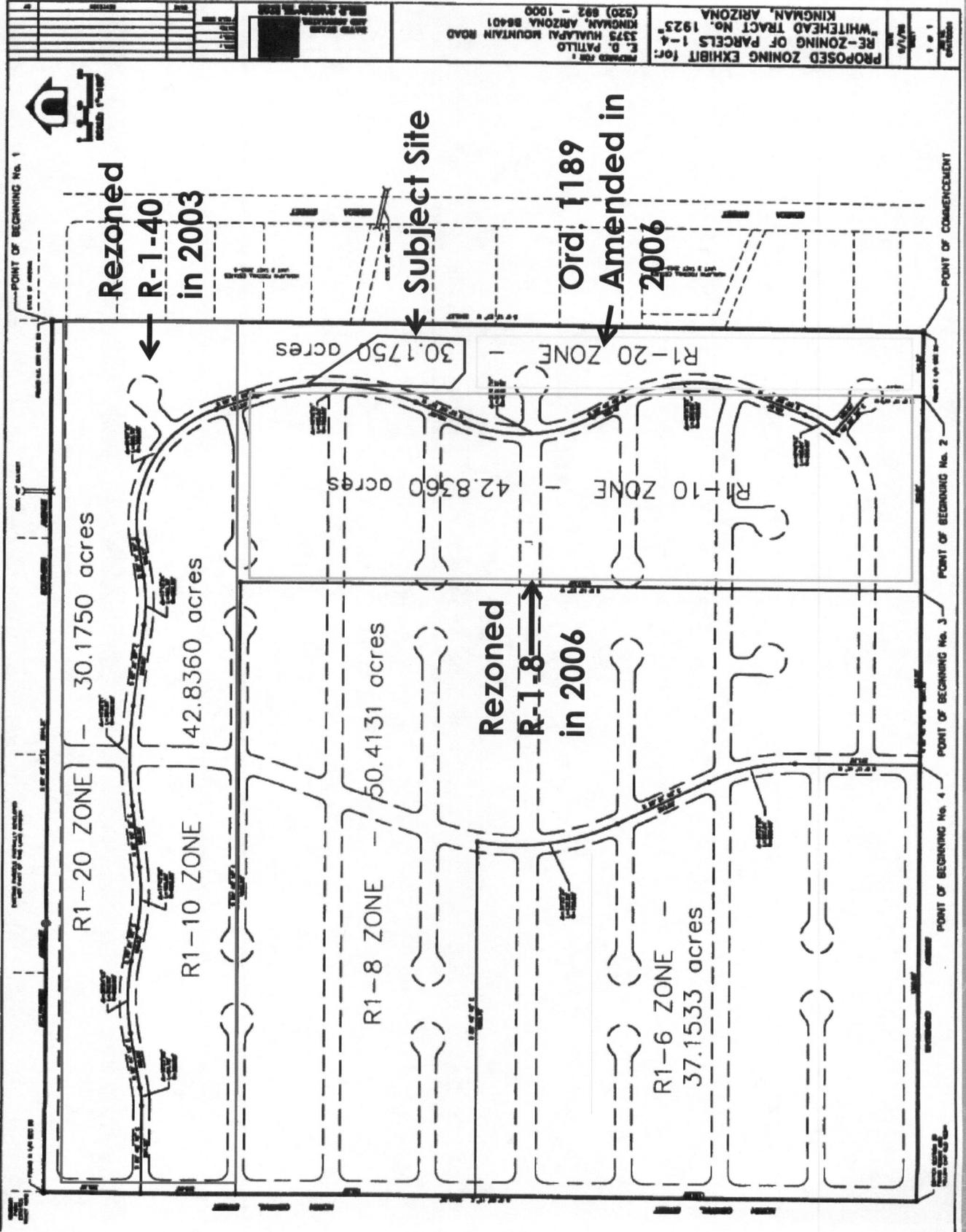
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# Current Zoning Map



# Zoning Exhibit from Ord. 1189



# Area Drainage Map



- ATTACHED UNLESS OTHERWISE NOTED
- A1 INDICATES SUBDIVISION CORNER FOUND 1 INCH O.D.I.P. M/BRASS TAG, RLS 5426
  - A2 INDICATES SUBDIVISION CORNER FOUND 1 INCH O.D.I.P. M/BRASS TAG, RLS 5420, RESET 1/2" REBAR W/ 1/2" ALUM. CAP AFTER CONSTRUCTION COMPLETED.
  - FOUND 1/2 INCH ALUM. CAP IN CONC., RLS 24614
  - FOUND 1" O.D.I.P. M/BRASS TAG, RLS 6466
  - SET 5/8 INCH REBAR WITH 2" ALUM. CAP WITH 1/2" REBAR WITH CONCRETE SURFACE COLLAR.
  - ALL LOT CORNERS, PER AS SHOWN ON THIS PLAT, WILL BE MONUMENTED WITH 2 1/2" INCH REBAR AND 1/2" ALUM. CAP. THE NORTH LOTS WILL BE MONUMENTED WITH 5/8" REBAR AND 1/2" ALUM. CAP. THE SOUTH LOTS WILL BE MONUMENTED WITH 1/2" ALUM. CAP. ALL MONUMENTS SHALL BE 1/2" ALUM. CAP IN CONC. BE THE MONUMENTATION WHERE NECESSARY.
  - INDICATES SQUARE FOOTAGE OF LOTS
  - INDICATES PUBLIC UTILITY EASEMENT
  - INDICATES CITIZENS UTILITY EASEMENT
  - P.U.E. INDICATED DRAINAGE EASEMENT
  - C.U.E. INDICATED VEHICLE NON-ACCESS EASEMENT
  - D.I.E. INDICATED
  - V.N.M.E. INDICATED LINE BEING NON-RADIAL TO CURVE
  - N.R. INDICATES RECORD DATA PER RECORD OF SURVEY 4/2
  - R INDICATES RECORD DATA PER FEE NO. 89-34693
  - PM INDICATES MEASURED DATA PER THIS SURVEY

HUALAPAI POOTHILLS ESTATES UNIT 2, TRACT 3003-B  
 NO. 13, 25 E. 2846 27' 4" W. 708.43' N. 800.13 23' N.

**NOTES**

NOTE A: THE 30.00 FOOT WIDE DRAINAGE EASEMENT (D.I.E.) IS GRANTED TO THE PUBLIC UTILITY COMPANIES FOR THE PURPOSES OF THIS PLAT.

NOTE B: THE DRAINAGE EASEMENT AS SHOWN HEREON IS GRANTED TO THE PUBLIC FOR DRAINAGE PURPOSES BY THE RECORDING OF THIS PLAT.

NOTE C: PARCELS A, B, C AND D ARE TO BE OPEN SPACE FOR USE AS DRAINAGE AND OPEN SPACE.

NOTE D: THE 8.00 FOOT WIDE P.U.E. IS GRANTED TO THE PUBLIC UTILITY COMPANIES FOR THE PURPOSES OF THIS PLAT.

NOTE E: THE 20.00 FOOT WIDE I.E. AND P.U.E. IS GRANTED TO THE PUBLIC AND PUBLIC UTILITY COMPANIES FOR ROADWAY PURPOSES BY THE RECORDING OF THIS PLAT.

BASES OF BEARINGS: THE EAST 1/2 OF THE SURVEY RECORDED IN BOOK 4, PAGE 2 OF THE RECORDS OF MOHAVE COUNTY, ARIZONA, BEING S 65°47'00" E, CITY OF KINGMAN PROJECT DRAIN.

ALL STREETS SHOWN HEREON ARE TO BE OPEN SPACE FOR THE USE OF THE PUBLIC FOR PUBLIC USE BY THE RECORDING OF THIS PLAT.

A REVIEW OF FEW F.T.R.M. PANEL No. 040028 2800 C, DATED MARCH 1, 1982, SHOWS THAT THE ZONE C, AS DEFINED TO BE WITHIN ZONE C, AS DEFINED AS AREAS OF MINIMAL FLOODING.

**LEGEND**

- Drainage Easement Per Drainage Report
- Drainage Easement Per Subdivision Plat
- Drainage Parcel Per Subdivision Plat

2202 STOCKTON HILL RD. STE A  
 PHOENIX, ARIZONA 85041  
 PHONE: (602) 732-8827  
 FAX: (602) 735-9116

**MOHAVE ENGINEERS, INC.**

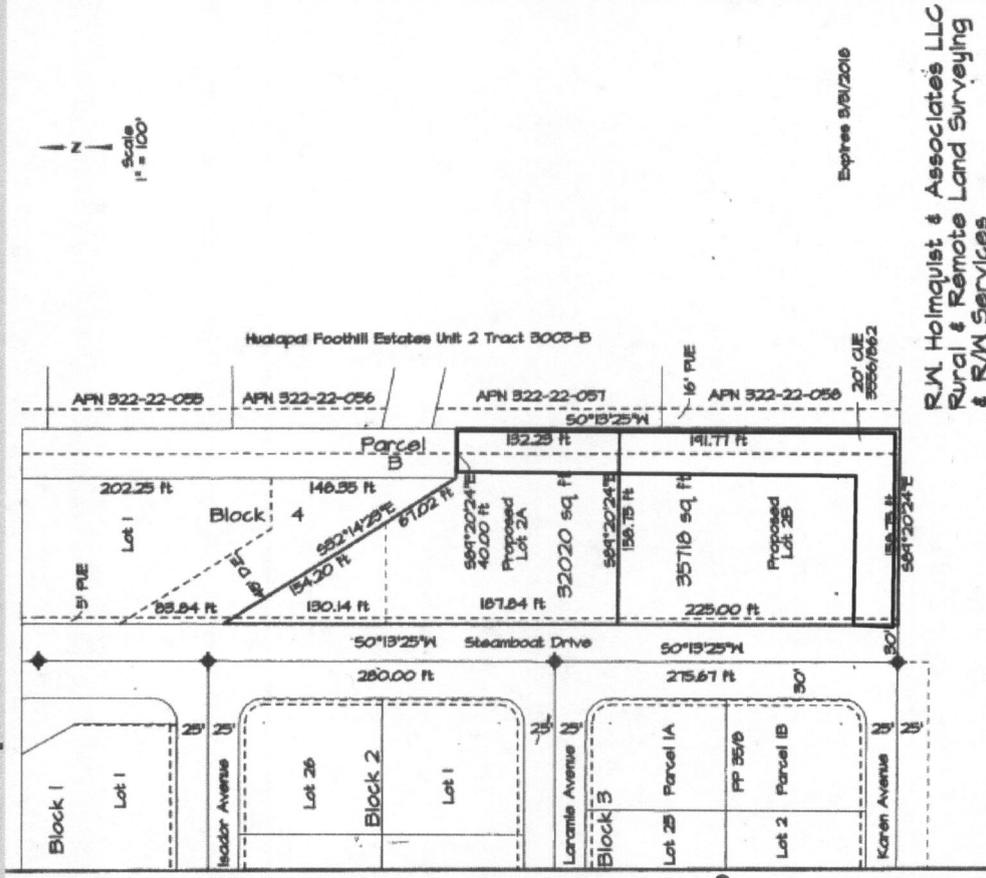


DATE PREPARED: 02-08-07 2 OF 2 KJH



# Analysis of Request

- An exhibit has been provided which shows the overall density will be 1:30,000 sf.



- Including the area of the existing drainage and open space parcels B and C, along eastern and southern sides of Lot 2, shows that the overall density of the area will be one residence per 30,000 sf.

# Zoning and Development History

- 1982- Section 20 annexed, R-R: Rural Residential zoning applied.
- 1996- Proposed Desert Shadows subdivision, 534 lots on 160-acres, rezoned to R-1-6-PDD. Overturned by referendum of voters in 1997.
- 1998 - 160-acre Whitehead Tract, Parcels 1-4, rezoned by several related zoning ordinances to R-1-6, R-1-8, R-1-10 and R-1-20. Ordinance No. 1189 applied the R-1-20 zoning with specific conditions and development standards to portions of Parcels 1, 2 and 3 of Whitehead Tract.
- 2005 – North ½ of Parcels 1 and 2 rezoned to R-1-40 and subdivided as Southern Vista I, Tract 1980. South ½ of Parcels 1 and 2 subdivided as Southern Vista II, Tract 1999 and Southern Vista III, Tract 6002.
- Feb. 2006 – All of Southern Vista II and III west of Steamboat Drive rezoned to R-1-8.
- Mar. 2006 – Conditions of Ord. 1189 amended south of Karen Avenue to allow 20,000 sq. ft. lots and removed open space buffer requirement.

## Zoning and Development History

- November 10, 2015 - P&Z Commission held public hearing to consider the request to modify Ordinance No. 1189 to allow the subject property to be split. There were multiple comments heard at the meeting in opposition to the request. The commission voted 5-1 to recommend denial.
- December 1, 2015 - City Council held a public hearing to consider the request. Council voted 5-1 to send this request back to the P&Z Commission for further consideration with a proposal showing how the subject property is intended to be split.
- January 12, 2016 – P&Z Commission held a public hearing to reconsider the request to modify Ordinance #1189 to remove Condition “B” because the proposed parcel map was shown. The P&Z Commission voted 4 to 3 to recommend denial of the request.

## **Recommendation**

**The Planning & Zoning Commission on a 4 to 3 vote recommended denial of this request.**

**Staff recommends approval of the request to remove Condition "B" of Ordinance No. 1189 on Lot 2, Block 4 Southern Vista III, Tract 6002 with the conditions listed in Ordinance #1809.**