

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

5:30 PM

**AGENDA
REGULAR MEETING**

Tuesday, October 6, 2015

CALL TO ORDER AND ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

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

1. APPROVAL OF MINUTES

- a. The Regular Meeting and Executive Session minutes of September 15, 2015**

2. AWARDS/RECOGNITION

a. Citizen recognition

On August 17, 2015 the Kingman Police Department responded to a check welfare call in the 2100 block of Seneca Street. Officers met with William Ponusky, a concerned neighbor, who reported that his neighbor's lights had been on for three days without any activity around the home. Upon looking through the windows of the home, officers observed a lone male occupant lying on the floor. Officers summoned the Kingman Fire Department and made entry into the home. The occupant had suffered a severe medical episode and it was believed he was down a couple of days. Without the keen observation and caring attitude of Mr. Ponusky, it is highly likely the individual would have died. The Kingman Police and Fire Department jointly recognize and applaud Mr. Ponusky for his life saving action on August 17, 2015. He is the epitome of a "Good Neighbor." **Staff recommends recognizing William Ponusky and providing him a Life Saving Award.**

b. Employee Recognition

In appreciation for their hard work, dedication, and loyalty the Mayor and Council would like to recognize employees who have reached years of service milestones, beginning at five years of service and continuing at each five year interval. Tonight the Mayor and Council hereby convey their earnest appreciation to:

Yrs of Service	Name	Title	Department
30	Bland, Phillip	Equipment Operator A	Streets
30	Pethers, Dean	Water Technician A	Water Operating
25	Abraham, Bradley	Fire Engineer	Fire
20	Bonfield, William	Equipment Mechanic	Building/Fleet Maintenance
20	Cornett, Terry	I T Coordinator	Information Technology
20	Lash, David	Sr. Building Inspector	Building Inspection
15	Clemens, James	Crew Leader	Building/Fleet Maintenance
15	Henry, Greg	City Engineer	Engineering
15	King, Donna	Administrative Assistant	Building/Fleet Maintenance
15	Rogers, Kiley	Equipment Operator B	Water Operating
15	Zach, Paul	Equipment Operator B	Sanitation
10	DeHerrera, Casey	Administrative Secretary	Police
10	Dill, Dan	Crew Leader	Parks
10	Duszynski, John	Equipment Mechanic	Building/Fleet Maintenance
10	Gifford, Jeffrey	Equipment Operator B	Streets
10	Furr, Robert	Equipment Operator B	Sanitation

10	Hardy, Paul	Code Enforcement Officer	Police
10	O'Haver, Maria	Court Clerk	Magistrate Court
10	Reed, Tiffany	Administrative Assistant	Police
5	Brown, Gabriel	Police Officer	

Mayor and Council would like to congratulate the following retirees on their retirement:

David Patriquin who retired for the Fire Department on July 31, 2015 with 30 years of outstanding service.

3. 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.

4. CONSENT AGENDA

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

a. Authorizing the purchase of real property on Golden Gate Avenue for drainage purposes, ENG15-018

The property is described as the easterly 75 feet of tax parcel 311-14-319g, is zoned commercial C2, and includes three 25 x 100 foot vacant lots which pond with drainage from Gates Avenue and often flood the City's alley. The property would outlet drainage to Golden Gate Avenue. The property owner will accept a minimum of \$42,500 for the property. **Staff recommends proceeding with the Golden Gate property acquisition.**

b. Award of bid for one refuse side-load truck

The Public Works Sanitation Department received three bids on September 1, 2015 for one refuse side-load truck for the Fiscal Year 2015/2016 budget. **Staff recommends accepting the primary bid from Rush Truck Center and Scorpion Body for a Peterbilt Chassis and Scorpion Body for \$250,033.00 plus tax.**

c. Fiscal Year 2015 bulletproof vest partnership grant award

The Kingman Police Department was awarded a Bureau of Justice assistance grant award in the amount of \$4,784.42 under the FY 2015 bulletproof vest partnership solicitation. The grant will be used to purchase new ballistic vests for police officers. **Staff recommends approval.**

d. Request from Turf Paradise to renew its off-track pari-mutuel wagering license/permit for Cerbat Hills Sports Bar & Grill

David Johnson, Vice President of Turf Paradise, is requesting approval to renew the Turf Paradise off-track pari-mutuel wagering license/permit for Cerbat Hills Sports Bar & Grill, located at 3631 Stockton Hill Road. Turf Paradise is currently in the process of renewing its permit to operate additional wagering facilities with the Arizona Department of Racing. The term of the permit applied for is from June 1, 2015 through May 31, 2018. **Staff recommends approval.**

e. Liquor license sampling privileges application

Applicant Clare Hollie Abel of Wal-Mart Supercenter #2051 has applied for Sampling Privileges for an existing Series 9 Liquor License at 3396 Stockton Hill Road. **Staff recommends approval.**

f. Consideration of Resolution 4973 for a City owned sewer payback

The City installed a sewer line with 3 manholes and service stub outs on Lovin Avenue from approximately 37 feet west of Washington Street to Eastern Street under project ENG14-090. The proposed payback agreement in Resolution 4973 is based on actual costs expended by the City for both design and construction. The costs are proportioned along Lovin Avenue

based on the frontage of adjacent properties. The payback will be collected as adjacent properties connect to the sewer. **Staff recommends approval of Resolution 4973.**

g. Consideration of Resolution 4974 for a City owned sewer payback

The City installed a sewer line with 4 manholes and service stub outs on Colorado Avenue from approximately 350 feet west of Washington Street to Eastern Street under project ENG14-091. The proposed payback agreement in Resolution 4974 is based on actual costs expended by the City for both design and construction. The costs are proportioned along Lovin Avenue based on the frontage of adjacent properties. The payback will be collected as adjacent properties connect to the sewer. **Staff recommends approval of Resolution 4974.**

h. Resolution 4975 - Consideration of Intergovernmental Agreement between the City of Kingman and the Mohave County Flood Control District for mapping and hydrology studies with FEMA CTP grant funding

City staff has identified and prioritized mapping needs and hydrology/hydraulic studies that would best help mitigate flood hazards and improve the management of flood prone areas within the City. The proposed work using Cooperating Technical Partners (CTP) grant funding will map the entire City Water Service Boundary (61 square miles) at 1 foot contour giving a higher level of detail and the remainder of the new mapping will be east of and outside of the Water Service Boundary at 2 foot contours. The mapping and hydrological studies will assist City staff and end users in planning for and evaluating drainage hazards and will provide the necessary data for the update to the City Master Drainage Plan. The total cost of the mapping and studies will be \$220,000 of which \$20,000 is mapping work requested by and will be paid for by the Mohave County Flood Control District. The remaining project cost of \$200,000 are for mapping and studies requested by the City. The required 25% percent City matching for \$200,000 is \$50,000. The remaining 75% of the cost (\$150,000) will be paid by the FEMA CTP grant. Mohave County Flood Control District agreed to administer the project and CTP grant with a 5% fee (\$10,000) of the project cost to cover its expenses. Mohave County Flood Control District has prepared an Intergovernmental Agreement between the City of Kingman and the Mohave County Flood Control District to allow the Mohave County Flood Control District to administer and manage the CTP grant on the City's behalf and in compliance with FEMA's request. **Staff recommends approval.**

i. Approval of Title VI Plan for Kingman Area Regional Transit (KART)

The FTA requires all grantees have a comprehensive Title VI Plan approved by their governing board. KART has developed the necessary plan and presented it to the Transit Advisory Commission (TAC) for review and approval at the quarterly meeting held on July 15, 2015. The TAC voted unanimously (5-0) to approve the Title VI Plan and forward to Council for ratification. Staff recommends approving the Title VI Pan as written.

j. Annual review of bylaws for the Transit Advisory Commission (TAC) for KART

The TAC bylaws require annual review. This review was accomplished during TAC's quarterly meeting held on July 15, 2015. The commission voted unanimously (5-0) to amend the bylaws to state that a quorum is based on a majority of members rather than a specific number and forward to Council for ratification. **Staff recommends approving the bylaws as revised.**

5. OLD BUSINESS

a. Public Hearing and adoption of Ordinance 1799 amending the Kingman Tax Code by removing the sunset date of June 30, 2016 on the 0.50% increased taxation rate and keeping the Transaction Privilege Tax rate at 2.50%

On May 7, 2013, Council adopted Ordinance 1751R which increased the taxation rate on most categories by 0.50% effective July 1, 2013 through June 30, 2016. The purpose of the temporary TPT increase was to supplement funding for necessary public safety equipment and fleet replacement, public safety facilities, street improvements and maintaining a general fund balance of 25% of its operating expenditures. Some of these items are ongoing and need funding to complete, and other items such as general fund expenditures have become a priority. At the June 16, 2015 City Council meeting, staff was given direction to move forward with the public hearing process to remove the sunset date of June 30, 2016 on the increased taxation rate. **Staff recommends adopting Ordinance 1799.**

6. NEW BUSINESS

a. Authorization for General Fund Contingency transfer to fund abatements

Four nearly completed abatement projects will cost the City \$34,361. Seven other projects will cost approximately \$42,500. In addition, there are still a number of properties that will begin the abatement process in the upcoming months. The FY2015-16 budget for abatements is \$61,900. In order to fund all of the existing projects as well as any upcoming projects, staff requests a general fund contingency transfer of \$50,000. **Staff recommends Council authorize a general fund contingency transfer of \$50,000 to fund future abatements during FY 2015-16.**

b. Proposed change to Ordinance 1681, Section 3-22, related to the number of pets allowed per residence

Resident Amber Novak sent a letter to Vice Mayor Wimpee, Sr. requesting the City Council make changes to City of Kingman Ordinance 1681, Section 3--22, related to the number of pets allowed per residence to allow the livestock allowances on properly zoned property to be interchangeable. **Staff is seeking direction from Council on whether to draft an ordinance allowing the number of livestock pets allowed to be interchangeable in properly zoned areas.**

c. Public Hearing and consideration of Ordinance 1804 approving the modification of Ordinance 951-Revised to allow the splitting of a lot located at 3320 Stockton Hill Road

This is a request from Mohave Engineering Associates, Inc., applicant, and SK & M Investments, Inc., property owner, for the modification of certain zoning conditions of Ordinance 951-R. The proposal is to split this parcel into two lots. A future building, a maximum of 1,600 square feet, is proposed on the future north lot. The existing Taco Bell restaurant will be located on the south lot after the property is split. The Planning and Zoning Commission held a public hearing on September 8, 2015. The Planning and Zoning Commission voted 5-0 to recommend approval of the request with certain conditions. **Staff recommends approving Ordinance 1804.**

d. Consideration of Resolution 4971, approving a cash payment street deferral for Manzanita Baptist Church

The Manzanita Baptist Church owns multiple lots along the north side of Gates Avenue west of Fairgrounds Boulevard. A building permit to remodel a gymnasium on the church property has been issued. Gates Avenue adjacent to the location of the gymnasium is presently improved with some asphalt paving and no curb, gutter or sidewalk. Because the proposed construction will exceed \$20,000.00, the Streets and Sidewalks Development Rules and Regulations require that the adjacent street improvements be completed on Gates Avenue. The scope of the required improvements would be a section, 187.5-feet in length, with curb, gutter, a four-foot wide sidewalk, two driveways, additional paving, and engineering and staking. The City Engineering Department's opinion of probable cost of these improvements is \$15,242.00. Manzanita Baptist Church sent a letter requesting a non-cash payment street improvement deferral. The Traffic Safety Committee (TSC) reviewed the deferral request on August 20, 2015. The TSC recommended that the applicant either complete the required improvements or make a payment in lieu of completing the improvements to the city rather than granting a non-payment deferral. **Staff recommends adopting Resolution 4971 if Council wishes to accept a cash payment for the required street improvements on Gates Avenue.**

e. Second annual Rattlers Mountain Bike Race

The Colorado River Area Trail Association (CRATA) is holding the Second Annual Rattler Mountain Bike Race in the Cerbat Foothills Recreation Area, west of downtown Kingman. The group is seeking \$4,000 to help on this event, which they believe will become self-sufficient after this year's event. This event is growing and is expected to be a great annual tourism event for Kingman. **The Tourism Development Commission recommends approval of this request.**

f. Public hearing and consideration of Ordinance 1803 to amend Section 16.000: LIGHT INDUSTRY (I-1) of the Zoning Ordinance of City of Kingman

This amendment is to add air ambulance services with accessory helicopter pads as an allowable use with a conditional use permit to Section 16.000: Light Industry. The light industry zoning district appears to be the most suitable district to allow for an air ambulance service compared to a commercial zoning district. Upon approval of this text amendment, if an air ambulance service is proposed, the applicant will apply for a conditional use permit. Staff

and other reviewing agencies will conduct a more detailed review of the conditional use permit application. **The Planning and Zoning Commission held the public hearing on September 8, 2015 to consider this request. The Commission voted 5-0 to recommend approval of the proposed text amendment as written. Staff recommends approving Ordinance 1803.**

g. Presentation on Kingman's tourism potential

James Hinckley, an author, promoter, and lecturer on Route 66, will provide information on Kingman's tourism potential.

h. James Hinckley funding request

James Hinckley, an author, promoter, and lecturer on Route 66, is seeking monies through the Tourism Development fund to promote Kingman. Mr. Hinckley is seeking funding to finance his travels to the Miles of Possibilities Conference in Edwardsville, Illinois, and other Route 66 conventions in Missouri, Los Angeles and Germany. **The Tourism Development Commission met on September 17, 2015 and recommended denial of this request and believed that funding for these activities should come from the Kingman Powerhouse Visitor Center budget.**

i. Discussion and possible action concerning the Kingman City Council Values and Code of Ethics

The original Values and Code of Ethics was completed in 2012 and updated in 2014. Since the election of new members it has never been discussed or signed by the current Council Members. Staff has provided the previous editions of the Values and Code of Ethics for review and comment. **Council discretion.**

7. REPORTS

Board, Commission and Committee Reports by Council Liaisons

8. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

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

ADJOURNMENT

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

5:30 P.M.

MINUTES

Tuesday, September 15, 2015

REGULAR MEETING

Members	Officers	Visitors Signing in
Richard Anderson – Mayor	John Dougherty, City Manager	See attached list
Mark Wimpee, Sr. – Vice-Mayor - EXCUSED	Jackie Walker, Human Resources Director	
Mark Abram	Carl Cooper, City Attorney	
Larry Carver	Jake Rhoades, Fire Chief	
Jen Miles	Greg Henry, City Engineer	
Stuart Yocum	Rusty Cooper, Deputy Chief of Police	
Carole Young - EXCUSED	Mike Meersman, Parks and Recreation Director	
	Diane Richards, Budget Analyst	
	Gary Jeppson, Development Services Director	
	Rob Owen, Public Works Director	
	Joe Clos, Information Services Director	
	Sydney Muhle, City Clerk	
	Erin Roper, Deputy City Clerk and Recording Secretary	

CALL TO ORDER & ROLL CALL

Mayor Anderson called the meeting to order at 5:34 P.M. and roll call was taken. All councilmembers were present except for Vice-Mayor Wimpee, Sr. and Councilmember Young who were excused. The invocation was given by Paul Daniel of First Baptist Church after which the Pledge of Allegiance was said in unison.

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

1. APPROVAL OF MINUTES

a. The Work Session Minutes of August 25, 2015

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

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

2. **PROCLAMATION**

a. Kingman Cancer Awareness Month

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

b. National Literacy Month and International Literacy Day

Mayor Anderson read the proclamation.

3. **APPOINTMENTS**

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

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

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

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

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

4. **AWARDS**

Employee Award & Recognition

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

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

5. **CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC**

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments from the Public will be restricted to items not on the agenda with the exception of those on the Consent Agenda. There will be no comments allowed that advertise for a particular person or group. Comments should be limited to no longer than 3 minutes.

Laura Hansen of United Way thanked the Kingman Area Chamber of Commerce, Clean City Commission, City of Kingman, and volunteers for supporting the community wide clean up event on

September 12, 2015.

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

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

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

6. **CONSENT AGENDA**

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired that item will be removed from the CONSENT AGENDA and will be considered separately.

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

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

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

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

c. Special Event Liquor License Application

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

d. Special Event Liquor License Application

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

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

On March 3, 2015 Council approved a construction CMAR contract with Freiday Construction to

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

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

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

g. Resolution 4957 – Authorization for banking activities

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

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

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

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

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

j. Ordinance 1802 – Modified agenda process

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

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

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

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

7. **OLD BUSINESS**

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

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

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

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

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

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

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

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

8. **NEW BUSINESS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. Authorization for the purchase of storage building

The Kingman Fire Department has been conducting an evaluation of its daily operations from emergency response to daily routines and maintenance. An area of priority is the realization of storage space and the allocation of supplies. Given the current configuration of stations and the increase in department responsibilities in both emergency medical services and hazardous materials, the department has realized the need for additional storage space located at Fire Station 2. The department has identified the addition of a temperature controlled insulated con-ex which will be located inside the sight restricted training grounds as the most effective and efficient manner for storage. This will allow for a long term, yet temporary solution, for department storage and a central location of training equipment and supplies that are both valuable and temperature sensitive. Since the 40' con-ex will be located behind the sight restricted fence and painted a neutral color to not garner any negative attention, the building department has no objections. Presently, Fire Station 2 has two non-temperature controlled con-ex containers located on its premises. In accordance with the City's procurement code, three bids were obtained for this project. The lowest bid was \$6,930.25 from Echo Storage Systems. This project will be funded through the Capital Projects Fund utilizing a portion of the savings from the SCBA Compressor project that was originally budgeted at \$85,000 but incurred an actual cost of \$67,015.90. **Staff recommends Council approves acceptance of the bid from Echo Storage Systems in the amount of \$6,930.25.**

Kingman Fire Chief Jake Rhoades stated the Kingman Fire Department needed to store its hazardous materials response equipment and medical supplies in a secure, climate controlled, central location

and there was not enough room in Station 2. Chief Rhoades stated the con-ex container was the most affordable option and would hold its value for future resale.

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

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

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

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

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

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

9. **REPORTS**

Board, Commission and Committee Reports by Council Liaisons

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

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

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

If needed.

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

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

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

Mr. Dougherty stated he attended the America's Best Communities (ABC) committee meeting and

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

11. EXECUTIVE SESSION

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

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

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

a. Golf Course Management Agreement review

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

b. City Manager employment contract

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

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

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

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

ADJOURNMENT – 8:46 P.M.

ATTEST:

APPROVED:

Sydney Muhle
City Clerk

Richard Anderson
Mayor

STATE OF ARIZONA)
COUNTY OF MOHAVE)ss:

CITY OF KINGMAN)

CERTIFICATE OF COUNCIL MINUTES

I, Erin Roper, Deputy City Clerk and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on September 15, 2015.

Dated this 6th day of October, 2015.

Erin Roper, Deputy City Clerk and Recording Secretary

DRAFT



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Chief Robert J. DeVries

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Citizen recognition

SUMMARY:

On August 17, 2015 the Kingman Police Department responded to a check welfare call in the 2100 block of Seneca Street. Officers met with William Ponusky, a concerned neighbor, who reported that his neighbor's lights had been on for three days without any activity around the home. Upon looking through the windows of the home, officers observed a lone male occupant lying on the floor. Officers summoned the Kingman Fire Department and made entry into the home. The occupant had suffered a severe medical episode and it was believed he was down a couple of days. Without the keen observation and caring attitude of Mr. Ponusky, it is highly likely the individual would have died. The Kingman Police and Fire Department jointly recognize and applaud Mr. Ponusky for his life saving action on August 17, 2015. He is the epitome of a "Good Neighbor."

FISCAL IMPACT:

STAFF RECOMMENDATION:

Staff recommends recognizing William Ponusky and providing him a Life Saving Award.

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	9/24/2015 - 8:11 PM
City Attorney	Cooper, Carl	Approved	9/29/2015 - 11:18 AM
City Manager	Dougherty, John	Approved	9/30/2015 - 12:23 PM



CITY OF KINGMAN COMMUNICATION TO COUNCIL

TO: Honorable Mayor and Common Council

FROM: Jackie Walker, Human Resources/Risk Management Director

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Employee Recognition

SUMMARY:

In appreciation for their hard work, dedication, and loyalty the Mayor and Council would like to recognize employees who have reached years of service milestones, beginning at five years of service and continuing at each five year interval. Tonight the Mayor and Council hereby convey their earnest appreciation to:

Yrs of Service	Name	Title	Department
30	Bland, Phillip	Equipment Operator A	Streets
30	Pethers, Dean	Water Technician A	Water Operating
25	Abraham, Bradley	Fire Engineer	Fire
20	Bonfield, William	Equipment Mechanic	Building/Fleet Maintenance
20	Cornett, Terry	I T Coordinator	Information Technology
20	Lash, David	Sr. Building Inspector	Building Inspection
15	Clemens, James	Crew Leader	Building/Fleet Maintenance
15	Henry, Greg	City Engineer	Engineering
15	King, Donna	Administrative Assistant	Building/Fleet Maintenance
15	Rogers, Kiley	Equipment Operator B	Water Operating
15	Zach, Paul	Equipment Operator B	Sanitation
10	DeHerrera, Casey	Administrative Secretary	Police
10	Dill, Dan	Crew Leader	Parks
10	Duszynski, John	Equipment Mechanic	Building/Fleet Maintenance
10	Gifford, Jeffrey	Equipment Operator B	Streets
10	Furr, Robert	Equipment Operator B	Sanitation
10	Hardy, Joel	Code Enforcement Officer	Police
10	Johnson, Paul	Crew Leader	Fire
10	O'Haver, Maria	Court Clerk	Magistrate Court
10	Reed, Tiffany	Administrative Assistant	Police
5	Brown, Gabriel	Police Officer	

Mayor and Council would like to congratulate the following retirees on their retirement:

Kathy McCoy who retired as City Magistrate on July 1, 2015 with 34 years of outstanding service.

David Patriquin who retired for the Fire Department on July 31, 2015 with 30 years of outstanding service.

FISCAL IMPACT:

STAFF RECOMMENDATION:

REVIEWERS:

Department	Reviewer	Action	Date
Human Resources	Walker, Jackie	Approved	9/30/2015 - 11:45 AM
City Attorney	Cooper, Carl	Approved	9/30/2015 - 12:12 PM
City Manager	Dougherty, John	Approved	9/30/2015 - 12:17 PM



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Engineering Services

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Authorizing the purchase of real property on Golden Gate Avenue for drainage purposes, ENG15-018

SUMMARY:

On March 17, 2015 Council approved Resolution 4936, which authorized staff to proceed with acquiring property on Golden Gate Avenue for drainage purposes. The property is described as the easterly 75 feet of tax parcel 311-14-319g, is zoned commercial C2, and includes three 25 x 100 foot vacant lots which pond with drainage from Gates Avenue and often flood the City's alley. Staff is proceeding with acquiring drainage property along Gates Avenue and needs the subject property in order to outlet drainage to Golden Gate Avenue. The property owner indicated she would only sell the three lots together and that \$42,500 is the minimum she would accept for the property. The westerly portion of the property is developed with a commercial plaza.

FISCAL IMPACT:

The purchase price will be \$42,500 plus escrow closing costs. The Flood Control Budget identified \$100,000 in Flood Control Funds for Land Acquisition for Drainage Purposes.

STAFF RECOMMENDATION:

Staff recommends approval of the property purchase of three lots for \$42,500 plus escrow fees and authorizing the mayor to sign all property deeds and acceptance statements associated with this acquisition.

ATTACHMENTS:

Description

Offer Letter Dated September 8, 2015

Map

Photo

REVIEWERS:

Department	Reviewer	Action	Date
Engineering	Henry, Greg	Approved	9/17/2015 - 12:33 PM
City Attorney	Cooper, Carl	Approved	9/17/2015 - 1:04 PM
City Manager	Dougherty, John	Approved	9/18/2015 - 3:03 PM



City of Kingman

310 NORTH FOURTH STREET • KINGMAN • ARIZONA • 86401 • 928 • 753-5561
www.ci.kingman.az.us

September 8, 2015

Susan Jo Reed
2313 Susanna Court
Fallbrook, CA 92028

RE: Golden Gate Avenue Proposed Property Acquisition
Golden Gate Addition, Unit 7, Block 151, Lot 25, 26 & 27
Assessor Parcel Number 311-14-319G
City File ENG15-018

Dear Ms. Reed:

This letter is to confirm our understanding of a possible purchase of your property by the City of Kingman. The terms and conditions of the sale are subject to the full review and approval by the City Council.

You currently own property on Golden Gate Avenue which property is described as Golden Gate Addition, Unit 7, Block 151, Lot 25, 26 & 27 (aka east 75 feet of Tax Parcel 311-14-319G).

You have indicated that you are willing to sell the above property subject to the following conditions:

1. That the purchase price for the three lots will be \$42,500.
2. That the City will pay all closing costs associated with the property sale.

If you are still agreeable to this proposal, please sign in the space below. Let me know if you have any questions.

Sincerely,

Gregory T. Henry, P.E.
City Engineer
(928) 753-8122

Agreed to and Accepted

Susan Jo Reed

Dated:

9/11/15

2202 STOCKTON HILL RD KINGMAN 86401

311-15-360A

GOLDEN GATE



N STOCKTON HILL RD

311-14-319G

2116 STOCKTON HILL RD KINGMAN



311-14-315G

Subject Property
East 75 Feet of
Parcel 311-14-319G



311-14-330A

21N 167

311-14-329

311-14

311-14-327

311-14-326

18

311-14-325

GATES AVE

311-14-260B

1915 ROBINSON AVE

311-14-258A

311-14-260C

311-29-003



Parcel 311-14-319g
Looking South from
Golden Gate Avenue



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council
FROM: Ed Tapia, Sanitation Superintendent
MEETING DATE: October 6, 2015
AGENDA SUBJECT: Award of bid for one refuse side-load truck

SUMMARY:

The Public Works Sanitation Department received three bids on September 1, 2015 for one refuse side-load truck for the Fiscal Year 2015/2016 budget. The bids were as follows:

Hambicki's Truck and Container Sales - \$97,036.00 **(body only)**
Rush Truck Center primary bid - \$250,033.00 Peterbilt Chassis & Scorpion Body
Rush Truck Center alternate bid - \$247,676.00 Peterbilt Chassis & McNeilus Body

FISCAL IMPACT:

Sanitation Budget 503-3320-533-94-21 \$250,033.00

STAFF RECOMMENDATION:

Award bid to Rush Truck Center, Phoenix, Arizona. Primary Bid, Peterbilt Chassis & Scorpion Body.

Staff's recommendation is to accept primary bid from Rush Truck Center and Scorpion Body. The Scorpion Body is from Arizona Refuse Sales and is based out of Phoenix Arizona, providing local support and service. Many Arizona cities are switching to this larger body style that will allow fewer trips to landfill. It comes with great reviews from the City of Tucson and City of Phoenix.

ATTACHMENTS:

Description
Bid Tabulation
Rush Primary
Rush Alternate
Hambicki

REVIEWERS:

Department	Reviewer	Action	Date
Public Works	Owen, Rob	Approved	9/15/2015 - 5:19 PM
City Attorney	Cooper, Carl	Approved	9/15/2015 - 5:34 PM
City Manager	Dougherty, John	Approved	9/30/2015 - 12:22 PM

AUG 27 2015

Prime Bid



City of Kingman Public Works

3700 E ANDY DEVINE AVE • KINGMAN • ARIZONA • 86401 • (928)757-7467
www.ci.kingman.az.us

ADDENDUM # 1

CITY OF KINGMAN INVITATION TO BID ONE (1) EACH PACKER CAB, CHASSIS, BODY AND CONTAINER

The City of Kingman invites sealed bids for one (1) each packer cab, chassis, body and container lift. Sealed bids are to be submitted to the City of Kingman City Clerk's Office, 310 North 4th Street, Kingman, AZ 86401, by Tuesday September 8th 2015 at 10:00 a.m. Local Arizona Time. Bids will be opened at that time. Detailed specifications and bidding packets may be obtained from the City of Kingman Sanitation Department Public Works Department office, 3700 E. Andy Devine, Kingman, AZ 86401, (928) 692-3102.

Bid will be awarded by action of the Common Council.

The City reserves the right to reject any and all bids.

CITY OF KINGMAN Sanitation Department INVITATION TO BID

PACKER CAB, CHASSIS, BODY AND CONTAINER LIFT

The City of Kingman invites sealed bids for the supply of one (1) each packer cab, chassis, body and container lift, in accordance with the provisions, specifications and bidding instructions set forth in this invitation for bids. Bids will be received by the City Clerk's office, 310 North 4th Street, Kingman, Arizona 86401, until 10:00 A. M. Local Arizona Time., Tuesday September 8th 2015. The bids will be opened and publicly read immediately thereafter in the City Council Chambers. Late bids will not be considered.

A printed copy of the bid tabulation will be available upon written request to: the Office of the City Clerk. Each written request must contain a self-addressed, stamped envelope and must reference the bid title and number. Bid tabulations will be posted and available for public viewing in the reception room of the office of the City Clerk for a period of 60 calendar days from the bid opening date.

received
AUG 17 2015



City of Kingman

310 NORTH FOURTH STREET • KINGMAN • ARIZONA • 86401 • 928 • 753-5561
www.ci.kingman.az.us

**CITY OF KINGMAN
INVITATION TO BID
ONE (1) EACH PACKER CAB, CHASSIS, BODY AND CONTAINER**

The City of Kingman invites sealed bids for one (1) each packer cab, chassis, body and container lift. Sealed bids are to be submitted to the City of Kingman City Clerk's Office, 310 North 4th Street, Kingman, AZ 86401, by Tuesday September 1st 2015 at 10:00 a.m. M.S.T. Bids will be opened at that time. Detailed specifications and bidding packets may be obtained from the City of Kingman Sanitation Department Public Works Department office, 3700 E. Andy Devine, Kingman, AZ 86401, (928) 692-3102.

Bid will be awarded by action of the Common Council.

The City reserves the right to reject any and all bids.

**CITY OF KINGMAN
Sanitation Department
INVITATION TO BID**

PACKER CAB, CHASSIS, BODY AND CONTAINER LIFT

The City of Kingman invites sealed bids for the supply of one (1) each packer cab, chassis, body and container lift, in accordance with the provisions, specifications and bidding instructions set forth in this invitation for bids. Bids will be received by the City Clerk's office, 310 North 4th Street, Kingman, Arizona 86401, **until 10:00 A. M. M.S.T., September 1st 2015.** The bids will be opened and publicly read immediately thereafter in the City Council Chambers. Late bids will not be considered.

A printed copy of the bid tabulation will be available upon written request to: the Office of the City Clerk. Each written request must contain a self-addressed, stamped envelope and must reference the bid title and number. Bid tabulations will be posted and available for public viewing in the reception room of the office of the City Clerk for a period of 60 calendar days from the bid opening date.

ADDITIONAL CONDITIONS OF PURCHASE

DELIVERY

Specified equipment to be delivered to the City of Kingman Public Works facility **SIX MONTHS AFTER PURCHASE ORDER HAS BEEN RECEIVED BY BIDDER.**

The successful bidder agrees that if they fail to deliver the specified equipment at the specified intervals, the successful bidder shall pay the City of Kingman liquidated damages in the sum of \$50.00 per day for each day and each occurrence after the final date for delivery, per sub-paragraph A. above, until all units and equipment have been delivered.

FOB POINT

Price quoted shall be FOB City of Kingman.

PRICE

All prices quoted shall be firm and fixed.

PROGRESS PAYMENTS

Progress payments are not authorized in this procurement.

METHOD OF PAYMENT

Vendor to submit invoice or signed delivery invoice for payment.

SCOPE

The specifications contained in the Submittal section of this bid are the established minimums for each piece of equipment. Bidders shall indicate in the offered column of the specifications any variances or exceptions taken.

Any references to brand names shall be construed to indicate the minimum quality and performance levels acceptable. Brands by other manufacturers shall be indicated and complete technical data for evaluation shall be included with the bid.

Specifications shall be returned with the bid submitted.

BID SUBMITTALS

In order to be considered, Bidder must complete and submit the attached bid forms to the City of Kingman City Clerk, 310 North 4th Street, Kingman, AZ 86401, by no later than the opening date and time cited on page one, paragraph one of this document . Please identify as a sealed bid.

Bids submitted as alternates, as "equals," or on the basis of exceptions to specific conditions of purchase and/or required specifications, must be submitted with an attachment referencing the specific paragraph numbers and adequately defining the exception submitted. Detailed product or service literature, suitable for evaluation, must be submitted with the bid. If no exceptions are taken, Bidder need only complete Bid Price Schedule below and City will expect and require complete compliance with the specifications and all Conditions of Purchase.

PACKER CAB, CHASSIS, BODY AND CONTAINER LIFT
FOR THE CITY OF KINGMAN
BID PRICE AND DELIVERY SCHEDULE

Note: Please do not include any sales or use tax in your bid. The City of Kingman will add as applicable.

MANUFACTURER AND MODEL: Peterbilt 320 / Scorpion

QUANTITY: one

UNIT PRICE EXCLUDING TAX: \$ 250,033.00

TOTAL PRICE EXCLUDING TAX: \$ 250,033.00

DELIVERY - NUMBER OF CALENDAR DAYS: 180

WARRANTY

Bidder guarantees that the supplies/equipment offered shall be warranted as follows:

Please specify the vendor or dealership where warranty work will be done.

Vendor/Dealership information: _____

Name: Rush Truck Center - Phoenix

Street Address: 9600 W Roosevelt St.

City, State, Zip: Tolleson, Arizona 85353

Telephone: 602-422-8100

CERTIFICATIONS: Chassis warranty can also be performed at Rush Truck Center - Las Vegas, NV.

Bidder certifies it is a (check one):

- Proprietorship:
- Partnership:
- Corporation:

Arizona Sales Tax No: 07-594669-K

Arizona Use Tax No: 4 07-594669-K

CERTIFICATE OF UNDERSTANDING

Bidder certifies that he/she has read, understands, and will fully and faithfully comply with this invitation for bid, its attachments, and any referenced documents. Bidder also certifies that the prices offered were independently developed without consultation with any of the other bidders or potential bidders.

Bidder's Legal Name: _____

Address: 9600 W. Roosevelt St. Tolleson, Az 85353

Telephone Number: 602-422-8100

FAX Number: 602-422-8175

Printed Name and Title: Chris Ryan - Regional manager

Authorized Signature: 

Date: 9/2/2015

PACKER CAB, CHASSIS, BODY AND CONTAINER LIFT

Warranty:

Attach Warranty Details for both Chassis and Side load Body. Yes No

Successful bidder shall state terms and length of warranty offered for all Major components, i.e., compactor body parts. Successful bidder will be responsible for the entire Side-Load, Cab & Cassis. All warranty, safety recall, or factory update work will be performed FOB Kingman. Yes No

Demonstration & Service

Successful bidder must demonstrate that the Vehicle, & Side-Load will operate successfully after delivery on normal City of Kingman trash. Successful bidder shall maintain a staff of qualified personnel to be available during normal working hours to consult, diagnose and advise on maintenance problems and repairs and to furnish parts. Yes No

when possible

2-sets of parts and service manuals are to be furnished Yes No

PACKER CAB, CHASSIS, BODY AND CONTAINER LIFT

ENGINE

- | | | | | | |
|-----|---|-----|-------------------------------------|----|--------------------------|
| 1. | 1,250 pound torque | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 2. | 9.0 liter engine to be 370 HP or better | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 3. | Variable speed governor | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 4. | Local engine service within 50 mile radius | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 5. | Air, oil, filter lines to be Aeroquip or equal | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 6. | Fuel filter and water separator | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 7. | Air pre-cleaner | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 8. | Spin on engine oil filter | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 9. | Dry type air cleaner - two-stage with inner protection element | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 10. | Mounted filter condition indicator | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 11. | Low oil pressure - high engine temperature shut down | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 12. | Primary/secondary fuel filtration | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 13. | Silicone hose package | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 14. | Stone and gravel radiator guard | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 15. | Manufacturer's cooling system to be capable of cooling | | | | |
| 16. | engine under all operating conditions in ambient | | | | |
| 17. | temperatures of 130° F | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 18. | 2-Speed Fan clutch | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 19. | Coolant recovery system - large capacity antifreeze coolant to -40° F | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

Ornaldson ECG

ELECTRICAL

- | | | | | | |
|-----|--|-----|-------------------------------------|----|--------------------------|
| 20. | 130 Amp-brushless alternator | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 21. | 12-volt starter 42 MT or equal | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 22. | D.O.T. approved turn indicator | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 23. | Cab light | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 24. | Back-up lights | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 25. | All other lighting to conform to D.O.T. specifications | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 26. | Factory installed heater-defroster combination | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 27. | Dual 12-volt 1,250 cranking amp batteries combined | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 28. | All chassis connections to be silicone weather sealed | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 29. | Battery disconnect switch | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

8000 CCA

INSTRUMENTATION

- | | | | | | |
|-----|---|-----|-------------------------------------|----|--------------------------|
| 30. | Low air pressure warning buzzer and light | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 31. | Oil pressure gauge | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 32. | Water temperature gauge | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 33. | Direct reading dual system air gauge | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

- 34. Amp meter/volt meter - either is acceptable Yes No
- 35. Fuel level gauge Yes No
- 36. Parking brake warning light Yes No
- 37. Speedometer/tachometer - combination acceptable Yes No
- 38. Hr-meter separate - Stewart Warner, Hobbs, electrically operated
Through engine oil pressure switch Yes No
- 39. Factory installed back-up alarm Yes No
- 40. Transmission temperature gauge Yes No
- 41. AM/FM radio Yes No

FUEL SYSTEM

- 42. 50-gallon tank with vandal-proof, lockable cap - hasp type Yes No
- 43. Fuel line to be Aeroquip Yes No

BRAKES AND AIR SYSTEMS

- 44. 18 cubic feet minimum air compressor with Teflon/stainless steel discharge line Yes No
- 45. Air brake S-cam front and rear to comply with federal regulations non-asbestos brake linings: Yes No

Brakes

- Front: Drum Brakes 16.5 x 7 Yes No
- Rear : Drum Brakes 16.5x 8.6 Yes No
- 46. Bendix AD-IP EP air dryer Yes No

EXHAUST SYSTEM

- 47. Exhaust system shall be mounted and extended in a vertical position and in accordance with body manufacturer's requirements Yes No

CAB

- 48. Ignition and door keys use Key Blank C-263 Yes No
- 49. Factory In-Dash Air with additional Red dot A/C condenser and evaporator. Yes No
- 50. Seat belts - all standard safety equipment as required by federal regulations *additional roof mount A/C* Yes No
- 51. Dual windshield wipers Yes No
- 52. Operators seat to be air-ride adjustable Yes No
- 53. Passenger, bench or bucket, no air-ride Yes No
- 54. Fabric driver seat Yes No
- 55. Insulation top, sides, doors and floor Yes No
- 56. Dual RV type Electric adjusted Mirrors. Yes No

57. Tinted glass Yes No
58. Cab to be white in color, DuPont Imrom, exclusive of bright or colored trim Yes No
59. Frame to be black Yes No
60. Cab and under-cab to be primarily metal, aluminum, steel, etc. Fiberglass portions not to exceed 20% of cab unit and in no manner will cab lift, supports or latching assembly be attached to or consist of fiberglass under cab. Engine area is to be insulated. Yes No

STEERING

61. Right hand drive Yes No
62. Power steering Yes No
63. Cab to provide equivalent operator room legs, hands, arms, body, etc., to operate vehicle as is, provided with Right hand steering with only D.O.T. Approved cab alterations Yes No

AXLES

64. Front axle Dana Spicer 18,000 pounds Yes No
65. Tandem rear axle Dana Spicer or Meritor 44,000 pounds Yes No
66. Rear suspension to be Hendrickson HMX 460 Yes No
67. 13,000 lb steerable tag axel Yes No

FRAME

68. 5/16" Steel frame Yes No
69. Minimum RBM 2.8 million pounds Yes No
70. Full frame Inerliner required Yes No
71. Two front tow hooks capable of towing truck when loaded Yes No
72. One (1) 24 or 36 inch under tool box installed on either side of chassis Yes No
73. Extended cab steps left hand and right hand for safer entry into cab Yes No
74. Packer manufacturer will specify wheel base required Yes No

WHEELS AND TIRES

Tires -

75. Rear: 11R 22.5 16 ply. Yes No
76. Front: 315 80 R22.5 20 ply. Yes No
77. Tag Axel 255 70r 22.5 Yes No

CAB AND CHASSIS

78. To be delivered to successful bidder of Packer Body. All components of this vehicle must be of current manufacture and model. Discontinued or obsolete not acceptable Yes No
79. Cab to be tilt-type cab-over with grab handles each side. Air, electric, hydraulic, or torsion bar or any combination. One-man operated acceptable. Yes No
80. Two sets of parts and service manuals to be furnished with equipment Yes No
81. Cab mounted front turn signals for easier repair or replacement Yes No
82. Extended cab steps left hand and right hand for safer entry into cab Yes No
83. Loaded truck must meet maximum weight standards Yes No
84. Packer manufacturer will specify wheel base required Yes No

PTO ARRANGEMENT

85. Truck supplier to be responsible for proper arrangements as required by body Yes No

TRUCK SCALES

86. Truck will have a scale mounted on the frame, and a monitor displayed in the Cab to show the driver of the weight of the truck of its cargo. This will allow the driver to watch his load without going overweight. Yes No

MINIMUM SPECIFICATIONS LOADER BODY AND COMPACTOR

(Check, if offered)

- | | | |
|-------------------------------------|-----|--|
| <input checked="" type="checkbox"/> | 1. | The compaction body shall have a nominal capacity of 30 cubic yards and 3 cubic yard hopper. |
| <input checked="" type="checkbox"/> | 2. | The compaction body will have a compatible area of at least 20.50 cubic yards, and receiving hopper shall be designed to handle 60 through 400 gallon containers. |
| <input checked="" type="checkbox"/> | 3. | Hopper floor ¼ Hardox 150,000 p.s.i. minimum yield, body floor 7 gauge 50,000 p.s.i. minimum yield. Hopper sides 3/16 Hardox 150,000 p.s.i. . Roof to be no less than 12 gauge steel. All body reinforcements to be channel steel or equal strength material. Compactor body welds to be continuous and leak proof. |
| <input checked="" type="checkbox"/> | 4. | Cylinders shall be constructed with threaded gland nuts with chevron-type packing or equal. Chrome plated rod working surface. All hydraulic rods shall have sufficient size and strength (p.s.i. yield) to perform the function for which they are intended. |
| <input checked="" type="checkbox"/> | 5. | Minimum payload capacity shall be no less than 15,000 pounds of normal domestic trash or refuse in regular service 80% of the time on City routes. |
| <input checked="" type="checkbox"/> | 6. | Compactor shall consist of a platen alternating in two directions in a circular path or compressing type using blade or platen in conjunction with two or more hydraulic cylinders or sweeping blade with self-cleaning hopper. |
| <input checked="" type="checkbox"/> | 7. | Compactor or loader portion shall be operated by electric or air controls so located in cab that operator may control all functions from the driver's seat. |
| <input checked="" type="checkbox"/> | 8. | Platen compaction will be continuous and automatic with cab mounted indicator, buzzer, light or both to indicate when compaction is complete. |
| <input checked="" type="checkbox"/> | 9. | Compaction by hydraulic cylinders will be indicated by hydraulic pressure gauge mounted on body. Back of rear window invisible to operator and will indicate pressure in pounds per square inch on compactor blade. |
| <input checked="" type="checkbox"/> | 10. | In normal operation packing displacement at 850, idle in gear. |
| <input checked="" type="checkbox"/> | 11. | Load shall be dumped with convenient controls from cab. Tailgate is to be unlatched, opened and latched hydraulically. |
| <input checked="" type="checkbox"/> | 12. | The hydraulic system will be consistent with normal system design. Hydraulic tank to have sight and temperature gauges installed in a position providing easy viewing from ground and allowing ready access for servicing. Tank to be installed on truck frame below packer body. Two hydraulic oil shut offs required, one each on inlet and outlet. System will have a reliable over pressure protection device, and cooling of hydraulic oil will be independent of all other cooling system if required. |
| <input checked="" type="checkbox"/> | 13. | Hydraulic system to be powered by transmission, driven through PTO operated pump and shall be equipped with hydraulic pressure gauge visible to the operator. |
| <input checked="" type="checkbox"/> | 14. | Hydraulic pump to mount integral to PTO |

(Check, if offered)

15. Loading equipment arm, etc., shall be mounted or installed on right side of truck chassis to be arranged to work efficiently with the hopper and body.
16. Body hopper shall have a hopper cover to prevent trash from blowing out, factory installed that will be operated from the cab of the truck.
17. Loading equipment shall be able to travel out a minimum of 48" from full retracted position to grasp containers and react by means of a hydraulic cylinder cushioned each direction.
18. Loading equipment shall have the ability to engage, raise, dump and set down containers with a gross weight of a minimum 1,500 pounds or greater. Loader will be equipped with all attachments or optional devices to pick up and dump 90 gallon, 100 gallon, and up to 400 gallon round plastic containers without the need to make changes to the grabbing mechanism.
19. Loading arms and equipment shall be of a design and type to properly grip and hold containers while avoiding container damage.
20. Loading equipment and engaging method shall be of a type approved by container manufacturers.
21. Sequencing and/or coordinating devices shall be incorporated into the system to assure the order of function with ability to be disengaged at operator command.
22. Body shall be suitably primer coated, and body to be white Dupont Imron or comparable finish.
23. Lights, direction signals, backup lights, loader arm lights, mud flaps, air horn and all other required accessories shall be furnished and shall be of a type approved by DOT requirements
24. Truck shall have a camera mounted on the tail gate and the monitor mounted in the cab of the truck..
25. Truck shall have a camera mounted on the hopper and the monitor mounted in the cab of the truck.
26. Truck shall have a camera mounted on the front cab body to view the left hand street side of truck.
27. Truck shall have right hand driver operation. Cab, if altered, shall be according to established safe standards and in no way shall lessen view or operation of vehicle.
28. Operator shall be provided a convenient view of container. In the grasping position, a one foot visibility clearance on each side of the container at every facet of lift and dump must be present in order for the operator to observe material that might flow from the container.
29. Successful bidder shall train at least one operator for a minimum of seven hours in the operation of equipment and shall instruct mechanic or mechanics in the regular servicing and repair of this machine.
30. Successful bidder shall maintain a staff of qualified personnel to be available during normal working hours to consult, diagnose and advise on maintenance problems and repairs and to furnish parts.

(Check, if offered)

31. Two sets of parts and service manuals are to be furnished with equipment.
32. Successful bidder shall state terms and length of warranty offered for all major components, i.e., compactor body parts, engine, transmission and basic vehicle. Successful bidder will be responsible for the entire machine, and all warranty, safety recall, or factory update work will be performed FOB Kingman. Work requiring machines to be removed to an area other than the City of Kingman Maintenance Facility will be at the expense of the bidder or the warranting vendor.
33. Successful bidder must demonstrate that the vehicle, loader and compactor will operate successfully after delivery on normal City of Kingman trash.

PAINTING

34. All weld slag, splatter or roughness shall be removed with the appropriate hand tools prior to priming the body. No sand, shot or glass air blasting shall be permitted to eliminate contamination and possible damage to bearings or pin surfaces and possible distortion of higher gauge sheet materials used on the body.
35. A phosphate wash to remove scale and oil residue shall be utilized to Improve adhesion of primer.
36. A primer coat shall be applied and force dried prior to finish top coat.
37. Finish top coat to be Dupont Imron 5000 which shall be applied to achieve a dry thickness of two and one-half (2 ½) mil and shall result in a finish of 3 ½ mil minimum thickness and up to 4 mil maximum finish.
Powder coat will be acceptable.

OPTIONS

38. Wig Wag Flashers installed in back of truck that can be operated by toggle switch from cab up front, that wont interfere with turn signals.
39. Strobe light mounted on back of tank that can be operated by toggle switch from cab up front
40. Litter lift shall be operated by electric or air controls so located in cab that operator may control all functions from the driver's seat with his left hand. Three levers , one for up and down, one for in and out, and one for grasping the container.

Rush Limited Warranty

LIMITED WARRANTY ON SERVICES. Rush warrants that all repair and maintenance services performed by Rush for a customer ("Services"), will be performed in a good and workmanlike manner ("Services Warranty"). The Services Warranty is valid for a period of ninety (90) days from the date the Service is completed. Customer's sole and exclusive remedy, and Rush's entire liability, under the Services Warranty is the repair of any nonconforming portion of the Services. RUSH PROVIDES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, CONCERNING ITS SERVICES. The Services Warranty is strictly limited to Services performed by Rush for customer. Rush does not warrant any services provided by any third-party. Any warranties are solely those that are provided by the third-party service provider.

NEW PRODUCTS – MANUFACTURER WARRANTIES ONLY. Any warranties on any new product(s) sold by Rush are limited only to any printed warranty provided by the applicable manufacturer of the product. EXCEPT FOR ANY SUCH WARRANTIES MADE BY MANUFACTURERS, THE PRODUCT(S) ARE SOLD WITHOUT ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, EACH OF WHICH IS EXPRESSLY DISCLAIMED.

USED PRODUCTS – NO WARRANTIES. All used product(s) sold by Rush are sold on an "AS IS, WHERE IS" basis, without any warranties by Rush. EXCEPT FOR ANY MANUFACTURERS' WARRANTIES THAT MAY STILL BE IN EFFECT, ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ARE EXPRESSLY DISCLAIMED.

MODEL
320



Peterbilt

A PACCAR COMPANY

MODEL 320

No other truck measures up to the harsh demands of the refuse industry like Peterbilt's rugged Model 320. Durable construction and high-quality materials result in a vehicle you can depend on for exceptional reliability. And if service is required, Peterbilt's superior parts and service support gets trucks back on their route quickly. The Model 320 is available in a full range of axle selections, FEPTO and REPTO provisions and multiple drive configurations for added versatility. Day after day, year after year, the Model 320 delivers outstanding Peterbilt quality, durability and value.

Peterbilt
A PACCAR COMPANY



A huckbolted aluminum cab features lap seam construction and bulkhead style doors on a zinc-coated, steel sub-frame for maximum durability and corrosion resistance. LED marker lights extend service intervals compared to incandescent lighting.



The Model 320 cab is available in left-hand, right-hand and dual-drive with right-hand stand up configurations.



The Model 320 is available in Compressed Natural Gas (CNG) or Liquefied Natural Gas (LNG) configurations with the Cummins ISL-G engine. Both provide flexibility for body companies to locate fuel tanks either off the frame rail or integrated with the body.



The Peterbilt Hybrid Hydraulic Launch Assist System for stop-and-go applications provides up to a 30% improvement in fuel efficiency, up to a 28% reduction in emissions and 3 to 4 times brake life improvement, as well as reduces noise.



An industry-leading 65° cab tilt provides technicians easy access to key service points for improved serviceability and reduced downtime.



A lightweight aluminum, fender-mounted battery box houses up to three batteries and is available with optional battery jumper posts and a disconnect switch underneath the box, saving up to 18" of frame space.



The Model 320 features an impressive 40° wheel cut, allowing drivers to easily maneuver in congested urban environments and tight city streets for maximum performance.



Peterbilt's 250+ dealer locations across North America provide convenient parts availability and superior service to ensure your vehicle is back in service as quickly as possible. Complimentary customer support is available 24/7, 365 days a year, by calling 1-800-4PETERBILT.

Inside and out, the Peterbilt Model 320 has a hard-earned reputation of performing the most demanding jobs with uncompromising durability and quality. For more information on the Model 320, contact your local Peterbilt dealer, or visit www.peterbilt.com.

SPECIFICATIONS

Model 320

Vocational

Engines	Cummins ISL G 320 HP	Cummins ISL 9 345 - 380 HP	Cummins ISX 11.9 310 - 395 HP
Transmissions	Fuller Manual 11, 13 Speed		Allison Automatic 4, 5, 6 Speed
Front Axle Rating	12,000 - 22,000 LBS		
Front Axle Steer Rating - Tandem	36,000 LBS		
Rear Axle Rating - Single	20,000 - 30,000 LBS		
Rear Axle Rating - Tandem	38,000 - 60,000 LBS		
Rear Axle Rating - Tandem	58,000 - 78,000 LBS		



**PACCAR
FINANCIAL**

PLEASE AND PACCAR FINANCIAL
PLANS TAILORED TO YOUR NEEDS.

FTE-967 5111 Printed in U.S.A.

FOR MORE INFORMATION, CALL 1-800-557-0074. BUCKLE-UP FOR SAFETY.



RECEIVED
AUG 27 2015

Alternate Bid



City of Kingman Public Works

3700 E ANDY DEVINE AVE • KINGMAN • ARIZONA • 86401 • (928)757-7467
www.ci.kingman.az.us

ADDENDUM # 1

CITY OF KINGMAN INVITATION TO BID ONE (1) EACH PACKER CAB, CHASSIS, BODY AND CONTAINER

The City of Kingman invites sealed bids for one (1) each packer cab, chassis, body and container lift. Sealed bids are to be submitted to the City of Kingman City Clerk's Office, 310 North 4th Street, Kingman, AZ 86401, by Tuesday September 8th 2015 at 10:00 a.m. Local Arizona Time. Bids will be opened at that time.

Detailed specifications and bidding packets may be obtained from the City of Kingman Sanitation Department Public Works Department office, 3700 E. Andy Devine, Kingman, AZ 86401, (928) 692-3102.

Bid will be awarded by action of the Common Council.

The City reserves the right to reject any and all bids.

CITY OF KINGMAN Sanitation Department INVITATION TO BID

PACKER CAB, CHASSIS, BODY AND CONTAINER LIFT

The City of Kingman invites sealed bids for the supply of one (1) each packer cab, chassis, body and container lift, in accordance with the provisions, specifications and bidding instructions set forth in this invitation for bids. Bids will be received by the City Clerk's office, 310 North 4th Street, Kingman, Arizona 86401, until 10:00 A. M. Local Arizona Time., Tuesday September 8th 2015. The bids will be opened and publicly read immediately thereafter in the City Council Chambers. Late bids will not be considered.

A printed copy of the bid tabulation will be available upon written request to: the Office of the City Clerk. Each written request must contain a self-addressed, stamped envelope and must reference the bid title and number. Bid tabulations will be posted and available for public viewing in the reception room of the office of the City Clerk for a period of 60 calendar days from the bid opening date.

"KINGMAN, HEART OF HISTORIC ROUTE 66"

received
AUG 17 2015



City of Kingman

310 NORTH FOURTH STREET • KINGMAN • ARIZONA • 86401 • 928 • 753-5561
www.ci.kingman.az.us

**CITY OF KINGMAN
INVITATION TO BID
ONE (1) EACH PACKER CAB, CHASSIS, BODY AND CONTAINER**

The City of Kingman invites sealed bids for one (1) each packer cab, chassis, body and container lift. Sealed bids are to be submitted to the City of Kingman City Clerk's Office, 310 North 4th Street, Kingman, AZ 86401, by Tuesday September 1st 2015 at 10:00 a.m. M.S.T. Bids will be opened at that time. Detailed specifications and bidding packets may be obtained from the City of Kingman Sanitation Department Public Works Department office, 3700 E. Andy Devine, Kingman, AZ 86401, (928) 692-3102.

Bid will be awarded by action of the Common Council.

The City reserves the right to reject any and all bids.

**CITY OF KINGMAN
Sanitation Department
INVITATION TO BID**

PACKER CAB, CHASSIS, BODY AND CONTAINER LIFT

The City of Kingman invites sealed bids for the supply of one (1) each packer cab, chassis, body and container lift, in accordance with the provisions, specifications and bidding instructions set forth in this invitation for bids. Bids will be received by the City Clerk's office, 310 North 4th Street, Kingman, Arizona 86401, **until 10:00 A. M. M.S.T., September 1st 2015.** The bids will be opened and publicly read immediately thereafter in the City Council Chambers. Late bids will not be considered.

A printed copy of the bid tabulation will be available upon written request to: the Office of the City Clerk. Each written request must contain a self-addressed, stamped envelope and must reference the bid title and number. Bid tabulations will be posted and available for public viewing in the reception room of the office of the City Clerk for a period of 60 calendar days from the bid opening date.

ADDITIONAL CONDITIONS OF PURCHASE

DELIVERY

Specified equipment to be delivered to the City of Kingman Public Works facility **SIX MONTHS AFTER PURCHASE ORDER HAS BEEN RECEIVED BY BIDDER.**

The successful bidder agrees that if they fail to deliver the specified equipment at the specified intervals, the successful bidder shall pay the City of Kingman liquidated damages in the sum of \$50.00 per day for each day and each occurrence after the final date for delivery, per sub-paragraph A. above, until all units and equipment have been delivered.

FOB POINT

Price quoted shall be FOB City of Kingman.

PRICE

All prices quoted shall be firm and fixed.

PROGRESS PAYMENTS

Progress payments are not authorized in this procurement.

METHOD OF PAYMENT

Vendor to submit invoice or signed delivery invoice for payment.

SCOPE

The specifications contained in the Submittal section of this bid are the established minimums for each piece of equipment. Bidders shall indicate in the offered column of the specifications any variances or exceptions taken.

Any references to brand names shall be construed to indicate the minimum quality and performance levels acceptable. Brands by other manufacturers shall be indicated and complete technical data for evaluation shall be included with the bid.

Specifications shall be returned with the bid submitted.

BID SUBMITTALS

In order to be considered, Bidder must complete and submit the attached bid forms to the City of Kingman City Clerk, 310 North 4th Street, Kingman, AZ 86401, by no later than the opening date and time cited on page one, paragraph one of this document . Please identify as a sealed bid.

Bids submitted as alternates, as "equals," or on the basis of exceptions to specific conditions of purchase and/or required specifications, must be submitted with an attachment referencing the specific paragraph numbers and adequately defining the exception submitted. Detailed product or service literature, suitable for evaluation, must be submitted with the bid. If no exceptions are taken, Bidder need only complete Bid Price Schedule below and City will expect and require complete compliance with the specifications and all Conditions of Purchase.

PACKER CAB, CHASSIS, BODY AND CONTAINER LIFT
FOR THE CITY OF KINGMAN
BID PRICE AND DELIVERY SCHEDULE

Note: Please do not include any sales or use tax in your bid. The City of Kingman will add as applicable.

MANUFACTURER AND MODEL: Peterbilt 320/McNeilus

QUANTITY: One

UNIT PRICE EXCLUDING TAX: \$ 247,676.00

TOTAL PRICE EXCLUDING TAX: \$ 247,676.00

DELIVERY - NUMBER OF CALENDAR DAYS: 180

WARRANTY

Bidder guarantees that the supplies/equipment offered shall be warranted as follows:

Please specify the vendor or dealership where warranty work will be done.

Vendor/Dealership information: _____

Name: Rush Truck Center - Phoenix

Street Address: 9600 W. Roosevelt St.

City, State, Zip: Tolleson, Arizona 85353

Telephone: 602-422-8100

CERTIFICATIONS: Chassis Warranty can also be performed at Rush Truck Center - Las Vegas, NV.

Bidder certifies it is a (check one):

Proprietorship:

Partnership:

Corporation:

Arizona Sales Tax No: 07-599669K

Arizona Use Tax No: 4 07-599669K

CERTIFICATE OF UNDERSTANDING

Bidder certifies that he/she has read, understands, and will fully and faithfully comply with this invitation for bid, its attachments, and any referenced documents. Bidder also certifies that the prices offered were independently developed without consultation with any of the other bidders or potential bidders.

Bidder's Legal Name: _____

Address: 9600 W. Roosevelt St. Tolleson, Az 85353

Telephone Number: 602-422-8100

FAX Number: 602-422-8175

Printed Name and Title: Chris Ryan - Regional Manager

Authorized Signature: 

Date: 9/2/2015

PACKER CAB, CHASSIS, BODY AND CONTAINER LIFT

Warranty:

Attach Warranty Details for both Chassis and Side load Body. Yes No

Successful bidder shall state terms and length of warranty offered for all Major components, i.e., compactor body parts. Successful bidder will be responsible for the entire Side-Load, Cab & Cassis. All warranty, safety recall, or factory update work will be performed FOB Kingman. Yes No
when possible

Demonstration & Service

Successful bidder must demonstrate that the Vehicle, & Side-Load will operate successfully after delivery on normal City of Kingman trash. Successful bidder shall maintain a staff of qualified personnel to be available during normal working hours to consult, diagnose and advise on maintenance problems and repairs and to furnish parts. Yes No

2-sets of parts and service manuals are to be furnished Yes No

PACKER CAB, CHASSIS, BODY AND CONTAINER LIFT

ENGINE

- | | | |
|--|---|-----------------------------|
| 1. 1,250 pound torque | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 2. 9.0 liter engine to be 370 HP or better | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 3. Variable speed governor | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 4. Local engine service within 50 mile radius | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 5. Air, oil, filter lines to be Aeroquip or equal | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 6. Fuel filter and water separator | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 7. Air pre-cleaner | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 8. Spin on engine oil filter | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 9. Dry type air cleaner - two-stage with inner protection element | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 10. Mounted filter condition indicator | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 11. Low oil pressure - high engine temperature shut down | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 12. Primary/secondary fuel filtration | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 13. Silicone hose package | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 14. Stone and gravel radiator guard | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 15. Manufacturer's cooling system to be capable of cooling engine under all operating conditions in ambient temperatures of 130° F | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 16. 2-Speed Fan clutch | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 19. Coolant recovery system - large capacity antifreeze coolant to -40° F | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

Ornaldson ECG

ELECTRICAL

- | | | |
|--|---|-----------------------------|
| 20. 130 Amp-brushless alternator | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 21. 12-volt starter 42 MT or equal | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 22. D.O.T. approved turn indicator | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 23. Cab light | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 24. Back-up lights | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 25. All other lighting to conform to D.O.T. specifications | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 26. Factory installed heater-defroster combination | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 27. Dual 12-volt 1,250 cranking amp batteries combined | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 28. All chassis connections to be silicone weather sealed | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 29. Battery disconnect switch | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

DOCO CCA

INSTRUMENTATION

- | | | |
|---|---|-----------------------------|
| 30. Low air pressure warning buzzer and light | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 31. Oil pressure gauge | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 32. Water temperature gauge | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 33. Direct reading dual system air gauge | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

- 34. Amp meter/volt meter - either is acceptable Yes No
- 35. Fuel level gauge Yes No
- 36. Parking brake warning light Yes No
- 37. Speedometer/tachometer - combination acceptable Yes No
- 38. Hr-meter separate - Stewart Warner, Hobbs, electrically operated
Through engine oil pressure switch Yes No
- 39. Factory installed back-up alarm Yes No
- 40. Transmission temperature gauge Yes No
- 41. AM/FM radio Yes No

FUEL SYSTEM

- 42. 50-gallon tank with vandal-proof, lockable cap - hasp type Yes No
- 43. Fuel line to be Aeroquip Yes No

BRAKES AND AIR SYSTEMS

- 44. 18 cubic feet minimum air compressor with Teflon/stainless steel discharge line Yes No
- 45. Air brake S-cam front and rear to comply with federal regulations non-asbestos brake linings: Yes No
- Brakes**
- Front: Drum Brakes 16.5 x 7 Yes No
- Rear : Drum Brakes 16.5x 8.6 Yes No
- 46. Bendix AD-IP EP air dryer Yes No

EXHAUST SYSTEM

- 47. Exhaust system shall be mounted and extended in a vertical position and in accordance with body manufacturer's requirements Yes No

CAB

- 48. Ignition and door keys use Key Blank C-263 Yes No
- 49. Factory In-Dash Air with additional Red dot A/C condenser and evaporator. Yes No
- 50. Seat belts - all standard safety equipment as required by federal regulations *additional roof mount A/C* Yes No
- 51. Dual windshield wipers Yes No
- 52. Operators seat to be air-ride adjustable Yes No
- 53. Passenger, bench or bucket, no air-ride Yes No
- 54. Fabric driver seat Yes No
- 55. Insulation top, sides, doors and floor Yes No
- 56. Dual RV type Electric adjusted Mirrors. Yes No

57. Tinted glass Yes No
58. Cab to be white in color, DuPont Imrom, exclusive of bright or colored trim Yes No
59. Frame to be black Yes No
60. Cab and under-cab to be primarily metal, aluminum, steel, etc. Fiberglass portions not to exceed 20% of cab unit and in no manner will cab lift, supports or latching assembly be attached to or consist of fiberglass under cab. Engine area is to be insulated. Yes No

STEERING

61. Right hand drive Yes No
62. Power steering Yes No
63. Cab to provide equivalent operator room legs, hands, arms, body, etc., to operate vehicle as is, provided with Right hand steering with only D.O.T. Approved cab alterations Yes No

AXLES

64. Front axle Dana Spicer 18,000 pounds Yes No
65. Tandem rear axle Dana Spicer or Meritor 44,000 pounds Yes No
66. Rear suspension to be Hendrickson HMX 460 Yes No
67. 13,000 lb steerable tag axel Yes No

FRAME

68. 5/16" Steel frame Yes No
69. Minimum RBM 2.8 million pounds Yes No
70. Full frame Inerliner required Yes No
71. Two front tow hooks capable of towing truck when loaded Yes No
72. One (1) 24 or 36 inch under tool box installed on either side of chassis Yes No
73. Extended cab steps left hand and right hand for safer entry into cab Yes No
74. Packer manufacturer will specify wheel base required Yes No

WHEELS AND TIRES

Tires -

75. Rear: 11R 22.5 16 ply. Yes No
76. Front: 315 80 R22.5 20 ply. Yes No
77. Tag Axle 255 70r 22.5 Yes No

CAB AND CHASSIS

78. To be delivered to successful bidder of Packer Body. All components of this vehicle must be of current manufacture and model. Discontinued or obsolete not acceptable Yes No
79. Cab to be tilt-type cab-over with grab handles each side. Air, electric, hydraulic, or torsion bar or any combination. One-man operated acceptable. Yes No
80. Two sets of parts and service manuals to be furnished with equipment Yes No
81. Cab mounted front turn signals for easier repair or replacement Yes No
82. Extended cab steps left hand and right hand for safer entry into cab Yes No
83. Loaded truck must meet maximum weight standards Yes No
84. Packer manufacturer will specify wheel base required Yes No

PTO ARRANGEMENT

85. Truck supplier to be responsible for proper arrangements as required by body Yes No

TRUCK SCALES

86. Truck will have a scale mounted on the frame, and a monitor displayed in the Cab to show the driver of the weight of the truck of its cargo. This will allow the driver to watch his load without going overweight. Yes No

MINIMUM SPECIFICATIONS LOADER BODY AND COMPACTOR

- (Check, if offered)
1. The compaction body shall have a nominal capacity of 30 cubic yards and 3 cubic yard hopper.
 2. The compaction body will have a compatible area of at least 20.50 cubic yards, and receiving hopper shall be designed to handle 60 through 400 gallon containers.
 3. Hopper floor ¼ Hardox 150,000 p.s.i. minimum yield, body floor 7 gauge 50,000 p.s.i. minimum yield. Hopper sides 3/16 Hardox 150,000 p.s.i. . Roof to be no less than 12 gauge steel. All body reinforcements to be channel steel or equal strength material. Compactor body welds to be continuous and leak proof.
See Attachment
 4. Cylinders shall be constructed with threaded gland nuts with chevron-type packing or equal. Chrome plated rod working surface. All hydraulic rods shall have sufficient size and strength (p.s.i. yield) to perform the function for which they are intended.
Exceeds
 5. Minimum payload capacity shall be no less than 15,000 pounds of normal domestic trash or refuse in regular service 80% of the time on City routes.
 6. Compactor shall consist of a platen alternating in two directions in a circular path or compressing type using blade or platen in conjunction with two or more hydraulic cylinders or sweeping blade with self-cleaning hopper.
 7. Compactor or loader portion shall be operated by electric or air controls so located in cab that operator may control all functions from the driver's seat.
 8. Platen compaction will be continuous and automatic with cab mounted indicator, buzzer, light or both to indicate when compaction is complete.
 9. Compaction by hydraulic cylinders will be indicated by hydraulic pressure gauge mounted on body. Back of rear window invisible to operator and will indicate pressure in pounds per square inch on compactor blade.
 10. In normal operation packing displacement at 850, idle in gear.
 11. Load shall be dumped with convenient controls from cab. Tailgate is to be unlatched, opened and latched hydraulically.
 12. The hydraulic system will be consistent with normal system design. Hydraulic tank to have sight and temperature gauges installed in a position providing easy viewing from ground and allowing ready access for servicing. Tank to be installed on truck frame below packer body. Two hydraulic oil shut offs required, one each on inlet and outlet. System will have a reliable over pressure protection device, and cooling of hydraulic oil will be independent of all other cooling system if required.
 13. Hydraulic system to be powered by transmission, driven through PTO operated pump and shall be equipped with hydraulic pressure gauge visible to the operator.
 14. Hydraulic pump to mount integral to PTO

(Check, if offered)

15. Loading equipment arm, etc., shall be mounted or installed on right side of truck chassis to be arranged to work efficiently with the hopper and body.
16. Body hopper shall have a hopper cover to prevent trash from blowing out, factory installed that will be operated from the cab of the truck.
17. Loading equipment shall be able to travel out a minimum of 48" from full retracted position to grasp containers and react by means of a hydraulic cylinder cushioned each direction.
18. Loading equipment shall have the ability to engage, raise, dump and set down containers with a gross weight of a minimum 1,500 pounds or greater. Loader will be equipped with all attachments or optional devices to pick up and dump 90 gallon, 100 gallon, and up to 400 gallon round plastic containers without the need to make changes to the grabbing mechanism.
19. Loading arms and equipment shall be of a design and type to properly grip and hold containers while avoiding container damage.
20. Loading equipment and engaging method shall be of a type approved by container manufacturers.
21. Sequencing and/or coordinating devices shall be incorporated into the system to assure the order of function with ability to be disengaged at operator command.
22. Body shall be suitably primer coated, and body to be white Dupont Imron or comparable finish.
23. Lights, direction signals, backup lights, loader arm lights, mud flaps, air horn and all other required accessories shall be furnished and shall be of a type approved by DOT requirements
24. Truck shall have a camera mounted on the tail gate and the monitor mounted in the cab of the truck..
25. Truck shall have a camera mounted on the hopper and the monitor mounted in the cab of the truck.
26. Truck shall have a camera mounted on the front cab body to view the left hand street side of truck.
27. Truck shall have right hand driver operation. Cab, if altered, shall be according to established safe standards and in no way shall lessen view or operation of vehicle.
28. Operator shall be provided a convenient view of container. In the grasping position, a one foot visibility clearance on each side of the container at every facet of lift and dump must be present in order for the operator to observe material that might flow from the container.
29. Successful bidder shall train at least one operator for a minimum of seven hours in the operation of equipment and shall instruct mechanic or mechanics in the regular servicing and repair of this machine.
30. Successful bidder shall maintain a staff of qualified personnel to be available during normal working hours to consult, diagnose and advise on maintenance problems and repairs and to furnish parts.

(Check, if offered)

31. Two sets of parts and service manuals are to be furnished with equipment.
32. Successful bidder shall state terms and length of warranty offered for all major components, i.e., compactor body parts, engine, transmission and basic vehicle. Successful bidder will be responsible for the entire machine, and all warranty, safety recall, or factory update work will be performed FOB Kingman. Work requiring machines to be removed to an area other than the City of Kingman Maintenance Facility will be at the expense of the bidder or the warranting vendor.
33. Successful bidder must demonstrate that the vehicle, loader and compactor will operate successfully after delivery on normal City of Kingman trash.

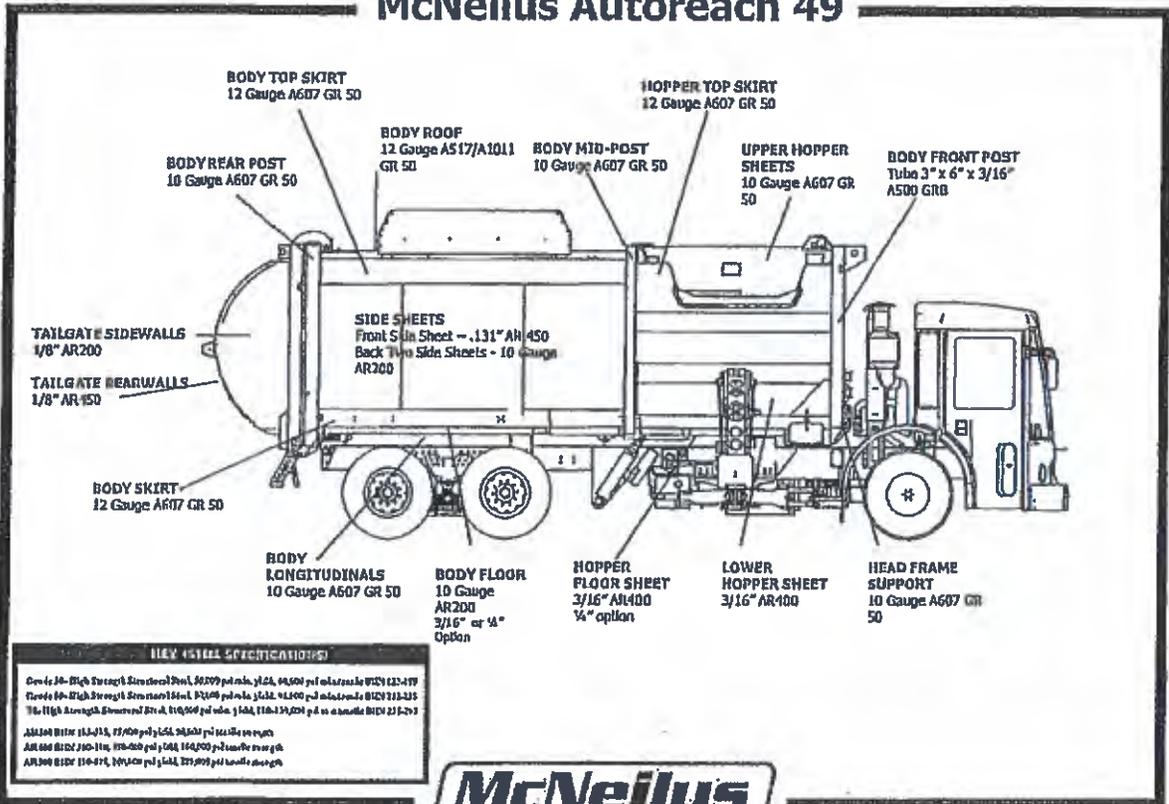
~~PAINTING~~

34. All weld slag, splatter or roughness shall be removed with the appropriate hand tools prior to priming the body. No sand, shot or glass air blasting shall be permitted to eliminate contamination and possible damage to bearings or pin surfaces and possible distortion of higher gauge sheet materials used on the body.
35. A phosphate wash to remove scale and oil residue shall be utilized to improve adhesion of primer.
36. A primer coat shall be applied and force dried prior to finish top coat.
37. Finish top coat to be Dupont Intron 5000 which shall be applied to achieve a dry thickness of two and one-half (2 1/2) mil and shall result in a finish of 3 1/4 mil minimum thickness and up to 4 mil maximum finish. Powder coat will be acceptable.

OPTIONS

38. Wig Wag Flashers installed in back of truck that can be operated by toggle switch from cab up front, that wont interfere with turn signals.
39. Strobe light mounted on back of tank that can be operated by toggle switch from cab up front
40. Litter lift shall be operated by electric or air controls so located in cab that operator may control all functions from the driver's seat with his left hand. Three levers , one for up and down, one for in and out, and one for grasping the container.
- Joystick

McNeilus Autoreach 49



McNeilus Truck Corporation Copyright

McNeilus
Street Smart. Street Tough.

AUTOREACH AUTOMATED SIDE LOADER®

Efficient. Highly maneuverable. The McNeilus® AutoReach Automated Side Loader® (ASL) grabs containers easily with its ALLCAN™ Grabber arm. A choice of 20-yard to 31-yard body sizes lets you select the capacity that's best for your specific application. Thanks to a tandem gear pump, all functions, including the packing arm, tailgate, and ALLCAN Grabber, can be operated at idle, minimizing noise levels and lowering fuel consumption. The McNeilus guarantee of unsurpassed quality is always here. It stands for superior engineering, top-quality components, and 24/7 parts and support through our 77 service facilities nationwide.



AUTOREACH AUTOMATED SIDE LOADER

McNeilus
Street Smart. Street Tough.

BODY SPECIFICATIONS

- Roof: 11-gauge AR200
- Side Walls, First Section Street Side: 1/8" AR450
- Side Walls, All other sections: 11-gauge AR200
- Body Longitudinal: 10-gauge GRD 50 high-strength steel (formed channel) with 3/16" doubler plates at hinge and lift stress points
- Front Body Crossmembers: 3/8" ASTM A500 GRD B tube and one 1/4" ASTM A500 GRD B tube
- Bolt-on Fender: 14-gauge ASTM A607 GRD 50 steel

TAILGATE

- Side and Rear Walls: 1/8" AR450
- Post and Bolsters (header and footer): 10-gauge ASTM A715 & A607 GRD 50 high-strength steel

HOPPER

- Lower Hopper Sides: LH side 3/16" AR200, RH side 10-gauge ASTM A607 GRD 50
- Upper Hopper Sides: 14-gauge ASTM A607 GRD 50 high-strength steel
- Hopper Floor Wear Area: 1/4" AR400
- Hopper Assist Panel: 3/16" AR200
- Hopper Ribs: 12-gauge GRD 50 high-strength steel
- Floor Support: 11-gauge ASTM A500 GRD B tubing, 10-gauge GRD 50 formed steel

PACKER

- Packing Face: 1/4" AR200
- Sides: 3/8" ASTM A572 GRD 50 high-strength steel
- Follower Panels (one section): 10-gauge ASTM A36 HR mild steel
- Support Frame: 10-gauge ASTM A36 HR mild steel
- Welded Structure: 3/8" GRD 50 steel
- Upper Packer Reinforcement Plates: 1/4" ASTM A572 GRD 50 steel
- Lower Packer Face Tube: 5"x 5"x 1/4" ASTM A500 steel

ARM

- Inner Arm: 5" x 7" x 1/4" rectangular tubing
- Outer Arm: 1/4" GRD 50 high-strength steel web, 1/2" GRD 50 high-strength steel outer plate
- Lifter Link Arm: 3/4" GRD 50 high-strength steel welded structure
- Arm Mounting Bracket: 1/2" GRD 50 high-strength steel (bolted to chassis)
- Grabber: 2-piece bolt on welded structure
inner section 3/8" & 1/4" GRD 50 high-strength steel
outer section 3/8" T-1

OPERATIONS

- Command Zone™ — R controls

HYDRAULICS

- Pump Make/Model: Parker Dual P350 with Pack-on-the-go flow control system
- Pump Size: 2-1/4" x 2"
- Pump Flow: 35 gpm @ 800 rpm
- Main Valve Assembly: Parker VA35, MRV setting — 2500 psi
- Arm Valve Assembly: Parker VA20, MRV setting — 2000 psi
- Oil Reservoir: 50 gallons
- Filter: Parker 40 CN, 100 mesh suction strainer

CYLINDERS

- Packer: 4-1/2" bore x 3" rod x 52-3/4" stroke
- Tailgate: 2-1/2" bore x 1-1/2" rod x 38" stroke
- Grabber: 2" bore x 1" rod x 6-1/4" stroke
- Reach: 3-1/2" bore x 2" rod x 14-3/4" stroke
- Lift: 3-1/2" bore x 2" rod x 17-8/9" stroke
- Swing: 2" bore x 1-1/4" rod x 9-3/25" stroke

HARDWARE

- Weather Pak and Deutsch connectors
- Aeroquip hoses and fittings
- Hydra-Zorb™ and Stauff clamps

MCNEILUS WARRANTIES

- Cylinders: 5-year limited warranty from date of delivery
- Hydraulic Pump and Valves: 2 years from date of delivery
- Packer Unit: 6 months from date of delivery

PAINTING

- Packer steel shot-blasted prior to priming with Akzo Coating's high-solids epoxy primer and acrylic urethane

OTHER OPTIONS AVAILABLE

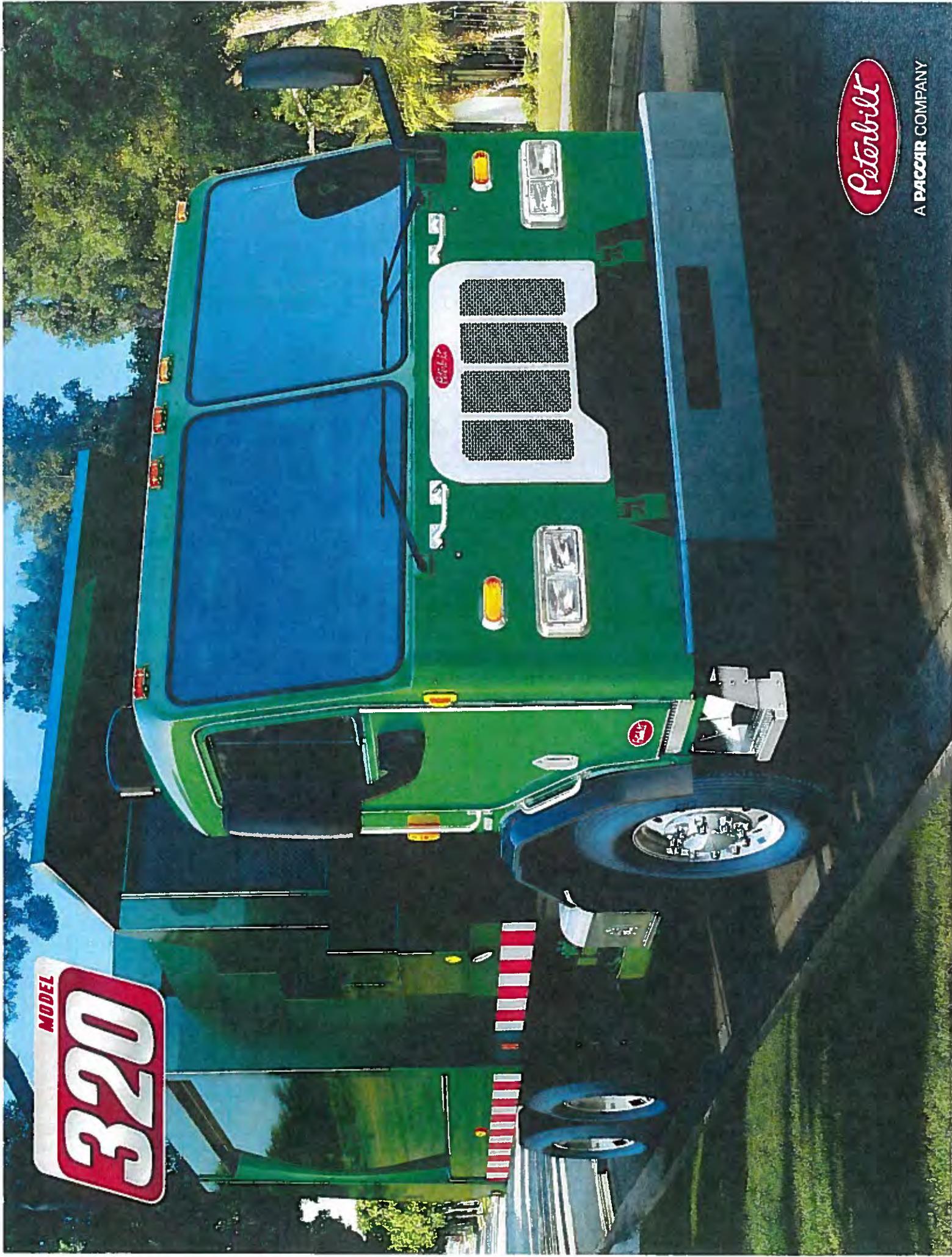
- Hopper work lights
- Strobe light
- Trapezoidal lights
- Camera-assist lights
- Peterson smart lights
- Clear coat
- Fire extinguisher/bracket
- Auxiliary axes (call for application)
- Camera systems — single, dual and triple
- Mud flaps — front and/or rear
- Decals (call for pricing)
- Plastic shovel
- Toolbox
- Paint colors

Rush Limited Warranty

LIMITED WARRANTY ON SERVICES. Rush warrants that all repair and maintenance services performed by Rush for a customer ("Services"), will be performed in a good and workmanlike manner ("Services Warranty"). The Services Warranty is valid for a period of ninety (90) days from the date the Service is completed. Customer's sole and exclusive remedy, and Rush's entire liability, under the Services Warranty is the repair of any nonconforming portion of the Services. RUSH PROVIDES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, CONCERNING ITS SERVICES. The Services Warranty is strictly limited to Services performed by Rush for customer. Rush does not warrant any services provided by any third-party. Any warranties are solely those that are provided by the third-party service provider.

NEW PRODUCTS – MANUFACTURER WARRANTIES ONLY. Any warranties on any new product(s) sold by Rush are limited only to any printed warranty provided by the applicable manufacturer of the product. EXCEPT FOR ANY SUCH WARRANTIES MADE BY MANUFACTURERS, THE PRODUCT(S) ARE SOLD WITHOUT ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, EACH OF WHICH IS EXPRESSLY DISCLAIMED.

USED PRODUCTS – NO WARRANTIES. All used product(s) sold by Rush are sold on an "AS IS, WHERE IS" basis, without any warranties by Rush. EXCEPT FOR ANY MANUFACTURERS' WARRANTIES THAT MAY STILL BE IN EFFECT, ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ARE EXPRESSLY DISCLAIMED.



Peterbilt

A PACCAR COMPANY

MODEL 320

No other truck measures up to the harsh demands of the refuse industry like Peterbilt's rugged Model 320. Durable construction and high-quality materials result in a vehicle you can depend on for exceptional reliability. And if service is required, Peterbilt's superior parts and service support gets trucks back on their route quickly. The Model 320 is available in a full range of axle selections, FEPTO and REPTO provisions and multiple drive configurations for added versatility. Day after day, year after year, the Model 320 delivers outstanding Peterbilt quality, durability and value.



A PACCAR COMPANY



A huckbolted aluminum cab features lap seam construction and bulkhead style doors on a zinc-coated, steel sub-frame for maximum durability and corrosion resistance. LED marker lights extend service intervals compared to incandescent lighting.



An industry-leading 65° cab tilt provides technicians easy access to key service points for improved serviceability and reduced downtime.



The Model 320 cab is available in left-hand, right-hand and dual drive with right hand stand up configurations.



A lightweight aluminum, fender-mounted battery box houses up to three batteries and is available with optional battery jumper posts and a disconnect switch underneath the box, saving up to 18" of frame space.



The Model 320 is available in Compressed Natural Gas (CNG) or Liquefied Natural Gas (LNG) configurations with the Cummins ISL-G engine. Both provide flexibility for body companies to locate fuel tanks either off the frame rail or integrated with the body.



The Model 320 features an impressive 40° wheel cut, allowing drivers to easily maneuver in congested urban environments and tight city streets for maximum performance.



The Peterbilt Hybrid Hydraulic Launch Assist System for stop-and-go applications provides up to a 30% improvement in fuel efficiency, up to a 28% reduction in emissions and 3 to 4 times brake life improvement, as well as reduces noise.



Peterbilt's 250+ dealer locations across North America provide convenient parts availability and superior service to ensure your vehicle is back in service as quickly as possible. Complimentary customer support is available 24/7, 365 days a year, by calling 1-800-4PETERBILT.

Inside and out, the Peterbilt Model 320 has a hard-earned reputation of performing the most demanding jobs with uncompromising durability and quality. For more information on the Model 320, contact your local Peterbilt dealer, or visit www.peterbilt.com.

SPECIFICATIONS

Model 320

Variational

Engines	Cummins ISL 320 HP	Cummins ISL 345 - 380 HP	Cummins ISX 11.9 310 - 395 HP
Transmissions	Federal Manual 10, 13 Speed		Allison Automatic 4, 5, 6 Speed
Front Axle Rating	12,000 - 22,000 LBS		
Front Axle Steer Rating - Tandem	36,000 LBS		
Rear Axle Rating - Single	20,000 - 30,000 LBS		
Rear Axle Rating - Tandem	38,000 - 60,000 LBS		
Rear Axle Rating - Tandem	58,000 - 78,000 LBS		



PACCAR FINANCIAL

PLEASE AND PACCAR FINANCIAL PLANS TAILORED TO YOUR NEEDS.

FTE-967 911, Pined h USA.

FOR MORE INFORMATION, CALL 1-800-552-0024. BUCCLE-UP FOR SAFETY.



PACKER CAB, CHASSIS, BODY AND CONTAINER LIFT
FOR THE CITY OF KINGMAN
BID PRICE AND DELIVERY SCHEDULE

Note: Please do not include any sales or use tax in your bid. The City of Kingman will add as applicable.

MANUFACTURER AND MODEL: Bridgeport Mfg.

QUANTITY: 1

UNIT PRICE EXCLUDING TAX: \$ 94,036.00

TOTAL PRICE EXCLUDING TAX: \$ 97,036.00

DELIVERY - NUMBER OF CALENDAR DAYS: CAD 90 DAYS

WARRANTY

Bidder guarantees that the supplies/equipment offered shall be warranted as follows:

Please specify the vendor or dealership where warranty work will be done.

Vendor/Dealership information: HAMBICKI'S TRUCK & CONTAINER SALES INC

Name: DUANE HAMBICKI

Street Address: 2630 W. BROADWAY ROAD

City, State, Zip: PHOENIX AZ 85041-2000

Telephone: 602 268 8708

CERTIFICATIONS:

Bidder certifies it is a (check one):

- Proprietorship:
- Partnership:
- Corporation:

Arizona Sales Tax No: 20476582

Arizona Use Tax No: 4 _____

CERTIFICATE OF UNDERSTANDING

Bidder certifies that he/she has read, understands, and will fully and faithfully comply with this invitation for bid, its attachments, and any referenced documents. Bidder also certifies that the prices offered were independently developed without consultation with any of the other bidders or potential bidders.

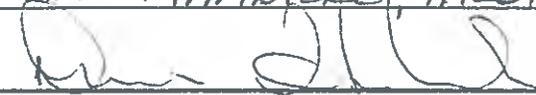
Bidder's Legal Name: HAMBICKI'S TRUCK & CONTAINER SALES, INC

Address: 2630 W. BROADWAY RD, PHOENIX AZ 85041-2000

Telephone Number: 602 268 8708

FAX Number: 602 276 4552

Printed Name and Title: DVANE HAMBICKI, PRESIDENT

Authorized Signature: 

Date: 09-04-2015

PACKER CAB, CHASSIS, BODY AND CONTAINER LIFT

Warranty:

Attach Warranty Details for both Chassis and Side load Body. Yes No

Successful bidder shall state terms and length of warranty offered for all Major components, i.e., compactor body parts. Successful bidder will be responsible for the entire Side-Load, Cab & Cassis. All warranty, safety recall, or factory update work will be performed FOB Kingman. Yes No

Demonstration & Service

Successful bidder must demonstrate that the Vehicle, & Side-Load will operate successfully after delivery on normal City of Kingman trash. Successful bidder shall maintain a staff of qualified personnel to be available during normal working hours to consult, diagnose and advise on maintenance problems and repairs and to furnish parts. Yes No

2-sets of parts and service manuals are to be furnished Yes No

PACKER CAB, CHASSIS, BODY AND CONTAINER LIFT

ENGINE

- | | | |
|---|-----------|----------|
| 1. 1,250 pound torque | Yes _____ | No _____ |
| 2. 9.0 liter engine to be 370 HP or better | Yes _____ | No _____ |
| 3. Variable speed governor | Yes _____ | No _____ |
| 4. Local engine service within 50 mile radius | Yes _____ | No _____ |
| 5. Air, oil, filter lines to be Aeroquip or equal | Yes _____ | No _____ |
| 6. Fuel filter and water separator | Yes _____ | No _____ |
| 7. Air pre-cleaner | Yes _____ | No _____ |
| 8. Spin on engine oil filter | Yes _____ | No _____ |
| 9. Dry type air cleaner - two-stage with inner protection element | Yes _____ | No _____ |
| 10. Mounted filter condition indicator | Yes _____ | No _____ |
| 11. Low oil pressure - high engine temperature shut down | Yes _____ | No _____ |
| 12. Primary/secondary fuel filtration | Yes _____ | No _____ |
| 13. Silicone hose package | Yes _____ | No _____ |
| 14. Stone and gravel radiator guard | Yes _____ | No _____ |
| 15. Manufacturer's cooling system to be capable of cooling engine under all operating conditions in ambient temperatures of 130 ° F | Yes _____ | No _____ |
| 16. 2-Speed Fan clutch | Yes _____ | No _____ |
| 17. Coolant recovery system - large capacity antifreeze coolant to -40 ° F | Yes _____ | No _____ |

ELECTRICAL

- | | | |
|--|-----------|----------|
| 20. 130 Amp-brushless alternator | Yes _____ | No _____ |
| 21. 12-volt starter 42 MT or equal | Yes _____ | No _____ |
| 22. D.O.T. approved turn indicator | Yes _____ | No _____ |
| 23. Cab light | Yes _____ | No _____ |
| 24. Back-up lights | Yes _____ | No _____ |
| 25. All other lighting to conform to D.O.T. specifications | Yes _____ | No _____ |
| 26. Factory installed heater-defroster combination | Yes _____ | No _____ |
| 27. Dual 12-volt 1,250 cranking amp batteries combined | Yes _____ | No _____ |
| 28. All chassis connections to be silicone weather sealed | Yes _____ | No _____ |
| 29. Battery disconnect switch | Yes _____ | No _____ |

INSTRUMENTATION

- | | | |
|---|-----------|----------|
| 30. Low air pressure warning buzzer and light | Yes _____ | No _____ |
| 31. Oil pressure gauge | Yes _____ | No _____ |
| 32. Water temperature gauge | Yes _____ | No _____ |
| 33. Direct reading dual system air gauge | Yes _____ | No _____ |

- 34. Amp meter/volt meter - either is acceptable Yes _____ No _____
- 35. Fuel level gauge Yes _____ No _____
- 36. Parking brake warning light Yes _____ No _____
- 37. Speedometer/tachometer - combination acceptable Yes _____ No _____
- 38. Hr-meter separate - Stewart Warner, Hobbs, electrically operated
Through engine oil pressure switch Yes _____ No _____
- 39. Factory installed back-up alarm Yes _____ No _____
- 40. Transmission temperature gauge Yes _____ No _____
- 41. AM/FM radio Yes _____ No _____

FUEL SYSTEM

- 42. 50-gallon tank with vandal-proof, lockable cap - hasp type Yes _____ No _____
- 43. Fuel line to be Aeroquip Yes _____ No _____

BRAKES AND AIR SYSTEMS

- 44. 18 cubic feet minimum air compressor with Teflon/stainless steel
discharge line Yes _____ No _____
- 45. Air brake S-cam front and rear to comply with federal regulations
non-asbestos brake linings: Yes _____ No _____

Brakes

- Front: Drum Brakes 16.5 x 7 Yes _____ No _____
- Rear : Drum Brakes 16.5x 8.6 Yes _____ No _____
- 46. Bendix AD-IP EP air dryer Yes _____ No _____

EXHAUST SYSTEM

- 47. Exhaust system shall be mounted and extended in a vertical position
and in accordance with body manufacturer's requirements Yes _____ No _____

CAB

- 48. Ignition and door keys use Key Blank C-263 Yes _____ No _____
- 49. Factory In-Dash Air with additional Red dot A/C condenser and evaporator.
Yes _____ No _____
- 50. Seat belts - all standard safety equipment as required by federal
regulations Yes _____ No _____
- 51. Dual windshield wipers Yes _____ No _____
- 52. Operators seat to be air-ride adjustable Yes _____ No _____
- 53. Passenger, bench or bucket, no air-ride Yes _____ No _____
- 54. Fabric driver seat Yes _____ No _____
- 55. Insulation top, sides, doors and floor Yes _____ No _____
- 56. Dual RV type Electric adjusted Mirrors. Yes _____ No _____

57. Tinted glass Yes _____ No _____
58. Cab to be white in color. DuPont Imrom. exclusive of bright or colored trim Yes _____ No _____
59. Frame to be black Yes _____ No _____
60. Cab and under-cab to be primarily metal. aluminum. steel, etc. Fiberglass portions not to exceed 20% of cab unit and in no manner will cab lift, supports or latching assembly be attached to or consist of fiberglass under cab. Engine area is to be insulated. Yes _____ No _____

STEERING

61. Right hand drive Yes _____ No _____
62. Power steering Yes _____ No _____
63. Cab to provide equivalent operator room legs, hands, arms, body, etc.. to operate vehicle as is, provided with Right hand steering with only D.O.T. Approved cab alterations Yes _____ No _____

AXLES

64. Front axle Dana Spicer 18,000 pounds Yes _____ No _____
65. Tandem rear axle Dana Spicer or Meritor 44,000 pounds Yes _____ No _____
66. Rear suspension to be Hendrickson HMX 460 Yes _____ No _____
67. 13,000 lb steerable tag axel Yes _____ No _____

FRAME

68. 5/16" Steel frame Yes _____ No _____
69. Minimum RBM 2.8 million pounds Yes _____ No _____
70. Full frame Inerliner required Yes _____ No _____
71. Two front tow hooks capable of towing truck when loaded Yes _____ No _____
72. One (1) 24 or 36 inch under tool box installed on either side of chassis Yes _____ No _____
73. Extended cab steps left hand and right hand for safer entry into cab Yes _____ No _____
74. Packer manufacturer will specify wheel base required Yes X No _____

WHEELS AND TIRES

Tires -

75. Rear: 11R 22.5 16 ply. Yes _____ No _____
76. Front: 315 80 R22.5 20 ply. Yes _____ No _____
77. Tag Axel 255 70r 22.5 Yes _____ No _____

CAB AND CHASSIS

- 78. To be delivered to successful bidder of Packer Body. All components of this vehicle must be of current manufacture and model. Discontinued or obsolete not acceptable Yes _____ No _____
- 79. Cab to be tilt-type cab-over with grab handles each side. Air, electric, hydraulic, or torsion bar or any combination. One-man operated acceptable. Yes _____ No _____
- 80. Two sets of parts and service manuals to be furnished with equipment Yes _____ No _____
- 81. Cab mounted front turn signals for easier repair or replacement Yes _____ No _____
- 82. Extended cab steps left hand and right hand for safer entry into cab Yes _____ No _____
- 83. Loaded truck must meet maximum weight standards Yes _____ No _____
- 84. Packer manufacturer will specify wheel base required Yes X No _____

PTO ARRANGEMENT

- 85. Truck supplier to be responsible for proper arrangements as required by body Yes X No _____

TRUCK SCALES

- 86. Truck will have a scale mounted on the frame, and a monitor displayed in the Cab to show the driver of the weight of the truck of its cargo. This will allow the driver to watch his load without going overweight. Yes X No _____

MINIMUM SPECIFICATIONS LOADER BODY AND COMPACTOR

- (Check, if offered)
- | | | |
|----------------|-----|--|
| <u> </u> X | 1. | The compaction body shall have a nominal capacity of 30 cubic yards and 3 cubic yard hopper. |
| <u> </u> X | 2. | The compaction body will have a compatible area of at least 20.50 cubic yards, and receiving hopper shall be designed to handle 60 through 400 gallon containers. |
| <u> </u> X | 3. | Hopper floor ¼ Hardox 150,000 p.s.i. minimum yield, body floor 7 gauge 50,000 p.s.i. minimum yield. Hopper sides 3/16 Hardox 150,000 p.s.i. . Roof to be no less than 12 gauge steel. All body reinforcements to be channel steel or equal strength material. Compactor body welds to be continuous and leak proof. |
| <u> </u> X | 4. | Cylinders shall be constructed with threaded gland nuts with chevron-type packing or equal. Chrome plated rod working surface. All hydraulic rods shall have sufficient size and strength (p.s.i. yield) to perform the function for which they are intended. |
| <u> </u> X | 5. | Minimum payload capacity shall be no less than 15,000 pounds of normal domestic trash or refuse in regular service 80% of the time on City routes. |
| Take Exception | 6. | Compactor shall consist of a platen alternating in two directions in a circular path or compressing type using blade or platen in conjunction with two or more hydraulic cylinders or sweeping blade with self-cleaning hopper. |
| <u> </u> X | 7. | Compactor or loader portion shall be operated by electric or air controls so located in cab that operator may control all functions from the driver's seat. |
| <u> </u> X | 8. | Platen compaction will be continuous and automatic with cab mounted indicator, buzzer, light or both to indicate when compaction is complete. |
| <u> </u> X | 9. | Compaction by hydraulic cylinders will be indicated by hydraulic pressure gauge mounted on body. Back of rear window invisible to operator and will indicate pressure in pounds per square inch on compactor blade. |
| <u> </u> X | 10. | In normal operation packing displacement at 850. idle in gear. |
| <u> </u> X | 11. | Load shall be dumped with convenient controls from cab. Tailgate is to be unlatched, opened and latched hydraulically. |
| <u> </u> X | 12. | The hydraulic system will be consistent with normal system design. Hydraulic tank to have sight and temperature gauges installed in a position providing easy viewing from ground and allowing ready access for servicing. Tank to be installed on truck frame below packer body. Two hydraulic oil shut offs required. one each on inlet and outlet. System will have a reliable over pressure protection device, and cooling of hydraulic oil will be independent of all other cooling system if required. |
| <u> </u> X | 13. | Hydraulic system to be powered by transmission, driven through PTO operated pump and shall be equipped with hydraulic pressure gauge visible to the operator. |
| <u> </u> X | 14. | Hydraulic pump to mount integral to PTO |

(Check, if offered)

- X 15. Loading equipment arm, etc.. shall be mounted or installed on right side of truck chassis to be arranged to work efficiently with the hopper and body.
- X 16. Body hopper shall have a hopper cover to prevent trash from blowing out. factory installed that will be operated from the cab of the truck.
- X 17. Loading equipment shall be able to travel out a minimum of 48" from full retracted position to grasp containers and react by means of a hydraulic cylinder cushioned each direction.
- X 18. Loading equipment shall have the ability to engage, raise, dump and set down containers with a gross weight of a minimum 1,500 pounds or greater. Loader will be equipped with all attachments or optional devices to pick up and dump 90 gallon, 100 gallon, and up to 400 gallon round plastic containers without the need to make changes to the grabbing mechanism.
- X 19. Loading arms and equipment shall be of a design and type to properly grip and hold containers while avoiding container damage.
- X 20. Loading equipment and engaging method shall be of a type approved by container manufacturers.
- X 21. Sequencing and/or coordinating devices shall be incorporated into the system to assure the order of function with ability to be disengaged at operator command.
- X 22. Body shall be suitably primer coated, and body to be white Dupont Imron or comparable finish.
- X 23. Lights, direction signals, backup lights, loader arm lights, mud flaps, air horn and all other required accessories shall be furnished and shall be of a type approved by DOT requirements
- X 24. Truck shall have a camera mounted on the tail gate and the monitor mounted in the cab of the truck..
- X 25. Truck shall have a camera mounted on the hopper and the monitor mounted in the cab of the truck.
- X 26. Truck shall have a camera mounted on the front cab body to view the left hand street side of truck.
- X 27. Truck shall have right hand driver operation. Cab, if altered, shall be according to established safe standards and in no way shall lessen view or operation of vehicle.
- X 28. Operator shall be provided a convenient view of container. In the grasping position, a one foot visibility clearance on each side of the container at every facet of lift and dump must be present in order for the operator to observe material that might flow from the container.
- X 29. Successful bidder shall train at least one operator for a minimum of seven hours in the operation of equipment and shall instruct mechanic or mechanics in the regular servicing and repair of this machine.
- X 30. Successful bidder shall maintain a staff of qualified personnel to be available during normal working hours to consult, diagnose and advise on maintenance problems and repairs and to furnish parts.

(Check, if offered)

- X 31. Two sets of parts and service manuals are to be furnished with equipment.
- X 32. Successful bidder shall state terms and length of warranty offered for all major components. i.e., compactor body parts, engine, transmission and basic vehicle. Successful bidder will be responsible for the entire machine, and all warranty, safety recall, or factory update work will be performed FOB Kingman. Work requiring machines to be removed to an area other than the City of Kingman Maintenance Facility will be at the expense of the bidder or the warranting vendor.
- X 33. Successful bidder must demonstrate that the vehicle, loader and compactor will operate successfully after delivery on normal City of Kingman trash.

PAINTING

- X 34. All weld slag, splatter or roughness shall be removed with the appropriate hand tools prior to priming the body. No sand, shot or glass air blasting shall be permitted to eliminate contamination and possible damage to bearings or pin surfaces and possible distortion of higher gauge sheet materials used on the body.
- X 35. A phosphate wash to remove scale and oil residue shall be utilized to improve adhesion of primer.
- X 36. A primer coat shall be applied and force dried prior to finish top coat.
- X 37. Finish top coat to be Dupont Imron 5000 which shall be applied to achieve a dry thickness of two and one-half (2 ½) mil and shall result in a finish of 3 ½ mil minimum thickness and up to 4 mil maximum finish. Powder coat will be acceptable.

OPTIONS

- X 38. Wig Wag Flashers installed in back of truck that can be operated by toggle switch from cab up front, that wont interfere with turn signals.
- X 39. Strobe light mounted on back of tank that can be operated by toggle switch from cab up front
- X 40. Litter lift shall be operated by electric or air controls so located in cab that operator may control all functions from the driver's seat with his left hand. Three levers , one for up and down. one for in and out, and one for grasping the container.



City of Kingman Public Works

3700 E. ANDY DIVINE AVE • KINGMAN • ARIZONA • 86401 • (928) 757-7467
www.ci.kingman.az.us

ADDENDUM # 1 TO BID SPECIFICATIONS DATED 9-21-15

The following matters regarding the Bid Specifications are addressed by this Addendum #1 and should be addressed by all bidders.

The Sealed Bid opening has been moved to

Tuesday September 8th 2015 at 10:00 A.M.

Sealed bids are to be submitted to the City of Kingman City Clerk's Office, 310 North 4th Street, Kingman, AZ 86401, by Tuesday September 8th 2015 at 10:00 a.m. Local Arizona Time. Bids will be opened at that time.



QUOTE

Number AAAQ3026

Date Sep 4, 2015

2630 W. Broadway Road, Phoenix, AZ 85041
 t. 1 800-552-2648 f. 602-276-4552

Sold To

City of Kingman Public Works Maintena
 City Clerk's Office
 310 North 4th Street
 Kingman, AZ 86401

Ship To

City of Kingman Public Works Maintena
 City Clerk's Office
 To be Provided
 Kingman, AZ 86401

Your Sales Rep

Frank Hambicki Jr

Phone (928) 753-5561
 Fax

Phone

Terms

50% Down, Bal Prior to Ship

P.O. Number

Ship Via

Best Way

Qty	Description	Unit Price	Ext. Price
1	<p>30 Cu Yd Ranger Automated Side Loader Complete with all standard equipment including: Front Mount Pump or Hot Shift PTO LED Lights-Strobe Light-Strobe Array-Work Lights-Floodlights Self-Locking Tailgate w/Waterproof Seal & Props Hopper Fold Down Door w/Latch Hopper Cleanout Doors w/Cart removal Tool Hoist & Body Props Hoist & Tailgate Safety Valve AR-400 Transitional Floor Liner 96" Reach Arm w/Belt or Pad Style Grips Joystick & Rocker Switch Arm Controls</p> <p>With the following Options: 300 Gallon Cart Capacity w/Cart Selector Switch Arm Alarm Clean Out Tools & Mounted Holder Fire Extinguisher-20lb Floor Liner Hopper Cover-Hydraulic Outside Controls Three Camera System Hopper, Tailgate, Front Left Corner of Chassis Tool Box 24"x36"x18" Frame Mounted Low Oil Sensor, High Heat Sensor 3.5 Dump Cylinder 8 Hours Training Options no Included Truck Scales Furnished and Installed by Dealer</p> <p>Additional for Vulcan Scale: Option 28 for Lifiable Tag Axle \$4124.00 Option 29 for Lifiable Tag Axle \$3406.00 Option 30 for Lifiable Tag Axle \$3406.00 Scale Empty Weight & Calibration before Delivery \$200.00 6-Cell Body Scale, V320S Meter \$9904.80</p>	\$94,036.00	\$94,036.00

Qty	Description	Unit Price	Ext. Price
1	Freight Charges	\$3,000.00	\$3,000.00
SubTotal			\$97,036.00
Tax			\$0.00
Shipping			\$0.00
Total			\$97,036.00



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council
FROM: Chief Robert J. DeVries
MEETING DATE: October 6, 2015
AGENDA SUBJECT: Fiscal Year 2015 bulletproof vest partnership grant award

SUMMARY:

The Kingman Police Department was awarded a Bureau of Justice Assistance (BJA) grant award. The grant award is for \$4,784.42 under the Fiscal Year (FY) 2015 Bulletproof Vest Partnership (BVP) solicitation.

The grant allows for the purchase new and replacement ballistic vests for police officers.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

Staff recommends accepting the grant award and authorizing the Kingman Police Department to expend the funds for ballistic vests.

ATTACHMENTS:

Description

Notification of Bureau of Justice assistance 2015 grant award

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	9/18/2015 - 1:52 PM
City Attorney	Cooper, Carl	Approved	9/23/2015 - 1:25 PM
City Manager	Dougherty, John	Approved	9/30/2015 - 12:56 PM



Section Status > Current Status > Application Details

OMB #1121-0235
(Expires: 10/31/2016)

1. Registration

- 1.1 [Agency Information](#)
- 1.2 [Agency Contacts](#)

2. Application

- 2.1 [Application Profile](#)
- 2.2 [Manage Application](#)
- 2.3 [Review Application](#)
- 2.4 [Submit Application](#)
- 2.5 [Mandatory Wear Policy](#)

3. Payment

- 3.1 [Bank Information](#)
- 3.2 [Print Bank Form](#)
- 3.3 [Manage Receipts](#)
- 3.4 [Payment Request](#)
- 3.5 [Payment History](#)

4. Status

- 4.1 [Current Status](#)
- 4.2 [LEA Status](#)
- 4.3 [Application History](#)

5. Personal Information

- 5.1 [User Profile](#)
- 5.2 [Change Password](#)

Application Profile

Participant	KINGMAN CITY
Fiscal Year	2015
Number of Agencies Applied	0
Total Number of Officers for Application	56
Number of Officers on Approved Sub-Applications	56
<u>Unspent BVP Funds Remaining</u>	\$16,839.75
Unspent BVP Funds <u>Obligated</u> for Vest Purchases	\$16,839.75

Sub-Application Profile

Fiscal Year	2015
<u>Vest Replacement Cycle</u>	5
Number of Officers	56
Zylon Replacement	0
<u>Emergency Replacement Needs</u> Stolen or Damaged Officer Turnover	0

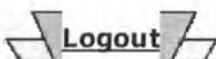
Application Details

NIJ#	Quantity	Unit Price	Extended Cost	Tax Shipping and Handling	Total Cost
AXIIIA	10	\$976.07	\$9,760.70	\$39.30	\$9,800.00
Grand Totals	10		\$9,760.70	\$39.30	\$9,800.00

Award Summary for FY2015 Regular Fund

Funds Type	Eligible Amount	Award	Date Approved	Status
Regular Fund	\$9,800.00	\$4,784.42	08/11/15	Approved by BVP
Grand Totals:	\$9,800.00	\$4,784.42		

[Return](#)



BVP HELP DESK
(Toll-Free 1-877-758-3787)



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Sydney Muhle, City Clerk

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Request from Turf Paradise to renew its off-track pari-mutuel wagering license/permit for Cerbat Hills Sports Bar & Grill

SUMMARY:

David Johnson, Vice President of Turf Paradise, is requesting approval to renew the Turf Paradise off-track pari-mutuel wagering license/permit for Cerbat Hills Sports Bar & Grill, located at 3631 Stockton Hill Road. Turf Paradise is currently in the process of renewing its permit to operate additional wagering facilities with the Arizona Department of Racing. The term of the permit applied for is from June 1, 2015 through May 31, 2018.

FISCAL IMPACT:

None.

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description

Letter from Turf Paradise

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	9/18/2015 - 12:27 PM
City Attorney	Cooper, Carl	Approved	9/23/2015 - 2:21 PM
City Manager	Dougherty, John	Approved	9/30/2015 - 1:02 PM

Turf Paradise

August 4, 2015

**Sydney Muhle
City Clerk
City of Kingman
310 North Fourth Street
Kingman, AZ. 86401**

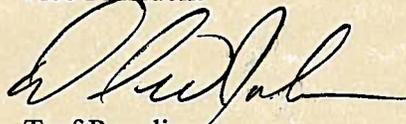
Dear Sidney,

Turf Paradise is hereby requesting to renew its Off-track Pari-mutuel Wagering license/permit for Cerbat Hills Sports Bar & Grill, located at 3631 Stockton Hill Road., Kingman, Arizona. Turf Paradise is currently in the process of renewing its Permit to Operate Additional Wagering Facilities with the Arizona Department of Racing. The term of the permit applied for is from June 1, 2015 through May 31, 2018. Therefore, we ask that the term of the license for Cerbat Hills Sports Bar & Grill be valid until that date. A copy of the Permit to Operate Additional Wagering Facilities will be forwarded to you upon receipt.

**Applicant: David Johnson, Agent
Cerbat Hills Sports Bar & Grill
3631 Stockton Hill Road
Kingman, AZ. 86401**

Thank you for your attention to this matter. If you have any questions or concerns please contact me at (602) 375-6431.

David Johnson
Vice President



Turf Paradise





**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council
FROM: City Clerk
MEETING DATE: October 6, 2015
AGENDA SUBJECT: Liquor license sampling privileges application

SUMMARY:

Applicant Clare Hollie Abel of Wal-Mart Supercenter #2051 has applied for Sampling Privileges for an existing Series 9 Liquor License at 3396 Stockton Hill Road.

FISCAL IMPACT:

STAFF RECOMMENDATION:

Approve the sampling privileges application.

ATTACHMENTS:

Description

First page of Liquor License application

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Rejected	9/24/2015 - 8:13 PM
City Clerk	Roper, Erin	Approved	9/28/2015 - 6:53 PM
City Manager	Dougherty, John	Approved	9/30/2015 - 12:57 PM
City Attorney	Cooper, Carl	Approved	9/30/2015 - 1:14 PM
City Manager	Dougherty, John	Approved	9/30/2015 - 1:05 PM

State of Arizona
Department of Liquor Licenses and Control

COPY

800 W. Washington 5th Floor
Phoenix, Arizona 85007
(602) 542-5141

Sampling Privileges Form

- Liquor Store (series 9)
- Beer and Wine Store (series 10)

Applicant's Name: Clare Hollie Abel (check one) Owner Agent

Mailing Address: Dept. 8916; 702 SW 8th Street, Bentonville AR Benton 72716 0500
Street Address or P.O. Box City State County Zip Code

Business Phone Number: (928) 692-0555 Email: chabel@bcattorneys.com

Business Name: Wal-Mart Supercenter #2051 Current License #: 09080018

Physical Location of Business:

3396 Stockton Hill Road Kingman AZ Mohave 86409
Street Address City State County Zip Code

I, Clare Hollie Abel, understand that, upon approval, sampling privileges for the liquor license identified above will require compliance with the following:

Initial Here

- CHA 1. the premises shall contain at least five thousand square feet to be eligible for sampling privileges for Beer and Wine Store (series 10) applicants only (A.R.S. §4-206.01(J)).
- CHA 2. Any open product shall be kept locked by the licensee when the sampling area is not staffed.
- CHA 3. The licensee is otherwise subject to all other provisions of this title. The licensee is liable for any violation of this title committed in connection with the sampling.
- CHA 4. The licensed retailer shall make sales of sampled products from the licensed retail premises.
- CHA 5. The licensee shall not charge any customer for the sampling of any products.
- CHA 6. The sampling shall be conducted under the supervision of an employee of a sponsoring distiller, vintner, brewer, wholesaler or retail licensee.
- CHA 7. Accurate records of sampling products dispensed shall be retained by the licensee.
- CHA 8. Sampling shall be limited to three ounces of beer or cooler-type products, one and one-half ounce of wine and one ounce of distilled spirits per person, per brand, per day.
- CHA 9. The sampling shall be conducted only on the licensed premises.
- CHA 10. Upon approval of this form, a license for a liquor store with sampling privileges (series 9S) or a beer and wine store with sampling privileges (series 10S) will be issued and mailed to the licensee's address of record. The license must be displayed in a conspicuous public area of the licensed premises that is readily accessible for inspection by any peace officer, distributor, wholesaler or member of the public. (A.R.S. §4-261.01)

15 AUG 21 11:41 AM 1056



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Engineering Services

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Consideration of Resolution 4973 for a City owned sewer payback

SUMMARY:

The City installed a sewer line with 3 manholes and service stub outs on Lovin Avenue from approximately 37 feet west of Washington Street to Eastern Street. The City designed the sewer line and Freiday Construction completed the work. The construction was accepted on September 14, 2015 under project ENG14-090. The City Utility Regulations allow paybacks for water and sewer lines constructed by the City. The proposed payback agreement in Resolution 4973 is based on actual costs expended by the City for both design and construction. The only design cost is for ADEQ review fees. The costs are proportioned out along Lovin Avenue based on the frontage of adjacent properties. The term of the payback will be twenty years from the date of acceptance. The payback will be collected as adjacent properties connect to the sewer.

FISCAL IMPACT:

Funds collected from this sewer payback will be returned to the Wastewater Expansion Fund.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 4973.

ATTACHMENTS:

Description

Resolution 4973

Resolution 4973 Exhibit A

REVIEWERS:

Department	Reviewer	Action	Date
Engineering	Henry, Greg	Approved	9/28/2015 - 2:26 PM
City Attorney	Cooper, Carl	Approved	9/29/2015 - 11:20 AM
City Manager	Dougherty, John	Approved	9/30/2015 - 12:53 PM

When Recorded Return to:

Kingman City Clerk
310 N. 4th Street
Kingman, AZ 86401
#S-258

SEWER LINE PAYBACK

**CITY OF KINGMAN, ARIZONA
RESOLUTION NO. 4973**

**A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY
OF KINGMAN, ARIZONA; DECLARING THE CITY'S INTENT TO COLLECT
PAYBACKS FOR AN 8-INCH SEWER LINE AND APPURTENANCES ON LOVIN
AVENUE FROM WASHINGTON STREET TO EASTERN STREET.**

WHEREAS, Article IX, Section 9.1 of the Municipal Utilities Regulations allows to City to establish and collect paybacks for water and/or sewer projects constructed by the City, and;

WHEREAS, Article IX, Section 9.1 of the Municipal Utilities Regulations requires the calculations for paybacks to be made based upon the adjacent properties pro-rata share of the line, and;

WHEREAS, the City of Kingman did install, at its sole expense, an eight inch sewer main with three manholes and other appurtenances along Lovin Avenue from approximately 37 feet west of Washington Street to Eastern Street under Project No. ENG14-090 for a total cost of \$63,546.55 which includes both design and construction costs, and;

WHEREAS, information on the properties affected by this payback, the costs of the sewer line, and calculations of the payback amounts based upon the property frontage are available as called out on the attached Exhibit "A", and;

WHEREAS, the monies collected from this payback will go into the Wastewater Expansion Fund.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Kingman hereby declares:

1. It is the City's intention that lots or parcels which connect to this sewer line within twenty (20) years from September 14, 2015 shall pay to the City a proportionate share of the original costs, as determined by the Municipal Utility Regulations, and as outlined on Exhibit "A". A list of the properties affected is attached hereto as Exhibit "A".
2. The City shall collect the amount due in accordance with the Municipal Utility Regulations and deposit the money into the Wastewater Expansion Fund.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona, on October 6, 2015.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

EXHIBIT A

PAYBACK #: S-258
Term: 20 Years

City of Kingman File #: ENG14-090
Approval Date: 9/14/2015

Project Description: Installation of approximately 634 LF of 8 inch PVC gravity sewer line with 3 manholes and other related appurtenances on Lovin Avenue.

Engineering Costs

Vendor	Invoice #	Invoice Amount
ADEQ	N/A	\$ 1,000.00
	Total	\$ 1,000.00

Construction Costs

Vendor	Invoice #	Invoice Amount
Freiday Construction, Inc.	1	\$ 6,799.24
Freiday Construction, Inc.	2	\$ 39,189.96
Freiday Construction, Inc.	3	\$ 37,697.17
Less non-sewer construction items		\$ (21,139.78)
Less sewer services		\$ (14,517.71)
	Total	\$ 48,028.88

Grand Total \$ **49,028.88**

Total Front Footage: 1,114.20 LF
Cost Per Lineal Front Foot: \$ 44.0037 per LF

Installing Party

City of Kingman
310 N. 4th Street
Kingman, AZ 86401

EXHIBIT A

PAYBACK #: S-258

Assessor Parcel #	Block	Lot	Cost per Lineal Front Foot	Frontage L.F.	Frontage Cost	Sewer Service Cost	Total Payback
311-10-178A ¹	67	1,2 & Parcel 19	\$ 44.0037	57.0	\$ 2,508.21	\$ 806.54	\$ 3,314.75
311-10-157D ²	64	25,26,27 & P. 18	\$ 44.0037	63.7	\$ 2,803.03	\$ 806.54	\$ 3,609.57
311-10-178B	67	3 &4	\$ 44.0037	50.0	\$ 2,200.18	\$ 806.54	\$ 3,006.72
311-10-157F ³	64	27,28 & 29	\$ 44.0037	63.7	\$ 2,803.03	\$ 806.54	\$ 3,609.57
311-10-179	67	5,6,7 & 8	\$ 44.0037	100.0	\$ 4,400.37	\$ 806.54	\$ 5,206.91
311-10-157E ⁴	64	29,30,31 & 32	\$ 44.0037	63.7	\$ 2,803.03	\$ 806.54	\$ 3,609.57
311-10-157C ⁵	64	32,33 &34	\$ 44.0037	63.7	\$ 2,803.03	\$ 806.54	\$ 3,609.57
311-10-180A	67	9,10 & 11	\$ 44.0037	75.0	\$ 3,300.27	\$ 806.54	\$ 4,106.81
311-10-158 ⁶	64	34, 35 & 36	\$ 44.0037	52.3	\$ 2,301.39	\$ 806.54	\$ 3,107.93
311-10-180B	67	12,13 & 14	\$ 44.0037	75.0	\$ 3,300.27	\$ 806.54	\$ 4,106.81
311-10-156G	64	37 & 38	\$ 44.0037	50.0	\$ 2,200.18	\$ 806.54	\$ 3,006.72
311-10-156H	64	39 & 40	\$ 44.0037	50.0	\$ 2,200.18	\$ 806.54	\$ 3,006.72
311-10-181C	67	17,18, E 2/3 19	\$ 44.0037	66.7	\$ 2,935.04	\$ 806.54	\$ 3,741.58
311-10-181D	67	W 1/3 19,20,21, E 1/3 22	\$ 44.0037	66.7	\$ 2,935.04	\$ 806.54	\$ 3,741.58
311-10-156K	64	43 & 44	\$ 44.0037	50.0	\$ 2,200.18	\$ 806.54	\$ 3,006.72
311-10-156L	64	45 & 46	\$ 44.0037	50.0	\$ 2,200.18	\$ 806.54	\$ 3,006.72
311-10-181E	67	W 2/3 22, 23,24	\$ 44.0037	66.7	\$ 2,935.04	\$ 806.54	\$ 3,741.58
311-10-156M	64	47 & 48	\$ 44.0037	50.0	\$ 2,200.18	\$ 806.54	\$ 3,006.72

¹Legal descripton for this parcel includes Parcel 19 as described in Fee# 9112404 Mohave County Records.

²Legal description for this parcel includes Parcel 18 and a portion of Lot 27 as described in Fee# 2012047789 Mohave County Records.

³Legal description for this parcel includes portions of Lots 27 and 29 as described in Fee# 2003016041 Mohave County Records.

⁴Legal description for this parcel includes a portion of Lot 29 as described in Fee# 2005109265 Mohave County Records.

⁵Legal description for this parcel includes portions of Lots 32 and 33 as described in Fee# 2008054067 Mohave County Records.

⁶ Also includes Assessor Parcel 311-10-157B which includes a portion of Lot 34 as described in Fee# 2008002220 Mohave County Records.



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council
FROM: Engineering Services
MEETING DATE: October 6, 2015
AGENDA SUBJECT: Consideration of Resolution 4974 for a City owned sewer payback

SUMMARY:

The City installed a sewer line with 4 manholes and service stub outs on Colorado Avenue from approximately 350 feet west of Washington Street to Eastern Street. The City designed the sewer line and Freiday Construction completed the work. The construction was accepted on September 14, 2015 under project ENG14-091. The City Utility Regulations allow paybacks for water and sewer lines constructed by the City. The proposed payback agreement in Resolution 4974 is based on actual costs expended by the City for both design and construction. The only design cost is for ADEQ review fees. The costs are proportioned out along Colorado Avenue based on the frontage of adjacent properties. The term of the payback will be twenty years from the date of acceptance. The payback will be collected as adjacent properties connect to the sewer.

FISCAL IMPACT:

Funds collected from this sewer payback will be returned to the Wastewater Expansion Fund.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 4974

ATTACHMENTS:

Description
Resolution 4974
Resolution 4974 Exhibit A

REVIEWERS:

Department	Reviewer	Action	Date
Engineering	Henry, Greg	Approved	9/28/2015 - 2:29 PM
City Attorney	Cooper, Carl	Approved	9/29/2015 - 11:23 AM
City Manager	Dougherty, John	Approved	9/30/2015 - 12:54 PM

When Recorded Return to:

Kingman City Clerk
310 N. 4th Street
Kingman, AZ 86401
#S-259

SEWER LINE PAYBACK

**CITY OF KINGMAN, ARIZONA
RESOLUTION NO. 4974**

A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA; DECLARING THE CITY'S INTENT TO COLLECT PAYBACKS FOR AN 8-INCH SEWER LINE AND APPURTENANCES ON COLORADO AVENUE FROM APPROXIMATELY 350 FEET WEST OF WASHINGTON STREET TO EASTERN STREET.

WHEREAS, Article IX, Section 9.1 of the Municipal Utilities Regulations allows to City to establish and collect paybacks for water and/or sewer projects constructed by the City, and;

WHEREAS, Article IX, Section 9.1 of the Municipal Utilities Regulations requires the calculations for paybacks to be made based upon the adjacent properties pro-rata share of the line, and;

WHEREAS, the City of Kingman did install, at its sole expense, an eight inch sewer main with four manholes and other appurtenances along Colorado Avenue from approximately 350 feet west of Washington Street to Eastern Street under Project No. ENG14-091 for a total cost of \$77,171.71 which includes both design and construction costs, and;

WHEREAS, information on the properties affected by this payback, the costs of the sewer line, and calculations of the payback amounts based upon the property frontage are available as called out on the attached Exhibit "A", and;

WHEREAS, the monies collected from this payback will go into the Wastewater Expansion Fund.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Kingman hereby declares:

1. It is the City's intention that lots or parcels which connect to this sewer line within twenty (20) years from September 14, 2015 shall pay to the City a proportionate share of the original costs, as determined by the Municipal Utility Regulations, and as outlined on Exhibit "A". A list of the properties affected is attached hereto as Exhibit "A".
2. The City shall collect the amount due in accordance with the Municipal Utility Regulations and deposit the money into the Wastewater Expansion Fund.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona, on October 6, 2015.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

EXHIBIT A

PAYBACK #: S-259
Term: 20 Years

City of Kingman File #: ENG14-091
Approval Date: 9/14/2015

Project Description: Installation of approximately 984 LF of 8 inch PVC gravity sewer line with 4 manholes and other related appurtenances on Colorado Avenue.

Engineering Costs

<u>Vendor</u>	<u>Invoice #</u>	<u>Invoice Amount</u>
ADEQ	N/A	\$ 1,000.00
	Total	\$ 1,000.00

Construction Costs

<u>Vendor</u>	<u>Invoice #</u>	<u>Invoice Amount</u>
Freiday Construction, Inc.	1	\$ 8,572.61
Freiday Construction, Inc.	2	\$ 68,960.74
Less non-sewer construction items		\$ (1,361.61)
Less sewer services		\$ (20,486.11)
	Total	\$ 55,685.63

Grand Total \$ **56,685.63**

Total Front Footage: 1,851.00 LF
Cost Per Lineal Front Foot: \$ 30.6243 per LF

Installing Party

City of Kingman
310 N. 4th Street
Kingman, AZ 86401

EXHIBIT A

PAYBACK #: S-259

Assessor Parcel #	Block	Lot	Cost per Lineal Front Foot	Frontage L.F.	Frontage Cost	Sewer Service Cost	Total Payback
311-11-007E ¹	70	1,2,3 & 4	\$ 30.6243	108.0	\$ 3,307.43	\$ 806.54	\$ 4,113.97
311-10-182B ²	67	25-27 & P. 20	\$ 30.6243	83.0	\$ 2,541.82	\$ 806.54	\$ 3,348.36
311-10-182A	67	28,29 & 30	\$ 30.6243	75.0	\$ 2,296.82	\$ 806.54	\$ 3,103.36
311-11-002	70	5,6,7 & 8	\$ 30.6243	100.0	\$ 3,062.43	\$ 806.54	\$ 3,868.97
311-10-180C	67	31,32 & 33	\$ 30.6243	75.0	\$ 2,296.82	\$ 806.54	\$ 3,103.36
311-11-003	70	9,10,11 & 12	\$ 30.6243	100.0	\$ 3,062.43	\$ 806.54	\$ 3,868.97
311-10-180D	67	34,35 & 36	\$ 30.6243	75.0	\$ 2,296.82	\$ 806.54	\$ 3,103.36
311-11-004	70	13,14,15 & 16	\$ 30.6243	100.0	\$ 3,062.43	\$ 806.54	\$ 3,868.97
311-10-183	67	37 & 38	\$ 30.6243	50.0	\$ 1,531.22	\$ 806.54	\$ 2,337.76
311-10-184C ³	67	39,40 & 41	\$ 30.6243	60.0	\$ 1,837.46	\$ 806.54	\$ 2,644.00
311-11-005	70	17,18 & 19	\$ 30.6243	75.0	\$ 2,296.82	\$ 806.54	\$ 3,103.36
311-10-184B	67	42,43 & 44	\$ 30.6243	75.0	\$ 2,296.82	\$ 806.54	\$ 3,103.36
311-10-185	67	45,46,47 & 48	\$ 30.6243	100.0	\$ 3,062.43	\$ 806.54	\$ 3,868.97
311-11-006	70	20,21,22,23 & 24	\$ 30.6243	125.0	\$ 3,828.04	\$ 806.54	\$ 4,634.58
311-11-014F	71	1,2 & 3	\$ 30.6243	75.0	\$ 2,296.82	\$ 806.54	\$ 3,103.36
311-10-186K	68	25,26 & 27	\$ 30.6243	75.0	\$ 2,296.82	\$ 806.54	\$ 3,103.36
311-11-014K	71	4 & 5	\$ 30.6243	50.0	\$ 1,531.22	\$ 806.54	\$ 2,337.76
311-10-186L	68	28 & 29	\$ 30.6243	50.0	\$ 1,531.22	\$ 806.54	\$ 2,337.76
311-11-014E	71	6,7 & 8	\$ 30.6243	75.0	\$ 2,296.82	\$ 806.54	\$ 3,103.36
311-10-186H	68	30 & 31	\$ 30.6243	50.0	\$ 1,531.22	\$ 806.54	\$ 2,337.76
311-10-186N	68	32,33 & 34	\$ 30.6243	75.0	\$ 2,296.82	\$ 806.54	\$ 3,103.36
311-11-014D	71	9,10 & 11	\$ 30.6243	75.0	\$ 2,296.82	\$ 806.54	\$ 3,103.36
311-10-186E	68	35,36 & 37	\$ 30.6243	75.0	\$ 2,296.82	\$ 806.54	\$ 3,103.36
311-11-014B ⁴	71	12,13 & 14	\$ 30.6243	50.0	\$ 1,531.22	\$ 967.85	\$ 2,499.07
311-11-014G	71	15,16 & 17	\$ 30.6243	0.0	\$ -	\$ 967.85	\$ 967.85

¹Legal descripton for this parcel excludes the south 18.20' as described in Fee# 2005119295 Mohave County Records.

²Legal description for this parcel includes Parcel 20 as described in Fee# 2009020442 Mohave County Records.

³Legal description for this parcel excludes the east 15' of Lot 39 as described in Fee# 2005144712 Mohave County Records.

⁴Payback splits lot, there is an existing payback for the remaining frontage.

⁵Sewer service only, there is an existing payback for the sewer main.



CITY OF KINGMAN COMMUNICATION TO COUNCIL

TO: Honorable Mayor and Common Council

FROM: Engineering Services

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Resolution 4975 - Consideration of Intergovernmental Agreement between the City of Kingman and the Mohave County Flood Control District for mapping and hydrology studies with FEMA CTP grant funding

SUMMARY:

The Federal Emergency Management Agency (FEMA) Cooperating Technical Partners (CTP) grant program provides federal funding to local agencies to conduct various technical activities and studies to improve flood protection and flood hazard mapping for the community. The CTP grant requires the community to match 25 percent of the cost. FEMA has requested that Mohave County Flood Control District manage the CTP grant funding and CTP grant administration for all CTP grants within Mohave County.

City staff has identified and prioritized mapping needs and hydrology/hydraulic studies that would best help mitigate flood hazards and improve the management of flood prone areas within the City. Based on these needs, City staff has been working with Mohave County Flood Control District, the engineering firm of JE Fuller Hydrology and Geomorphology, Inc. and FEMA to refine a scope of work and negotiate the costs to perform these tasks that would meet the criteria necessary to obtain CTP grant funding. The proposed work using CTP grant funding will include the topographical mapping of approximately 97 square miles, FLO-2D software modeling of 74 square miles of watershed impacting the City, development of non-regulatory flood mapping showing depth of flow within the City limits for a given rainfall event and completing a Technical Study Data Notebook to revise the floodplain limits for the previous improvements completed near Airway Avenue and Yavapai Drive. The last large topographical mapping of the City was completed in 2000 with 2 foot contours. This project will map the entire City Water Service Boundary (61 square miles) at 1 foot contour giving a higher level of detail and the remainder of the new mapping will be east of and outside of the Water Service Boundary at 2 foot contours. The mapping and hydrological studies will assist City staff and end users in planning for and evaluating drainage hazards and will provide the necessary data for the update to the City Master Drainage Plan.

The total cost of the mapping and studies will be \$220,000 of which \$20,000 is mapping work requested by and will be paid for by the Mohave County Flood Control District. The remaining project cost of \$200,000 are for mapping and studies requested by the City. The 25% percent City matching for \$200,000 is \$50,000. The remaining 75% of the cost (\$150,000) will be paid by the FEMA CTP grant. Mohave County Flood Control District agreed to administer the project and CTP grant with a 5% fee (\$10,000) of the project cost to cover its expenses. Mohave County Flood Control District has prepared an Intergovernmental Agreement between the City of Kingman and the Mohave County Flood Control District to allow the Mohave County Flood Control District to administer and manage the CTP grant on the City's behalf and in compliance with FEMA's request.

FISCAL IMPACT:

The 25% City matching for the grant and the 5% Mohave County Flood Control District administration Fee will total \$60,000. The Flood Control Budget identifies \$500,000 in Flood Control Funds for Update of the City Master Drainage plan.

STAFF RECOMMENDATION:

It is recommended Resolution No. 4975, approving the IGA between the City of Kingman and the Mohave County Flood Control District and authorizing the Mayor to execute the agreement on behalf of the City, be approved.

ATTACHMENTS:

Description

Resolution 4975

Intergovernmental Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Engineering	Marbury, Frank	Approved	9/30/2015 - 11:28 AM
City Attorney	Cooper, Carl	Approved	9/30/2015 - 12:16 PM
City Manager	Dougherty, John	Approved	9/30/2015 - 1:03 PM

CITY OF KINGMAN

RESOLUTION NO. 4975

A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF KINGMAN AND THE MOHAVE COUNTY FLOOD CONTROL DISTRICT

WHEREAS, City of Kingman, Arizona, is a political subdivision of the State of Arizona, (hereinafter the “City”) as prescribed within the Arizona Constitution, Article XIII, Section 1; and

WHEREAS, the State of Arizona has, in Arizona Revised Statutes (“A.R.S.”) Title 9, Chapter 1, Article 2, Section 9-137, authorized the City Council (the “Council”) to do that which is necessary to carry out its functions; and

WHEREAS, A.R.S. Title 11, Chapter 7, Article 3, Section 11-951, *et seq.*, authorizes the joint exercise of powers between the City and another political subdivision, including the Mohave County Flood Control District, a political subdivision of the State of Arizona, (the “District”) where it will further the public interest; and

WHEREAS, the Council desires to enter into the attached Intergovernmental Agreement (the “IGA”) with the District for the administration and management of the Federal Emergency Management Cooperating Technical Partners (“CTP”) Grant for topographical mapping, hydraulic modeling of watersheds and flood risk mapping within the City as described in the IGA; and

WHEREAS, the City is empowered by reasons including without limitation A.R.S. Title 9, Chapter 1, Article 2, Section 9-137 and Title 11, Chapter 7, Article 3, Section 11-952 and to enter into the IGA; and

NOW THEREFORE, BE IT RESOLVED the City Council hereby approves the attached IGA with the District pertaining to the administration and management of the CTP grant for the mapping and hydraulic modeling projects described therein; and,

BE IT FURTHER RESOLVED, the City Council authorizes the City Mayor, as its representative, to execute the IGA on behalf of the City; and

BE IT ALSO FURTHER RESOLVED, that the terms of this Resolution including the approval of the Agreement shall be effective immediately upon it being fully executed and recorded in the official records of the Mohave County Recorder.

PASSED, AND ADOPTED, by the Mayor and Common Council, of the City of Kingman, Arizona, this 6th day of October, 2015.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

**INTERGOVERNMENTAL AGREEMENT BETWEEN
MOHAVE COUNTY FLOOD CONTROL DISTRICT AND CITY OF KINGMAN
TO FACILITATE FEMA COOPERATING TECHNICAL PARTNERS (“CTP”) GRANT
FUNDING FOR FEDERAL FISCAL YEAR 2015-16**

This Intergovernmental Agreement (“Agreement”) for cooperative FEMA CTP grant management is entered into, effective this ____ day of _____, 2015 between the Mohave County Flood Control District (“District”), a political subdivision of the State of Arizona, and City of Kingman (“City”), an Arizona municipal corporation.

WHEREAS, the District and City are authorized to enter into cooperative agreements for the performance of governmental functions pursuant to A.R.S. § 48-3603.9; and

WHEREAS, the District administers the Federal Emergency Management Agency (“**FEMA**”) Regulations under the National Flood Insurance Program pursuant to A.R.S. § 48-3602; and

WHEREAS, the District participates in the FEMA National Flood Insurance Program (“NFIP”) CTP program; and

WHEREAS, FEMA requested that Mohave County administer CTP grant funding for all jurisdictions in the County; and

WHEREAS, the City requests that the District administer the CTP grant; and

WHEREAS, the District has applied for and received CTP grant funding for projects both in Mohave County and the City; and

WHEREAS, both the District and City find this cooperative agreement beneficial to the health and welfare of residents of Mohave County and the City of Kingman.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, including consideration of the mutual promises, terms and conditions hereinafter set forth, the Parties agree as follows:

1. **COMMENCEMENT, DURATION AND TERMINATION.** This Agreement shall become effective upon approval by both, the Mohave County Board of Supervisors and the Mayor and City Council of the City of Kingman. Performance under this Agreement shall commence following the effective date and it shall continue in full force and effect until the completion of the Project, unless earlier terminated as provided hereinafter. This Agreement shall terminate of its own accord upon the satisfactory completion of all its terms and conditions. Neither Party shall terminate this Agreement without good cause.

This Agreement may be cancelled in accordance with A.R.S. §38-511.

2. **PURPOSE.** This Agreement benefits the health and welfare of the residents of Mohave County and the City and provides valuable topographic and hydrologic data to both the District and the City for floodplain management and mitigation.

3. **RESPONSIBILITIES.** The Parties’ responsibilities are as follows:

3.1 **District.** The District shall:

3.1.1 Manage the grant funding and grant administration for the Kingman Flood Risk Study and LOMR 2015-16 CTP Grant Project.

3.1.2 Provide administrative assistance for the grant cycle to include financial and project reporting to FEMA for the Kingman Flood Risk Study and LOMR 2015-16 CTP Grant Project.

3.1.3 Accept the Kingman Flood Risk Study and LOMR lump sum project costs as follows:

Task	Fee Estimate
Project Management	\$6,000
Develop Topographic Data	\$113,000
Develop Hydrologic and Hydraulic Data	\$53,000
Development of Non-Regulatory Flood Risk Products	\$28,000
Perform Floodplain Mapping (LOMR Application)	\$20,000
Total	\$220,000

3.1.4 Receive, review and pay all invoices associated with Kingman Flood Risk Study and LOMR Project, provided that the project remains within CTP budget limits.

3.1.5 Upon execution of this Agreement, and prior to performing or authorizing any work, invoice the City for an administrative fee to total 5% of the total Kingman Flood Risk Study and LOMR project cost of \$220,000.00* to equal **\$10,000.00** and the FEMA required 25% matching fund amount of **\$50,000.00** for a total City share of **\$60,000.00** for the Kingman Flood Risk Study and LOMR Project. *Mohave County Flood Control will be matching \$20,000 for additional scoped LIDAR in Unincorporated Areas of Mohave County.

3.2 **City.** The City shall:

3.2.1 Within 30 days of receipt of an invoice from the County and prior to authorizing any work, remit to the District, the City’s share of funds for the cost of the project to total **\$60,000.00**.

3.2.2 Manage the Kingman Flood Risk Study and LOMR Project to include consultant work, deliverables, project review and invoice review and approval prior to forwarding invoices to the District for review and payment.

3.2.3 Provide quarterly progress reports to the District for Federal Financial Reporting on December 31st, 2015, March 31st, 2016, June 30th, 2016 & September 30th, 2016. Reports will summarize work progress each quarter in a one or two page document.

3.3 **Jointly.** The District and City mutually agree:

3.3.1 Not to incur legal or financial liability for the actions of one another, other than under the terms and conditions of this Agreement. Each Party will be solely and entirely responsible for its own acts and acts of its own boards, councils, elected officials, agents, and employees during the performance of this Agreement. Each Party will be solely and entirely responsible for its own costs necessary to remain in compliance with this Agreement.

3.3.2 Not to assign, transfer or delegate any rights, obligations or duties under this Agreement without the prior written consent of the other Party.

3.3.3 To act for the good faith implementation of this Agreement and its covenants.

4. **INDEMNIFICATION.** To the extent permitted by law, each Party does hereby covenant and agree to indemnify, defend, and hold harmless the other Party, its' officers, employees, and agents from and against any and all suits, actions, legal or administrative proceedings, claims, demands, or damages of any kind or nature relating to this Agreement which are the result of any act or omission of the Party, its' officers, employees, contractors, agents, and anyone acting under its' direction or control, whether intentional or negligent, in connection with or incident to this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement to be effective as of the date of the last authorized signature affixed below.

CITY OF KINGMAN, a municipal corporation of the State of Arizona

_____ By _____
Date Signed Richard Anderson, Mayor of City of Kingman

MOHAVE COUNTY FLOOD CONTROL DISTRICT,
a political subdivision of the State of Arizona

_____ By _____
Date Signed Steven C. Moss, Chairman of the District

**APPROVED AS TO FORM AND IN
COMPLIANCE WITH A.R.S. § 11-952:**

CITY ATTORNEY

_____ By _____
Date Signed Carl Cooper, City Attorney

**APPROVED AS TO FORM AND IN
COMPLIANCE WITH A.R.S. § 11-952:**

MOHAVE COUNTY ATTORNEY

_____ By _____
Date Signed Robert Taylor, Chief Deputy Civil Attorney

ATTESTATION OF CITY APPROVAL

I, Sydney Muhle, Clerk of the City of Kingman, Arizona, hereby certify that the City Council of the City of Kingman, Arizona, on the _____ day of _____, 2015, approved on behalf of the City of Kingman, an Arizona municipal corporation, for the purposes stated, the foregoing Agreement.

Sydney Muhle, City Clerk

(Seal)

ATTESTATION OF COUNTY APPROVAL

I, Ginny Anderson, Clerk of the Board of Supervisors of Mohave County, a body politic and corporate of the State of Arizona, sitting as the Directors of the Mohave County Flood Control District, a political subdivision of the State of Arizona, hereby certify that said Flood Control District on the day of _____, 2015 approved on behalf of the Flood Control District for the purposes stated, the foregoing Agreement.

Ginny Anderson, Clerk of the Mohave County Board of Supervisors

(Seal)



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM:

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Approval of Title VI Plan for Kingman Area Regional Transit (KART)

SUMMARY:

The FTA now requires that all grantees have a comprehensive Title VI Plan approved by their governing board. Kingman Area Regional Transit (KART) Transit has developed the necessary plan and presented it to the Transit Advisory Commission (TAC) for review and approval at the quarterly meeting of the KART TAC held on July 15, 2015. The Commission voted unanimously (5-0) to approve the Title VI Plan and forward to Council for ratification.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

Approve the Title VI Pan as written.

ATTACHMENTS:

Description

Title VI Plan

REVIEWERS:

Department	Reviewer	Action	Date
Public Works	Owen, Rob	Approved	9/30/2015 - 8:13 PM
City Attorney	Cooper, Carl	Approved	10/1/2015 - 11:25 AM
City Manager	Dougherty, John	Approved	10/1/2015 - 11:22 AM

Kingman Area Regional Transit Title VI Plan



Contents

Title VI Policy Statement 3

Title VI Notice to the Public 4

Title VI Complaint Procedures 6

Title VI Complaint Form 8

Title VI Investigations, Complaints, and Lawsuits 10

Public Participation Plan 11

Limited English Proficiency Plan 13

Non-elected Committees Membership Table..... 17

Board Approval for the Title VI Program 19

Title VI Policy Statement

The Kingman Area Regional Transit (KART) policy assures full compliance with Title VI of the Civil Rights act of 1964, the Restoration Act of 1987, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and related statutes and regulations in all programs and activities. Title VI states that “no person shall on the grounds of race, color, national origin, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination” under any Kingman Area Regional Transit sponsored program or activity. There is no distinction between the sources of funding.

KART also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. Furthermore, Kingman Area Regional Transit will take reasonable steps to provide meaningful access to services for persons with limited English proficiency.

When KART distributes Federal-aid funds to another entity/person, KART will ensure all subrecipients fully comply with KART Title VI Nondiscrimination Program requirements. The Mayor of the City of Kingman has delegated the authority to Public Transit Superintendent, Sheri Furr, Title VI Program Coordinator, to oversee and implement FTA Title VI requirements.

Richard Anderson, Mayor

Title VI Notice to the Public

The following notice is posted in inside each public transit vehicle, in the KART administration office and online at www.cityofkingman.gov.



Kingman Area Regional Transit

TITLE VI COMPLAINTS CIVIL RIGHTS COMPLIANCE POSTING

Kingman Area Regional Transit (*and its subcontractors, if any*) complies with Title VI of the Civil Rights Act of 1964. The level and quality of transportation service will be provided without regard to race, color, national origin, age, sex or disability.

Any person who believes he/she or any specific class of persons is subjected to discrimination prohibited by Title VI may, by him/herself or by a representative, file a written complaint with the ADOT Civil Rights Office or the Federal Transit Administration (FTA). If the complaint is filed against Kingman Area Regional Transit, the Transit Superintendent is required to forward the complaint to the ADOT Civil Rights Office. All complaints will be promptly investigated by the ADOT Civil Rights Office or the FTA.

Kingman Area Regional Transit (*y sus subcontratistas, si cualquiera*) asegura cumplimiento con el Título VI de la Ley de los Derechos Civiles de 1964. El nivel y la calidad de servicios de transporte serán provehidos sin consideración a su raza, color, país de origen, sexo, edad o discapacidad.

Cualquier persona que crea que él/ella o cualquier clase específica de personas ha sido sujeto a discriminación prohibida por el Título VI puede, por él/ella misma o por un representante, presentar una queja por escrito con la Oficina de Derechos Civiles de ADOT o con la Administración Federal de Tránsito (FTA). Si la queja es contra la Kingman Area Regional Transit, el Director de Tránsito es requerido enviar la queja a la Oficina de Derechos Civiles de ADOT. Todas las quejas serán investigadas inmediatamente por la Oficina de Derechos Civiles de ADOT o FTA.

Contact information for the **ADOT Civil Rights Office:**

Informacion de contacto de la **Oficina de Derechos Civiles de ADOT:**

206 South 17th Avenue, MD 155A, Phoenix, AZ 85009, Ph: (602) 712-8946 Fax: (602) 239-6257

Contact information for the **Federal Transit Administration (FTA) Title VI Program Coordinator:**
Informacion de contacto de la **Administración Federal de Tránsito (FTA) Título VI Coordinador de Programa:**

East Building, 5th Floor – TCR 1200, New Jersey Ave., SE Washington, DC 20590

For more information on the Kingman Area Regional Transit civil rights program or to file a complaint contact:

Para mas información sobre el programa de derechos civiles de Kingman Area Regional Transit o para presentar una queja pongase en contacto con:

***Sheri Furr, Public Transit Superintendent
Kingman Area Regional Transit (KART)
3700 E. Andy Devine Ave., Kingman, AZ 86401
(928) 692-3103***

The Americans with Disabilities Act of 1990 (ADA) protects persons with mental or physical disabilities from discrimination in connection with the provision of transportation service...
Wheelchair accessible vehicles will be available and will be operated in compliance with the ADA.

Title VI Complaint Procedures

These procedures provide guidance for all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA) as they relate to any program or activity that is administered by Kingman Area Regional Transit (KART) including consultants, contractors and vendors. Intimidation or retaliation as a result of a complaint is prohibited by law. In addition to these procedures, complainants reserve the right to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints at the lowest possible level.

- (1) Any person who believes he and/or she has been discriminated against on the basis of race, color, national origin, or disability may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form.
- (2) Formal complaints must be filed within 180 calendar days of the last date of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.
- (3) Complaints must be in writing and signed by the complainant(s) and must include the complainant(s) name, address and phone number. The Title VI contact person will assist the complainant with documenting the issues if necessary.
- (4) Allegations received by fax or e-mail will be acknowledged and processed, once the identity of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or email transmittal for the complaint to be processed.
- (5) Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign and return for processing.
- (6) Once submitted, KART will review the complaint form to determine jurisdiction. All complaints will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the Kingman Area Regional Transit (KART) or submitted to the State or Federal authority for guidance.
- (7) KART will notify the ADOT Civil Rights Office of ALL Title VI complaints within 72 hours via telephone at 602-712-8946; email at civilrightsoffice@azdot.gov.
- (8) KART has 60 days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 30 business days,

the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

(9) After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. If the complainant wishes to appeal the decision, she/he has 30 days after the date of the letter or the LOF to do so.

(10) A complainant dissatisfied with KART's decision may file a complaint with the Arizona Department of Transportation (ADOT) or the Federal Transit Administration (FTA) offices of Civil Rights: **ADOT**: ATTN Title VI Program Manager 206 S. 17TH Ave MD 155A RM: 183 Phoenix AZ, 85007 **FTA**: Attention Title VI Program Coordinator, East Building, 5th Floor-TCR 1200 New Jersey Ave., SE Washington DC 20590

(11) A copy of these procedures can be found online at: www.cityofkingman.gov .

Title VI Complaint Form

Section I:		
Name:		
Address:		
Telephone (Home):	Telephone (Work):	
Electronic Mail Address:		
Accessible Format Requirements?	<input type="checkbox"/> Large Print	<input type="checkbox"/> Audio Tape
	<input type="checkbox"/> TDD	<input type="checkbox"/> Other
Section II:		
Are you filing this complaint on your own behalf?	<input type="checkbox"/> Yes*	<input type="checkbox"/> No
<i>*If you answered "yes" to this question, go to Section III.</i>		
If not, please supply the name and relationship of the person for whom you are complaining.		
Please explain why you have filed for a third party:		
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section III:		
I believe the discrimination I experienced was based on (check all that apply):		
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Disability <input type="checkbox"/> Other _____		
Date of Alleged Discrimination (Month, Day, Year): _____		
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.		
_____ _____ _____		
Section VI:		
Have you previously filed a Title VI complaint with this agency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, please provide any reference information regarding your previous complaint.

Section V:

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

Yes No

If yes, check all that apply:

Federal Agency: _____

Federal Court: _____ State Agency: _____

State Court : _____ Local Agency: _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Section VI:

Name of agency complaint is against: _____

Name of person complaint is against: _____

Title: _____

Location: _____

Telephone Number (if available): _____

You may attach any written materials or other information that you think is relevant to your complaint. Your signature and date are required below

Signature

Date

Please submit this form in person at the address below, or mail this form to:

Sheri Furr, Public Transit Superintendent
Kingman Area Regional Transit
3700 E. Andy Devine Ave., Kingman, AZ 86401
Phone: (928) 692-3103, Fax: (928) 692-3120
Email: sfurr@cityofkingman.gov

A copy of this form can be found online at www.cityofkingman.gov.

Title VI Investigations, Complaints, and Lawsuits

This form will be submitted annually. If no investigations, lawsuits, or complaints were filed, a blank form will be submitted.

Description/Name	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, national origin or disability)	Status	Action(s) Taken (Final findings?)
Investigations				
1)				
2)				
Lawsuits				
1)				
2)				
Complaints				
1)				
2)				

Kingman Area Regional Transit has not had any Title VI complaints, investigations, or lawsuits in 2014.

Public Participation Plan

Kingman Area Regional Transit (KART) is engaging the public in its planning and decision-making processes, as well as its marketing and outreach activities. The public will be invited to participate in the process whether through public meetings or surveys. As an agency receiving federal financial assistance, KART made the following community outreach efforts:

- Meetings of the KART Transit Advisory Commission are scheduled quarterly. These meetings are announced on the City of Kingman website and the public is encouraged to attend so that they may share their experiences, express any concerns they may have and offer suggestions that they feel could benefit KART and the Kingman Community. Arrangements are being made to have these meetings also announced in the Upcoming Events section of our local newspaper, The Kingman Daily Miner as well as on the City Government Channel provided by our local cable television provider, Suddenlink Communications.
- Public hearings are held annually to allow the opportunity for public comment regarding KART's intent to apply for Section 5311 grant funding.
- KART participates each year in several Kingman Regional Medical Center Special Events. Last year, we had information booths set up for their Seniors Health Fair held in January 2014, Kids Day held in May 2014 and Women's Health Fair held in October 2014. During these events, KART representatives are available to answer questions, inform attendees of the services that we provide, explain the benefits of public transportation, encourage its use and assist with planning trips.
- KART holds "Free Ride" days at least once per year to show appreciation to existing users and to encourage other community members to use public transit and learn where each route travels. "Free Ride Day" is usually scheduled on New Year's Eve. Unfortunately, this past New Year's Eve holiday arrived with severe weather conditions that made it unsafe to provide services. Two days were then scheduled and held January 16th and January 23rd to make it up to the many customers that look forward to the New Year's Eve Free Ride Day.

In the upcoming year KART will make the following community outreach efforts:

- Meetings of the KART Transit Advisory Commission will be scheduled quarterly. These meetings will be announced on the City of Kingman website, The Kingman Daily Miner and on the City Government Channel provided by our local cable television provider, Suddenlink Communications.
- A public hearing will be held to allow the opportunity for public comment regarding KART's intent to apply for Section 5311 grant funding.
- KART will participate in several Kingman Regional Medical Center Special Events, including the Seniors Health Fair, Kids Day and Women's Health Fair.

- KART will participate in the annual City of Kingman Benefits Fair in May. Two KART representatives will be available to provide information as well as encourage use and the support of our local transit system by City of Kingman employees and their families.
- KART will offer free rides on New Year's Eve.

Public Meetings:

- (1) Public meetings are scheduled to increase the opportunity for attendance by stakeholders and the general public. This may require scheduling meetings during non-traditional business hours, holding more than one meeting at different times of the day or on different days, and checking other community activities to avoid conflicts.
- (2) When a public meeting or public hearing is focused on a planning study or program related to a specific geographic area or jurisdiction within the region, the meeting or hearing is held within that geographic area or jurisdiction.
- (3) Public meetings are held in locations accessible to people with disabilities and are located near a transit route when possible.

Kingman Area Regional Transit submits to the Arizona Department of Transportation annually an application for funding. Part of the annual application is a public notice, which includes a 30-day public comment period.

Limited English Proficiency Plan

Introduction

This Limited English Proficiency (LEP) Plan has been prepared to address Kingman Area Regional Transit (KART) responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, Federal Transit Administration Circular 4702.1B, which states that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds.

Plan Summary

KART has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by KART. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, KART undertook the U.S. Department of Transportation (U.S. DOT) four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a KART program, activity or service.
2. The frequency with which LEP persons come in contact with KART programs, activities or services.
3. The nature and importance of programs, activities or services provided by KART to the LEP population.
4. The resources available to KART and overall cost to provide LEP assistance.

Four-Factor Analysis

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a KART program, activity or service.

LANGUAGE SPOKEN AT HOME

Source: <http://factfinder2.census.gov>

Kingman City Limits		
Population 5 years and over	18,438	100.0%
English only	16,834	91.3%
Language other than English	1,604	8.7%
Speak English less than "very well"	437	2.4%
Spanish	888	4.8%
Speak English less than "very well"	235	1.3%
Other Indo-European languages	527	2.9%
Speak English less than "very well"	124	0.7%
Asian and Pacific Island languages	33	0.2%
Speak English less than "very well"	0	0.0%

Unincorporated Greater Kingman/Butler Area		
Population 5 years and over	14,162	100.0%
English only	13,111	92.6%
Language other than English	1,051	7.4%
Speak English less than "very well"	285	2.0%
Spanish	803	5.7%
Speak English less than "very well"	185	1.3%
Other Indo-European languages	112	0.8%
Speak English less than "very well"	35	0.2%
Asian and Pacific Island languages	66	0.5%
Speak English less than "very well"	0	0.0%

Most people in the KART service area are proficient in the English language. At this time, no group represents a significant percentage of the City of Kingman or Greater Kingman/Butler Area population.

Based on 2010 Census for the City of Kingman, 95.4% of the population speak only English or speak another language but speak English "very well". Only 4.6% of the population is not proficient in English.

Based on 2010 Census for the Greater Kingman/Butler Area, 96.5% of the population speak only English or speak another language but speak English "very well". Only 3.5% of the population is not proficient in English.

2. The frequency with which LEP persons come in contact with KART programs, activities or services.

KART assessed the frequency with which staff and drivers have, or could have, contact with LEP persons. To date, KART has not had any record of LEP clients or requests to have information provided in any other language. Because of the small size of the LEP population, LEP involvement currently is infrequent and unpredictable.

3. The nature and importance of programs, activities or services provided by KART to the LEP population.

The largest geographic concentration of LEP individuals in the KART service area are Spanish speaking. Services provided by KART that are most likely to encounter LEP individuals are along the fixed route. It is also possible that KART will encounter LEP individuals at the KART office where Curb-to-Curb trips are scheduled and passes are sold.

4. The resources available to KART and overall cost to provide LEP assistance.

In the event that a translator is needed, KART would seek assistance from other City of Kingman employees who may be able to translate. If there are no individuals available to assist, translation efforts may be sought online. Costs vary, depending on the extent that translation services are needed. There are many simple tools available online at no charge.

How KART staff may identify a person who needs language assistance

1. Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone to determine whether language assistance might be needed at future events or meetings.
2. Have staff person greet participants as they arrive to KART sponsored events. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English.
3. Have Census Bureau Language Identification Flashcards available at KART meetings. This will assist KART in identifying language assistance needs for future events and meetings.
4. Have Census Bureau Language and Identification Flashcards on all transit vehicles to assist vehicle operators in identifying specific language assistance needs of passengers.
5. If LEP individuals are encountered, vehicle operators will be instructed to try to obtain information to give to KART management for follow-up.

Language Assistance Measures

KART has language assistance measures available to LEP persons. KART Rider's Guides are printed in both English and Spanish. There are also various ways in which KART staff is able to respond to LEP persons, whether in person, by telephone or in writing.

- Network with local human service organizations that provide services to LEP individuals and seek opportunities to provide information on KART programs and services
- When an interpreter is needed for a language other than Spanish, in person or on the telephone, staff will attempt to access language assistance services from a professional translation service
- The KART LEP Policy is posted inside each transit vehicle and the LEP Policy and Plan are posted online at www.cityofkingman.gov.

Staff Training

The following training will be provided to KART staff:

1. Information on the KART Title VI Procedures and LEP responsibilities
2. Description of language assistance services offered to the public
3. Documentation of language assistance requests
4. How to handle a potential Title VI/LEP complaint

Outreach Techniques

When staff prepares a document for which the target audience is expected to include LEP individuals, the documents will be printed in an alternative language based on the known LEP population. Interpreters will be available as needed.

Monitoring and Updating the LEP Plan

KART will update the LEP Plan as required by U.S. DOT. At minimum, the plan will be reviewed and updated when data from the newest U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the KART service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually
- How the needs of LEP persons have been addressed

- Determination of the current LEP population in the service area
- Determination as to whether the need for translation services has changed
- Determine whether KART financial resources are sufficient to fund language assistance resources needed
- Determine whether KART has fully complied with the goals of this LEP Plan
- Determine whether complaints have been received concerning KART failure to meet the needs of LEP individuals

Dissemination of the KART LEP Plan

A link to the KART LEP Plan and the Title VI Procedures is included on the KART website at www.cityofkingman.gov.

Any person or agency with internet access will be able to access and download the plan from the KART website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person and shall be provided a copy of the plan at no cost. LEP individuals may request copies of the plan in translation which KART will provide, if feasible.

Questions or comments regarding the LEP Plan may be submitted to:

Sheri Furr, Public Transit Superintendent
Kingman Area Regional Transit
3700 E. Andy Devine Ave.
Kingman, AZ 86401
Phone: (928) 692-3103
Fax: (928) 692-3120
Email: sfurr@cityofkingman.gov

Non-elected Committees Membership Table

A subrecipient who selects the membership of transit-related, non-elected planning boards, advisory councils, or committees must provide a table depicting the membership of those organizations broken down by race. Subrecipients also must include a description of the efforts made to encourage participation of minorities on these boards, councils, and committees.

Body	Caucasian	Latino	African American	Asian American	Native American
Population*	24,711 88%	3503 12.5%	289 1%	469 1.7%	476 1.7%
Kingman Area Regional Transit Transit Advisory Commission					

*Source: <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>

In combination with one or more of the other races listed. The six numbers may add to more than the total population, and the six percentages may add to more than 100 percent because individuals may report more than one race.

Board Approval for the Title VI Program

CITY OF KINGMAN
REGULAR MEETING OF THE TRANSIT ADVISORY COMMISSION
Council Chambers
310 N. 4th Street

10:30 A.M.

Minutes

Wednesday, July 15, 2015

Members:	Officers:	Visitors Signing In:
Margaret Daw, Vice Chair	Sheri Furr, Transit Superintendent	None present
Jed Noble	Judy Marshall, Administrative Assistant and Recording Secretary	
Charlie Hupp	Donna King, Administrative Assistant	
Cere Tabbert	Sydney Muhle, City Clerk	
Fred Gilbert		
Council Liaison:		
Carole Young		

SPECIAL MEETING

CALL TO ORDER & ROLL CALL

Vice Chairperson Daw called the meeting to order at 10:30 am; all members were present.

1. APPROVAL OF MINUTES

Special meeting minutes of June 22, 2015

- A. The June minutes incorrectly stated the meeting date as May 22, 2015. Commissioner Noble requested that the date be corrected to read June 22, 2015.
- B. Commissioner Tabbert requested that Commissioner Noble's job experience as staff liaison for the Traffic Safety Committee is included in item c. of the June minutes.
- C. Commissioner Hupp made a MOTION to approve the minutes with requested changes. Commissioner Tabbert SECONDED the Motion. MOTION passed unanimously.

2. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

There were no public comments.

3. PUBLIC TRANSIT SUPERINTENDENT REPORT

Quarterly Report made by Sheri Furr. Mrs. Furr stated that ridership and revenue has continued to increase. She went on to state that KART had been involved in various community events, including the KRMC Kids Health Fair, during which a bus on display. KART was also involved in the City of Kingman Employee Health Benefits Fair in which two KART employees, Judy Marshall and Joanne Longo created and displayed a collage representing KART clientele and what this service means to them. She said that they took it upon themselves to create the display in an effort to express to their fellow City of Kingman employees, the value KART brings to our community. Chairperson Daw and Commissioner Tabbert questioned why large spikes in revenue did not correlate ridership counts within the same month. Mrs. Furr explained that there are several organizations, such as KUSD and others that purchase monthly passes and coupon books in large quantities and the use of these passes are spread out throughout the year.

4. OLD BUSINESS

None

5. NEW BUSINESS

a. Discussion and possible action to elect Chair and Vice-Chair for the remainder of 2015.

MOTION made by Commissioner Hupp to wait until the October meeting to elect for the next year. SECONDED by Commissioner Gilbert, MOTION passed unanimously.

b. Review of TAC Bylaws. This includes discussion and possible action to either amend or approve forwarding the document to council for ratification.

Commissioner Gilbert questioned the verbiage in Section III.302 Quorum and Voting, and made a MOTION to change verbiage to state a majority constitutes a quorum rather than a specific number then forward to Council for ratification. Commissioner Hupp SECONDED the MOTION. MOTION passed unanimously.

c. Review of Title VI Plan. This includes discussion and possible action to either amend or approve the plan and forward the document to council for ratification.

Commissioner Tabbert requested that on page 8, Section III of the Title VI Complaint Form that the option of "Other" be added. Mrs. Furr said she would check in to adding that as an option, but since this form is specific to Title VI, "Other" may be too broad. If it is an acceptable option, it will be updated prior to being forwarded ADOT and Council for review. MOTION made by Commissioner Hupp to approve forwarding the Title VI plan to Council for ratification. Commissioner Hupp SECONDED the MOTION. MOTION passed unanimously.

d. Review of Advertising Pricing and Guidelines and possible action to recommend amendments be made.

Mrs. Furr stated that she's received several calls inquiring about advertising, but has not received many orders and she welcomes any suggestions that the commission may have to

improve advertising revenue. The only external graphic advertisements purchased in the past year were for the Route 66 International Festival and an MCC advertisement for the 2015 spring semester. The Kathryn Heidenreich Adult Center is currently the only video advertising customer. They purchase internal video advertising space to promote their monthly movie night and other special events. She stated that she offers discounts to advertisers, but recommends that the discounts be increased. Commissioner Gilbert made a MOTION to establish a Work Group which would work up a plan to promote and achieve our advertising goals. Commissioner Hupp SECONDED the MOTION. MOTION passed unanimously. Commissioner Noble stated he would not attend the work group. Mrs. Furr said she would work on setting a date, time and location for the work group.

e. Discussion regarding best practices for providing KART service for special events.

Commissioner Tabbert commented on the services provided by KART last year at the Route 66 International Festival. She said that the service was very good, but the bus pick up areas need to be better marked. She also stated that more maps should be made available for the public. Mrs. Furr told the Commission that the response from last year's event, led to the decision to operate just one or two buses on the special Hotel/Motel route rather than adding a second special route that would stop at possible park and ride locations. She also said she was scheduled for a meeting with the "Best of the West" committee that same day, and will know more regarding the specific needs for the event at that time. Commissioner Daw questioned if KART could provide bus services for other events, such as travel to the wineries in Valle Vista. Mrs. Furr explained that grant regulations prohibit KART from offering private shuttle services and that anytime KART provides services for an event it is provided free of charge and available to the general public.

6. ANNOUNCEMENTS BY COMMISSION MEMBERS

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

7. ADJOURNMENT

Commissioner Hupp made a MOTION to ADJOURN. Commissioner Tabbert SECONDED and it was UNANIMOUSLY APPROVED.

ADJOURNMENT: 11:32 a.m.

ATTEST:

APPROVED:

Judy Marshall
Administrative Assistant

Sheri Furr
Public Transit Superintendent



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Sheri Furr, Public Transit Superintendent

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Annual review of bylaws for the Transit Advisory Commission (TAC) for KART

SUMMARY:

The Kingman Area Regional Transit (KART) Transit Advisory Commission (TAC) Bylaws require an annual review. This review was accomplished during the quarterly meeting of the KART TAC held on July 15, 2015. The Commission voted unanimously (5-0) to amend the Bylaws to state that a quorum is based on a majority of members rather than a specific number and forward to Council for ratification.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

Approve the Bylaws as revised.

ATTACHMENTS:

Description

TAC Bylaws amended July 15, 2015

REVIEWERS:

Department	Reviewer	Action	Date
Public Works	Owen, Rob	Approved	9/30/2015 - 8:24 PM
City Attorney	Cooper, Carl	Approved	10/1/2015 - 11:24 AM
City Manager	Dougherty, John	Approved	10/1/2015 - 11:22 AM

**BY-LAWS OF THE KINGMAN AREA REGIONAL TRANSIT
TRANSIT ADVISORY COMMISSION
CITY OF KINGMAN, ARIZONA**

PREAMBLE

These rules of procedure have been adopted by the Kingman Area Regional Transit (KART) Transit Advisory Commission to ensure continuity of action, uniformity in the consideration of application and indoctrination of new members to the Kingman Area Regional Transit (KART) Transit Advisory Commission to the end that the citizens of Kingman will be better served in matters coming before the Commission.

MISSION STATEMENT

The Kingman Area Regional Transit (KART) Transit Advisory Commission will advise and make recommendations by working in partnership with residents, City staff, Kingman Common Council and other community organizations to provide Kingman and its environs quality public transportation in a timely, cost effective, efficient and courteous manner.

**RULES OF PROCEDURE
KINGMAN AREA REGIONAL TRANSIT
TRANSIT ADVISORY COMMISSION**

I. ORGANIZATION

101. ELECTION OF CHAIRMAN AND VICE CHAIRMAN:

The Transit Advisory Commission, established by the Kingman Common Council, shall, as the first order of business at the first scheduled meeting each October, elect a Chairman and a Vice Chairman from among its appointed members. Their terms shall be for the succeeding year; and they shall be eligible for re-election.

102. CHAIRMAN:

The Chairman shall preside at all meetings and hearings of the Transit Advisory Commission

KINGMAN AREA REGIONAL TRANSIT

Transit Advisory Commission By-Laws

Ratified by Kingman Common Council on November 20, 2006 upon establishment of By-Laws

Amended: October 15, 2008, October 14, 2009, October 20, 2010. Reviewed October 19, 2011

Ratified by Kingman Common Council on November 3, 2008 annual review

Ratified by Kingman Common Council on November 2, 2009 annual review

Ratified by Kingman Common Council on November 16, 2010 annual review

Ratified by Kingman Common Council on November 1, 2011 annual review

Ratified by Kingman Common Council on November 20, 2012 annual review

Amended July 15, 2015

decide all points of order or procedure and perform any duties required by law, ordinance or these rules. The Chairman shall vote and may participate in discussion of these motions. The Chairman may confer with the Kingman Area Regional Transit Public Transit Superintendent and/or Public Works Director regarding: a) placing matters on the agenda and/or agenda items; b) scheduling special reports; c) discussing current matters under consideration; and d) discussing future matters to be considered.

103. VICE CHAIRMAN:

The Vice Chairman shall serve as Acting Chairman in the absence of the Chairman or in the event the Chairman resigns until the vacancy is filled as provided in Section 104.

104. VACANCY:

In the event of resignation of the Chairman, the Vice Chair shall serve as the Acting Chair for the remainder of the un-expired term. A vacancy in the Vice Chair shall be filled, for the remainder of the un-expired term, at any properly scheduled meeting of the Commission. If the Chair and Vice Chair are absent from a meeting, the remaining members of the Transit Advisory Commission, providing a quorum is present, shall appoint a temporary Acting Chair for that meeting only.

105. STAFF REPRESENTATION

The Staff who shall attend all regular, special, or emergency meetings of the Kingman Area Regional Transit (KART) Transit Advisory Commission are:

- a) Public Transit Superintendent and/or designated representative
- b) Council Liaison and/or designated representative
- d) Arizona Governor's Council on Developmental Disabilities and/or designated representative
- c) Recording secretary when available

Other staff members who shall be available for regular, special and emergency meetings upon request are the City Attorney, Public Works Director, Finance Director and/or designated representative.

II. MEETINGS

201. THE TRANSIT ADVISORY MEETINGS SHALL CONSIST OF THE FOLLOWING:

KINGMAN AREA REGIONAL TRANSIT

Transit Advisory Commission By-Laws

Ratified by Kingman Common Council on November 20, 2006 upon establishment of By-Laws

Amended: October 15, 2008, October 14, 2009, October 20, 2010. Reviewed October 19, 2011

Ratified by Kingman Common Council on November 3, 2008 annual review

Ratified by Kingman Common Council on November 2, 2009 annual review

Ratified by Kingman Common Council on November 16, 2010 annual review

Ratified by Kingman Common Council on November 1, 2011 annual review

Ratified by Kingman Common Council on November 20, 2012 annual review

Amended July 15, 2015

- A. Regular Meetings:
Regular meetings of the Transit Advisory Commission shall be held on the third Wednesday of each calendar quarter at City Hall in the Council Chambers at 10:30 a.m. (January, April, July, October)
- B. Special Meetings:
- 1) Called by Chairman - A special meeting of the Kingman Area Regional Transit (KART) Transit Advisory Commission (TAC) may be called by the Chairman upon the condition that written notice given to all commission members and staff seven (7) calendar days prior to the meeting.
 - 2) Called by Commission members - A special meeting of the Kingman Area Regional Transit, Transit Advisory Commission may be called upon the written request of three (3) members of the Commission directed to the Chairman and Staff upon the condition that the meeting be scheduled no sooner than seven (7) days after receipt of written request.
 - 3) Emergency Meetings - The Kingman Area Regional Transit, Transit Advisory Commission Chairman can schedule emergency meetings provided said meetings comply with the Open Meeting Law.

202. COMPLIANCE WITH THE ARIZONA STATE OPEN MEETING LAWS:

All regular meetings, special meetings and emergency meetings of the Kingman Area Regional Transit, Transit Advisory Commission shall comply with the Arizona Open Meeting Law contained in A.R.S. 38-431 et.seq.

III. MISCELLANEOUS

301. STAFF SUPPORT

The staff duties and obligations to the Transit Advisory Commission shall include:

- a) Agendas and Transit Advisory Commission member information packets shall be prepared, posted and distributed not less than five (5) calendar days prior to the regular or special Commission meetings.

KINGMAN AREA REGIONAL TRANSIT

Transit Advisory Commission By-Laws

Ratified by Kingman Common Council on November 20, 2006 upon establishment of By-Laws

Amended: October 15, 2008, October 14, 2009, October 20, 2010. Reviewed October 19, 2011

Ratified by Kingman Common Council on November 3, 2008 annual review

Ratified by Kingman Common Council on November 2, 2009 annual review

Ratified by Kingman Common Council on November 16, 2010 annual review

Ratified by Kingman Common Council on November 1, 2011 annual review

Ratified by Kingman Common Council on November 20, 2012 annual review

Amended July 15, 2015

b) Staff shall assist the Transit Advisory Commission by preparing agendas or items generated by staff, plus those items generated by the Commission.

c) Staff shall record the minutes of the meeting and transcribe same for review by the Transit Advisory Commission prior to the next meeting.

d) Staff shall present those agenda items generated by staff.

302. QUORUM AND VOTING:

~~Four (4)~~ **A majority of** members shall constitute a quorum. The affirmative vote of ~~four~~ **a majority of** members shall be required for passage of any matter before the Transit Advisory Commission. The minutes of the meetings shall reflect MOTION CARRIED or MOTION FAILED on a particular measure. A member may abstain from voting only upon a declaration that he/she has a conflict of interest, in which case such member shall take no part in the deliberations on the matter in question.

303. ATTENDANCE:

The established dates of regular meetings permit Transit Advisory Commission members to schedule personal business appointments not to conflict with Commission hearings. Members should notify the Chairman in advance of anticipated absence from hearings. The members of the Commission may, by a vote of their majority, request that the Kingman Common Council replace any member whom they have considered as not fulfilling the obligation assumed by acceptance of appointment to the Commission. If a Commissioner fails to attend three (3) consecutive meetings without valid cause, s/he shall be considered resigned as determined by a vote of the Transit Advisory Commission.

304. CONFLICT OF INTEREST

Any member having a direct monetary interest in the outcome of any matter brought before the Transit Advisory Commission or who feels that personal reasons may prejudice his/her decision shall disqualify himself without reason or suggestion of his/her interest and take no part in discussion or voting on that matter.

305. AGENDA FORMAT:

- 1) Title of meeting including location, date and time.
- 2) Call to Order

KINGMAN AREA REGIONAL TRANSIT

Transit Advisory Commission By-Laws

Ratified by Kingman Common Council on November 20, 2006 upon establishment of By-Laws

Amended: October 15, 2008, October 14, 2009, October 20, 2010. Reviewed October 19, 2011

Ratified by Kingman Common Council on November 3, 2008 annual review

Ratified by Kingman Common Council on November 2, 2009 annual review

Ratified by Kingman Common Council on November 16, 2010 annual review

Ratified by Kingman Common Council on November 1, 2011 annual review

Ratified by Kingman Common Council on November 20, 2012 annual review

Amended July 15, 2015

- 3) Roll Call
- 4) Call to the Public
- 5) Approval of Minutes
- 6) Public Transit Superintendent Report
- 7) Old Business
- 8) New Business
- 9) Public Hearings on Action Items on the Agenda for Discussion and/or Possible Action
- 10) Adjournment

IV. AMENDMENTS

401. AMENDMENT PROCEDURE:

Amendments to these rules may be made by the Transit Advisory Commission upon the affirmative vote of ~~four~~ (4) **a majority of** members, provided such amendment is proposed at a preceding meeting, or submitted in writing at a prior regular meeting of the Transit Advisory Commission and is recorded in the minutes of such meetings. Amendments so adopted shall be forwarded to the Kingman Common Council for ratification and shall become effective at the next regular meeting of the Transit Advisory Commission following City Council ratification.

402. ANNUAL REVIEW:

The recording secretary shall schedule an annual review of these rules of procedures at the first regular meeting of each fiscal year.

403. FILING AND DISTRIBUTION:

Copies of these rules and any amendments thereto shall be distributed to the members of the Transit Advisory Commission and to the Mayor and members of the Common Council. The City Clerk's Department shall maintain a file of the original copies of these rules and any subsequent amendments.

404. EFFECTIVE DATE

Upon approval by the Kingman Common Council these By-Laws will be in effect.

TBD, CHAIRMAN

TBD, VICE CHAIRMAN

KINGMAN AREA REGIONAL TRANSIT
 Transit Advisory Commission By-Laws
 Ratified by Kingman Common Council on November 20, 2006 upon establishment of By-Laws
 Amended: October 15, 2008, October 14, 2009, October 20, 2010. Reviewed October 19, 2011
 Ratified by Kingman Common Council on November 3, 2008 annual review
 Ratified by Kingman Common Council on November 2, 2009 annual review
 Ratified by Kingman Common Council on November 16, 2010 annual review
 Ratified by Kingman Common Council on November 1, 2011 annual review
 Ratified by Kingman Common Council on November 20, 2012 annual review
 Amended July 15, 2015

ATTEST:

APPROVED AS TO FORM:

City Clerk or Deputy City Clerk

City Attorney

DATE APPROVED BY TRANSIT ADVISORY COMMISSION: _____

DATE RATIFIED BY CITY COUNCIL: _____

KINGMAN AREA REGIONAL TRANSIT

Transit Advisory Commission By-Laws

Ratified by Kingman Common Council on November 20, 2006 upon establishment of By-Laws

Amended: October 15, 2008, October 14, 2009, October 20, 2010. Reviewed October 19, 2011

Ratified by Kingman Common Council on November 3, 2008 annual review

Ratified by Kingman Common Council on November 2, 2009 annual review

Ratified by Kingman Common Council on November 16, 2010 annual review

Ratified by Kingman Common Council on November 1, 2011 annual review

Ratified by Kingman Common Council on November 20, 2012 annual review

Amended July 15, 2015



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Tina D. Moline, Financial Services Director

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Public Hearing and adoption of Ordinance 1799 amending the Kingman Tax Code by removing the sunset date of June 30, 2016 on the 0.50% increased taxation rate and keeping the Transaction Privilege Tax rate at 2.50%

SUMMARY:

On May 7, 2013, Council adopted Ordinance 1751R which increased the taxation rate on most categories by 0.50% effective July 1, 2013 through June 30, 2016. The purpose of the temporary TPT increase was to supplement funding for necessary public safety equipment and fleet replacement, public safety facilities, street improvements and maintaining a general fund balance of 25% of its operating expenditures. Some of these items are ongoing and need funding to complete, and other items such as general fund expenditures have become a priority.

During budget work sessions there was much discussion surrounding the 0.50% TPT tax increase and removing the June 30, 2016 sunset date. At the June 16, 2015 City Council meeting, staff was given direction to move forward with the public hearing process to remove the sunset date of June 30, 2016 on the increased taxation rate.

FISCAL IMPACT:

STAFF RECOMMENDATION:

Staff recommends adopting Ordinance 1799 amending the Kingman City Tax Code by removing the sunset date of June 30, 2016 on the 0.50% increased taxation rate and keeping the transaction privilege tax rate at 2.50%.

ATTACHMENTS:

Description

Proposed Ordinance 1799 – remove the sunset date of June 30, 2016 on the 0.50% increased rate of taxation and keep the transaction privilege tax rate at 2.50%

Arizona City and Town Data

PowerPoint Presentation

REVIEWERS:

Department	Reviewer	Action	Date
City Manager	Dougherty, John	Approved	9/30/2015 - 5:17 PM

City Attorney
City Manager

Cooper, Carl
Dougherty, John

Approved
Approved

10/1/2015 - 11:22 AM
9/30/2015 - 5:18 PM

ORDINANCE NO. 1799

AN ORDINANCE OF THE CITY OF KINGMAN, ARIZONA, RELATING TO THE TRANSACTION PRIVILEGE AND USE TAX; AMENDING THE CITY TAX CODE BY REMOVING A SUNSET DATE ON THE TWO AND FIFTY HUNDREDTHS PERCENT (2.5%) INCREASED RATE OF TAXATION; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Kingman Common Council (the “Council”) desires to provide an excise tax revenue source combined with other federal, state and local resources for adequate funding of City public safety and general services and to protect the financial integrity of the City of Kingman (the “City”); and

WHEREAS, the Council further desires to provide an excise tax revenue source combined with other federal, state and local funding for construction and maintenance of capital infrastructure, capital projects and equipment identified as priorities within the capital and infrastructure improvements plan and budget; and

WHEREAS, in order to provide sufficient revenues necessary for the delivery of public safety and general services, and capital improvements it is deemed necessary to remove a sunset date on the two and fifty hundredths percent (2.5%) increased rate in the transaction privilege and use tax rate.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGMAN, ARIZONA:

Section 1. The following section of the City Tax Code is amended to read:

CHAPTER 8A - PRIVILEGE AND EXCISE TAXES

Article IV - Privilege Taxes

Sec. 8A-400. Imposition of Privilege Taxes; presumption.

- (a) There are hereby levied and imposed, subject to all other provisions of this Chapter, the following Privilege Taxes for the purpose of raising revenue to be used in defraying the necessary expenses of the City, such taxes to be collected by the Tax Collector:
 - (1) a Privilege Tax upon persons on account of their business activities, to the extent provided elsewhere in this Article, to be measured by the gross income of persons, whether derived from residents of the City or not, or whether derived from within the City or from without.
 - (2) (Reserved)
- (b) Taxes imposed by this Chapter are in addition to others. Except as specifically designated elsewhere in this Chapter, each of the taxes imposed by this Chapter shall be in addition to all other licenses, fees, and taxes levied by law, including other taxes imposed by this Chapter.

- (c) Presumption. For the purpose of proper administration of this Chapter and to prevent evasion of the taxes imposed by this Chapter, it shall be presumed that all gross income is subject to the tax until the contrary is established by the taxpayer.
- (d) Limitation of exemptions, deductions, and credits allowed against the measure of taxes imposed by this Chapter. All exemptions, deductions, and credits set forth in this Chapter shall be limited to the specific activity or transaction described and not extended to include any other activity or transaction subject to the tax.

Sec. 8A-405. Advertising.

- (a) The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the gross income from the business activity upon every person engaging or continuing in the business of "local advertising" by billboards, direct mail, radio, television, or by any other means. However, commission and fees retained by an advertising agency shall not be includable in gross income from "local advertising". All delivery or disseminating of information directly to the public or any portion thereof for a consideration shall be considered "Local Advertising", except the following:
 - (1) the advertising of a product or service which is sold or provided both within and without the State by more than one "commonly designated business entity" within the State, and in which the advertisement names either no "commonly designated business entity" within the State or more than one "commonly designated business entity". "Commonly Designated Business Entity" means any person selling or providing any product or service to its customers under a common business name or style, even though there may be more than one legal entity conducting business functions using the same or substantially the same business name or style by virtue of a franchise, license, or similar agreement.
 - (2) the advertising of a facility or of a service or activity in which neither the facility nor a business site carrying on such service or activity is located within the State.
 - (3) the advertising of a product which may only be purchased from an out-of-State supplier.
 - (4) political advertising for United States Presidential and Vice Presidential candidates only.
 - (5) advertising by means of product purchase coupons redeemable at any retail establishment carrying such product but not product coupons redeemable only at a single commonly designated business entity.
 - (6) advertising transportation services where a substantial portion of the transportation activity of the business entity advertised involves interstate or foreign carriage.
- (b) (Reserved)

Sec. 8A-407. (Reserved)

Sec. 8A-410. Amusements, exhibitions, and similar activities.

- (a) The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the gross income from the business activity upon every person engaging or continuing in the business of providing amusement that begins in the city or takes place entirely within the City, which includes the following type or nature of businesses:
 - (1) operating or conducting theaters, movies, operas, shows of any type or nature, exhibitions, concerts, carnivals, circuses, amusement parks, menageries, fairs, races, contests, games, billiard or pool parlors, bowling alleys, skating rinks, tennis courts, golf courses, video games, pinball machines, public dances, dance halls, sports events, jukeboxes, batting and driving ranges, animal rides, or any other business charging admission for exhibition, amusement, or entertainment.
 - (2) (Reserved)

- (b) Deductions or exemptions. The gross proceeds of sales or gross income derived from the following sources is exempt from the tax imposed by this Section:
 - (1) (Reserved)
 - (2) Amounts retained by the Arizona Exposition and State Fair Board from ride ticket sales at the annual Arizona State Fair.
 - (3) Income received from a hotel business subject to tax under Section 8A-444, if all of the following apply:
 - (A) The hotel business receives gross income from a customer for the specific business activity otherwise subject to amusement tax.
 - (B) The consideration received by the hotel business is equal to or greater than the amount to be deducted under this subsection.
 - (C) The hotel business has provided an exemption certificate to the person engaging in business under this section.
 - (4) Income that is specifically included as the gross income of a business activity upon which another Section of this Article imposes a tax, that is separately stated to the customer and is taxable to the person engaged in that classification not to exceed consideration paid to the person conducting the activity.
 - (5) Income from arranging transportation connected to amusement activity that is separately stated to the customer, not to exceed consideration paid to the transportation business.

- (c) The tax imposed by this Section shall not include arranging an amusement activity as a service to a person's customers if that person is not otherwise engaged in the business of operating or conducting an amusement themselves or through others. This exception does not apply to businesses that operate or conduct amusements pursuant to customer orders and send the billings and receive the payments associated with that activity, including when the amusement is performed by third party independent contractors. For the purposes of this paragraph, "arranging" includes billing for or collecting amusement charges from a person's customers on behalf of the persons providing the amusement.

Sec. 8A-415. Construction contracting: construction contractors.

- (a) The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the gross income from the business upon every construction contractor engaging or continuing in the business activity of construction contracting within the City.

- (1) However, gross income from construction contracting shall not include charges related to groundwater measuring devices required by A.R.S. Section 45-604.
 - (2) (Reserved)
 - (3) Gross income from construction contracting shall not include gross income from the sale of manufactured buildings taxable under Section 8A-427.
 - (4) For taxable periods beginning from and after July 1, 2008, the portion of gross proceeds of sales or gross income attributable to the actual direct costs of providing architectural or engineering services that are incorporated in a contract is not subject to tax under this Section. For the purposes of this subsection, "direct costs" means the portion of the actual costs that are directly expended in providing architectural or engineering services.
- (b) Deductions and exemptions.
- (1) Gross income derived from acting as a "subcontractor" shall be exempt from the tax imposed by this Section.
 - (2) All construction contracting gross income subject to the tax and not deductible herein shall be allowed a deduction of thirty-five percent (35%).
 - (3) The gross proceeds of sales or gross income attributable to the purchase of machinery, equipment or other tangible personal property that is exempt from or deductible from privilege or use tax under:
 - (A) Section 8A-465, subsections (g) and (p)
 - (B) Section 8A-660, subsections (g) and (p)
 shall be exempt or deductible, respectively, from the tax imposed by this Section.
 - (4) The gross proceeds of sales or gross income that is derived from a contract entered into for the installation, assembly, repair or maintenance of income-producing capital equipment, as defined in Section 8A-110, that is deducted from the retail classification pursuant to Section 8A-465(g) that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this Section. If the ownership of the realty is separate from the ownership of the income-producing capital equipment, the determination as to permanent attachment shall be made as if the ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, "permanent attachment" means at least one of the following:
 - (A) to be incorporated into real property.
 - (B) to become so affixed to real property that it becomes part of the real property.
 - (C) to be so attached to real property that removal would cause substantial damage to the real property from which it is removed.
 - (5) The gross proceeds of sales or gross income received from a contract for the construction of an environmentally controlled facility for the raising of poultry for the production of eggs and the sorting, or cooling and packaging of eggs shall be exempt from the tax imposed under this Section.
 - (6) The gross proceeds of sales or gross income that is derived from the installation, assembly, repair or maintenance of clean rooms that are deducted from the tax base

- of the retail classification pursuant to Section 8A-465, subsection (g) shall be exempt from the tax imposed under this Section.
- (7) The gross proceeds of sales or gross income that is derived from a contract entered into with a person who is engaged in the commercial production of livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this State for the construction, alteration, repair, improvement, movement, wrecking or demolition or addition to or subtraction from any building, highway, road, excavation, manufactured building or other structure, project, development or improvement used directly and primarily to prevent, monitor, control or reduce air, water or land pollution shall be exempt from the tax imposed under this Section.
 - (8) The gross proceeds of sales or gross income received from a post construction contract to perform post-construction treatment of real property for termite and general pest control, including wood destroying organisms, shall be exempt from tax imposed under this Section.
 - (9) Through December 31, 2009, the gross proceeds of sales or gross income received from a contract for constructing any lake facility development in a commercial enhancement reuse district that is designated pursuant to A.R.S. § 9-499.08 if the contractor maintains the following records in a form satisfactory to the Arizona Department of Revenue and to the City:
 - (A) The certificate of qualification of the lake facility development issued by the City pursuant to A.R.S. § 9-499.08, subsection D.
 - (B) All state and local transaction privilege tax returns for the period of time during which the contractor received gross proceeds of sales or gross income from a contract to construct a lake facility development in a designated commercial enhancement reuse district, showing the amount exempted from state and local taxation.
 - (C) Any other information considered to be necessary.
 - (10) Any amount attributable to development fees that are incurred in relation to the construction, development or improvement of real property and paid by the taxpayer as defined in the model city tax code or by a contractor providing services to the taxpayer. For the purposes of this paragraph:
 - (A) the attributable amount shall not exceed the value of the development fees actually imposed.
 - (B) the attributable amount is equal to the total amount of development fees paid by the taxpayer or by a contractor providing services to the taxpayer and the total development fees credited in exchange for the construction of, contribution to or dedication of real property for providing public infrastructure, public safety or other public services necessary to the development. The real property must be the subject of the development fees.
 - (C) "development fees" means fees imposed to offset capital costs of providing public infrastructure, public safety or other public services to a development and authorized pursuant to A.R.S. Section 9-463.05, A.R.S. Section 11-1102 or A.R.S. Title 48 regardless of the jurisdiction to which the fees are paid.
 - (11) For taxable periods beginning from and after July 1, 2008 and ending before January 1, 2017, the gross proceeds of sales or gross income derived from a contract to provide and install a solar energy device. The contractor shall register with the department of revenue as a solar energy contractor. By registering, the contractor acknowledges that it will make its books and records relating to sales of solar energy

devices available to the department of revenue and the city, as applicable, for examination.

- (c) Subcontractor means a construction contractor performing work for either:
- (1) a construction contractor who has provided the subcontractor with a written declaration that he is liable for the tax for the project and has provided the subcontractor his City Privilege License number.
 - (2) an owner-builder who has provided the subcontractor with a written declaration that:
 - (A) the owner-builder is improving the property for sale; and
 - (B) the owner-builder is liable for the tax for such construction contracting activity; and
 - (C) the owner-builder has provided the contractor his City Privilege License number.
 - (3) a person selling new manufactured buildings who has provided the subcontractor with a written declaration that he is liable for the tax for the site preparation and set-up; and provided the subcontractor his City Privilege License number.

Subcontractor also includes a construction contractor performing work for another subcontractor as defined above.

Sec. 8A-416. Construction contracting: speculative builders.

- (a) The tax shall be equal to two and fifty hundredths percent (2.5%) of the gross income from the business activity upon every person engaging or continuing in business as a speculative builder within the City.
- (1) The gross income of a speculative builder considered taxable shall include the total selling price from the sale of improved real property at the time of closing of escrow or transfer of title.
 - (2) "Improved Real Property" means any real property:
 - (A) upon which a structure has been constructed; or
 - (B) where improvements have been made to land containing no structure (such as paving or landscaping); or
 - (C) which has been reconstructed as provided by Regulation; or
 - (D) where water, power, and streets have been constructed to the property line.
 - (3) "Sale of Improved Real Property" includes any form of transaction, whether characterized as a lease or otherwise, which in substance is a transfer of title of, or equitable ownership in, improved real property and includes any lease of the property for a term of thirty (30) years or more (with all options for renewal being included as a part of the term). In the case of multiple unit projects, "sale" refers to the sale of the entire project or to the sale of any individual parcel or unit.
 - (4) "Partially Improved Residential Real Property," as used in this Section, means any improved real property, as defined in subsection (a)(2) above, being developed for sale to individual homeowners, where the construction of the residence upon such property is not substantially complete at the time of the sale.
- (b) Exclusions.

- (1) In cases involving reconstruction contracting, the speculative builder may exclude from gross income the prior value allowed for reconstruction contracting in determining his taxable gross income, as provided by Regulation.
 - (2) Fair market value of land. Gross income from the sale of improved real property shall not include the "fair market value" of the land which is included in the real property sold, when a charge for such land is included in the total selling price of the real property sold.
 - (A) Except as provided in subsection (b)(2)(B) below, the taxpayer must document such "fair market value" to the satisfaction of the Tax Collector, and maintain and provide such documentation upon demand in addition to and in like manner to the books and records required in Article III.
 - (B) In lieu of the documented fair market value of land allowed in subsection (b)(2)(A) above, an amount equal to twenty percent (20%) of the total selling price may be used to estimate the "fair market value" of land.
 - (3) (Reserved)
 - (4) A speculative builder may exclude gross income from the sale of partially improved residential real property as defined in (a)(4) above to another speculative builder only if all of the following conditions are satisfied:
 - (A) The speculative builder purchasing the partially improved residential real property has a valid City privilege license for construction contracting as a speculative builder; and
 - (B) At the time of the transaction, the purchaser provides the seller with a properly completed written declaration that the purchaser assumes liability for and will pay all privilege taxes which would otherwise be due the City at the time of sale of the partially improved residential real property; and
 - (C) The seller also:
 - (i) maintains proper records of such transactions in a manner similar to the requirements provided in this chapter relating to sales for resale; and
 - (ii) retains a copy of the written declaration provided by the buyer for the transaction; and
 - (iii) is properly licensed with the City as a speculative builder and provides the City with the written declaration attached to the City privilege tax return where he claims the exclusion.
 - (5) For taxable periods beginning from and after July 1, 2008, the portion of gross proceeds of sales or gross income attributable to the actual direct costs of providing architectural or engineering services that are incorporated in a contract is not subject to tax under this section. For the purposes of this subsection, "direct costs" means the portion of the actual costs that are directly expended in providing architectural or engineering services.
- (c) Tax liability for speculative builders occurs at close of escrow or transfer of title, whichever occurs earlier, and is subject to the following provisions, relating to exemptions, deductions and tax credits:
- (1) Exemptions.
 - (A) The gross proceeds of sales or gross income attributable to the purchase of machinery, equipment or other tangible personal property that is exempt from or deductible from privilege or use tax under:
 - (i) Section 8A-465, subsections (g) and (p)

(ii) Section 8A-660, subsections (g) and (p) shall be exempt or deductible, respectively, from the tax imposed by this Section.

- (B) The gross proceeds of sales or gross income received from a contract for the construction of an environmentally controlled facility for the raising of poultry for the production of eggs and the sorting, or cooling and packaging of eggs shall be exempt from the tax imposed under this Section.
- (C) The gross proceeds of sales or gross income that is derived from the installation, assembly, repair or maintenance of clean rooms that are deducted from the tax base of the retail classification pursuant to Section 8A-465, subsection (g) shall be exempt from the tax imposed under this section.
- (D) The gross proceeds of sales or gross income that is derived from a contract entered into with a person who is engaged in the commercial production of livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this state for the construction, alteration, repair, improvement, movement, wrecking or demolition or addition to or subtraction from any building, highway, road, excavation, manufactured building or other structure, project, development or improvement used directly and primarily to prevent, monitor, control or reduce air, water or land pollution shall be exempt from the tax imposed under this Section.
- (E) Any amount attributable to development fees that are incurred in relation to the construction, development or improvement of real property and paid by the taxpayer as defined in the model city tax code or by a contractor providing services to the taxpayer shall be exempt from the tax imposed under this section. For the purposes of this paragraph:
 - (i) the attributable amount shall not exceed the value of the development fees actually imposed.
 - (ii) the attributable amount is equal to the total amount of development fees paid by the taxpayer or by a contractor providing services to the taxpayer and the total development fees credited in exchange for the construction of, contribution to or dedication of real property for providing public infrastructure, public safety or other public services necessary to the development. The real property must be the subject of the development fees.
 - (iii) "development fees" means fees imposed to offset capital costs of providing public infrastructure, public safety or other public services to a development and authorized pursuant to A.R.S. Section 9-463.05, A.R.S. Section 11-1102 or A.R.S. Title 48 regardless of the jurisdiction to which the fees are paid.

(2) Deductions.

- (A) All amounts subject to the tax shall be allowed a deduction in the amount of thirty-five percent (35%).
- (B) The gross proceeds of sales or gross income that is derived from a contract entered into for the installation, assembly, repair or maintenance of income-producing capital equipment, as defined in Section 8A-110, that is deducted from the retail classification pursuant to Section 8A-465(g), that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this Section. If the ownership of the realty is separate from the ownership of the income-

producing capital equipment, the determination as to permanent attachment shall be made as if the ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, "permanent attachment" means at least one of the following:

- (i) to be incorporated into real property.
 - (ii) to become so affixed to real property that it becomes part of the real property.
 - (iii) to be so attached to real property that removal would cause substantial damage to the real property from which it is removed.
- (C) For taxable periods beginning from and after July 1, 2008 and ending before January 1, 2017, the gross proceeds of sales or gross income derived from a contract to provide and install a solar energy device. The contractor shall register with the department of revenue as a solar energy contractor. By registering, the contractor acknowledges that it will make its books and records relating to sales of solar energy devices available to the department of revenue and the city, as applicable, for examination.

(3) Tax credits.

The following tax credits are available to owner-builders or speculative builders, not to exceed the tax liability against which such credits apply, provided such credits are documented to the satisfaction of the tax collector:

- (A) A tax credit equal to the amount of city privilege or use tax, or the equivalent excise tax, paid directly to a taxing jurisdiction or as a separately itemized charge paid directly to the vendor with respect to the tangible personal property incorporated into the said structure or improvement to real property undertaken by the owner-builder or speculative builder.
- (B) A tax credit equal to the amount of privilege taxes paid to this City, or charged separately to the speculative builder, by a construction contractor, on the gross income derived by said person from the construction of any improvement to the real property.
- (C) No credits provided herein may be claimed until such time that the gross income against which said credits apply is reported.

Sec. 8A-417. Construction contracting: owner-builders who are not speculative builders.

- (a) At the expiration of twenty-four (24) months after improvement to the property is substantially complete, the tax liability for an owner-builder who is not a speculative builder shall be at an amount equal to two and fifty hundredths percent (2.5%) of:
 - (1) the gross income from the activity of construction contracting upon the real property in question which was realized by those construction contractors to whom the owner-builder provided written declaration that they were not responsible for the taxes as prescribed in Subsection 8A-415(c)(2); and
 - (2) the purchase of tangible personal property for incorporation into any improvement to real property, computed on the sales price.

- (b) For taxable periods beginning from and after July 1, 2008, the portion of gross proceeds of sales or gross income attributable to the actual direct costs of providing architectural or engineering services that are incorporated in a contract is not subject to tax under this section. For the purposes of this subsection, "direct costs" means the portion of the actual costs that are directly expended in providing architectural or engineering services.
- (c) The tax liability of this Section is subject to the following provisions, relating to exemptions, deductions and tax credits:
- (1) Exemptions.
- (A) The gross proceeds of sales or gross income attributable to the purchase of machinery, equipment or other tangible personal property that is exempt from or deductible from privilege or use tax under:
- (i) Section 8A-465, subsections (g) and (p)
- (ii) Section 8A-660, subsections (g) and (p)
- shall be exempt or deductible, respectively, from the tax imposed by this Section.
- (B) The gross proceeds of sales or gross income received from a contract for the construction of an environmentally controlled facility for the raising of poultry for the production of eggs and the sorting, or cooling and packaging of eggs shall be exempt from the tax imposed under this Section.
- (C) The gross proceeds of sales or gross income that is derived from the installation, assembly, repair or maintenance of clean rooms that are deducted from the tax base of the retail classification pursuant to Section 8A-465, subsection (g) shall be exempt from the tax imposed under this Section.
- (D) The gross proceeds of sales or gross income that is derived from a contract entered into with a person who is engaged in the commercial production of livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this state for the construction, alteration, repair, improvement, movement, wrecking or demolition or addition to or subtraction from any building, highway, road, excavation, manufactured building or other structure, project, development or improvement used directly and primarily to prevent, monitor, control or reduce air, water or land pollution shall be exempt from the tax imposed under this Section.
- (E) Any amount attributable to development fees that are incurred in relation to the construction, development or improvement of real property and paid by the taxpayer as defined in the model city tax code or by a contractor providing services to the taxpayer shall be exempt from the tax imposed under this section. For the purposes of this paragraph:
- (i) the attributable amount shall not exceed the value of the development fees actually imposed.
- (ii) the attributable amount is equal to the total amount of development fees paid by the taxpayer or by a contractor providing services to the taxpayer and the total development fees credited in exchange for the construction of, contribution to or dedication of real property for providing public infrastructure, public safety or other public services necessary to the development. The real property must be the subject of the development fees.
- (iii) "development fees" means fees imposed to offset capital costs of providing public infrastructure, public safety or other public services to a development and authorized pursuant to A.R.S. Section 9-463.05,

A.R.S. Section 11-1102 or A.R.S. Title 48 regardless of the jurisdiction to which the fees are paid.

- (2) Deductions.
- (A) All amounts subject to the tax shall be allowed a deduction in the amount of thirty-five percent (35%).
 - (B) The gross proceeds of sales or gross income that is derived from a contract entered into for the installation, assembly, repair or maintenance of income-producing capital equipment, as defined in Section 8A-110, that is deducted from the retail classification pursuant to Section 8A-465(g), that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this Section. If the ownership of the realty is separate from the ownership of the income-producing capital equipment, the determination as to permanent attachment shall be made as if the ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, "permanent attachment" means at least one of the following:
 - (i) to be incorporated into real property.
 - (ii) to become so affixed to real property that it becomes part of the real property.
 - (iii) to be so attached to real property that removal would cause substantial damage to the real property from which it is removed.
 - (C) For taxable periods beginning from and after July 1, 2008 and ending before January 1, 2017, the gross proceeds of sales or gross income derived from a contract to provide and install a solar energy device. The contractor shall register with the department of revenue as a solar energy contractor. By registering, the contractor acknowledges that it will make its books and records relating to sales of solar energy devices available to the department of revenue and the city, as applicable, for examination.

- (3) Tax credits.
- The following tax credits are available to owner-builders and speculative builders, not to exceed the tax liability against which such credits apply, provided such credits are documented to the satisfaction of the tax collector:
- (A) A tax credit equal to the amount of city privilege or use tax, or the equivalent excise tax, paid directly to a taxing jurisdiction or as a separately itemized charge paid directly to the vendor with respect to the tangible personal property incorporated into the said structure or improvement to real property undertaken by the owner-builder or speculative builder.
 - (B) A tax credit equal to the amount of privilege taxes paid to this City, or charged separately to the speculative builder, by a construction contractor, on the gross income derived by said person from the construction of any improvement to the real property.
 - (C) No credits provided herein may be claimed until such time that the gross income against which said credits apply is reported.

(d) The limitation period for the assessment of taxes imposed by this Section is measured

based upon when such liability is reportable, that is, in the reporting period that encompasses the twenty-fifth (25th) month after said unit or project was substantially complete. Interest and penalties, as provided in Section 8A-540, will be based on reportable date.

(e) (Reserved)

Sec. 8A-418. (Reserved)

Sec. 8A-420. (Reserved)

Sec. 8A-425. Job printing.

- (a) The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the gross income from the business activity upon every person engaging or continuing in the business of job printing, which includes engraving of printing plates, embossing, copying, micrographics, and photo reproduction.
- (b) The tax imposed by this Section shall not apply to:
 - (1) job printing purchased for the purpose of resale by the purchaser in the form supplied by the job printer.
 - (2) out-of-City sales.
 - (3) out-of-State sales.
 - (4) (Reserved)
 - (5) sales of job printing to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.
 - (6) (Reserved)

Sec. 8A-427. Manufactured buildings.

- (a) The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the gross income, including site preparation, moving to the site, and/or set-up, upon every person engaging or continuing in the business activity of selling manufactured buildings within the City. Such business activity is deemed to occur at the business location of the seller where the purchaser first entered into the contract to purchase the manufactured building.
- (b) Sales of used manufactured buildings are not taxable.
- (c) The sale prices of furniture, furnishings, fixtures, appliances, and attachments that are not incorporated as component parts of or attached to a manufactured building are exempt from the tax imposed by this Section. Sales of such items are subject to the tax under Section 8A-460.
- (d) Under this Section, a trade-in will not be allowed for the purpose of reducing the tax liability.

Sec. 8A-430. Timbering and other extraction.

- (a) The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the gross income from the business activity upon every person engaging or continuing in the following businesses:
 - (1) felling, producing, or preparing timber or any product of the forest for sale, profit, or commercial use.
 - (2) extracting, refining, or producing any oil or natural gas for sale, profit, or commercial use.
- (b) The rate specified in subsection (a) above shall be applied to the value of the entire product extracted, refined, produced, or prepared for sale, profit, or commercial use, when such activity occurs within the City, regardless of the place of sale of the product or the fact that delivery may be made to a point without the City or without the State.
- (c) If any person engaging in any business classified in this Section ships or transports products, or any part thereof, out of the State without making sale of such products, or ships his products outside of the State in an unfinished condition, the value of the products or articles in the condition or form in which they existed when transported out-of-State and before they enter interstate commerce shall be the basis for assessment of the tax imposed by this Section.
- (d) (Reserved)

Sec. 8A-432. Mining.

- (a) The tax rate shall be at an amount equal to one tenth of one percent (.1%), not to exceed one tenth of one percent, of the gross income from the business activity upon every person engaging or continuing in the business of mining, smelting, or producing for sale, profit, or commercial use any copper, gold, silver, or other mineral product, compound, or combination of mineral products; but not including the extraction, removal, or production of sand, gravel, or rock from the ground for sale, profit, or commercial use.
- (b) The rate specified in subsection (a) above shall be applied to the value of the entire product mined, smelted or produced for sale, profit, or commercial use, when such activity occurs within the City, regardless of the place of sale of the product or the fact that delivery may be made to a point without the City or without the State.
- (c) If any person engaging in any business classified in this Section ships or transports products, or any part thereof, out of the State without making sale of such products, or ships his products outside of the State in an unfinished condition, the value of the products or articles in the condition or form in which they existed when transported out-of-State and before they enter interstate commerce shall be the basis for assessment of the tax imposed by this Section.

Sec. 8A-435. Publishing and periodicals distribution.

- (a) The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the

gross income from the business activity upon every person engaging or continuing in the business activity of:

- (1) publication of newspapers, magazines, or other periodicals when published within the City, measured by the gross income derived from notices, subscriptions, and local advertising as defined in Section 8A-405. In cases where the location of publication is both within and without this State, gross income subject to the tax shall refer only to gross income derived from residents of this State or generated by permanent business locations within this State.
 - (2) distribution or delivery within the City of newspapers, magazines, or other periodicals not published within the City, measured by the gross income derived from subscriptions.
- (b) "Location of Publication" is determined by:
- (1) location of the editorial offices of the publisher, when the physical printing is not performed by the publisher; or
 - (2) location of either the editorial offices or the printing facilities, if the publisher performs his own physical printing.
- (c) "Subscription income" shall include all circulation revenue of the publisher except amounts retained by or credited to carriers or other vendors as compensation for delivery within the State by such carriers or vendors, and further except sales of published items, directly or through distributors, for the purpose of resale, to retailers subject to the Privilege Tax on such resale.
- (d) "Circulation," for the purpose of measurement of gross income subject to the tax, shall be considered to occur at the place of delivery of the published items to the subscriber or intended reader irrespective of the location of the physical facilities or personnel of the publisher. However, delivery by the United States mails shall be considered to have occurred at the location of publication.
- (e) Allocation of taxes between cities and towns. In cases where publication or distribution occurs in more than one city or town, the measurement of gross income subject to tax by the City shall include:
- (1) that portion of the gross income from publication which reflects the ratio of circulation within this City to circulation in all incorporated cities and towns in this State having substantially similar provisions; plus
 - (2) only when publication occurs within the City, that portion of the remaining gross income from publication which reflects the ratio of circulation within this City to the total circulation of all incorporated cities or towns in this State within which cities the taxpayer maintains a location of publication.
- (f) The tax imposed by this Section shall not apply to sales of newspapers, magazines or other periodicals to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.

Sec. 8A-440. (Reserved)

Sec. 8A-444. Hotels.

The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the gross income from the business activity upon every person engaging or continuing in the business of operating a hotel charging for lodging and/or lodging space furnished to any:

- (a) Person.
- (b) Exclusions. The tax imposed by this Section shall not include:
 - (1) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, this State or any other state or a political subdivision of this State or of any other state in a privately operated prison, jail or detention facility.
 - (2) Gross proceeds of sales or gross income that is properly included in another business activity under this Article and that is taxable to the person engaged in that business activity, but the gross proceeds of sales or gross income to be deducted shall not exceed the consideration paid to the person conducting the activity.
 - (3) Gross proceeds of sales or gross income from transactions or activities that are not limited to transients and that would not be taxable if engaged in by a person not subject to tax under this Article.
 - (4) Gross proceeds of sales or gross income from transactions or activities that are not limited to transients and that would not be taxable if engaged in by a person subject to taxation under Section 8A-410 or Section 8A-475 due to an exclusion, exemption or deduction.
 - (5) Gross proceeds of sales or gross income from commissions received from a person providing services or property to the customers of the hotel. However, such commissions may be subject to tax under Section 8A-445 or Section 8A-450 as rental, leasing or licensing for use of real or tangible personal property.
 - (6) Income from providing telephone, fax or Internet services to customers at an additional charge, that is separately stated to the customer and is separately maintained in the hotel's books and records. However, such gross proceeds of sales or gross income may be subject to tax under Section 8A-470 as telecommunication services.

Sec. 8A-445. Rental, leasing, and licensing for use of real property.

- (a) The tax rate shall be at an amount equal to two percent (2%) of the gross income from the business activity upon every person engaging or continuing in the business of leasing or renting real property located within the City for a consideration, to the tenant in actual possession, or the licensing for use of real property to the final licensee located within the City for a consideration including any improvements, rights, or interest in such property; provided further that:
 - (1) Payments made by the lessee to, or on behalf of, the lessor for property taxes, repairs, or improvements are considered to be part of the taxable gross income.
 - (2) Charges for such items as telecommunications, utilities, pet fees, or maintenance are considered to be part of the taxable gross income.
 - (3) However, if the lessor engages in telecommunication activity, as evidenced by installing individual metering equipment and by billing each tenant based upon

actual usage, such activity is taxable under Section 8A-470.

- (b) If individual utility meters have been installed for each tenant and the lessor separately charges each single tenant for the exact billing from the utility company, such charges are exempt.
- (c) Charges by a qualifying hospital, qualifying community health center or a qualifying health care organization to patients of such facilities for use of rooms or other real property during the course of their treatment by such facilities are exempt.
- (d) Charges for joint pole usage by a person engaged in the business of providing or furnishing utility or telecommunication services to another person engaged in the business of providing or furnishing utility or telecommunication services are exempt from the tax imposed by this Section.
- (e) (Reserved)
- (f) A person who has less than three (3) apartments, houses, trailer spaces, or other lodging spaces rented, leased or licensed or available for rent, lease, or license within the State and no units of commercial property for rent, lease, or license within the State, is not deemed to be in the rental business, and is therefore exempt from the tax imposed by this Section on such income. However, a person who has one (1) or more units of commercial property is subject to the tax imposed by this Section on rental, lease and license income from all such lodging spaces and commercial units of real estate even though said person may have fewer than three (3) lodging spaces.
- (g) (Reserved)
- (h) (Reserved)
- (i) (Reserved)
- (j) Exempt from the tax imposed by this Section is gross income derived from the activities taxable under Section 8A-444 of this code.
- (k) (Reserved)
- (l) (Reserved)
- (m) (Reserved)
- (n) Notwithstanding the provisions of Section 8A-200(b), the fair market value of one (1) apartment, in an apartment complex provided rent free to an employee of the apartment complex is not subject to the tax imposed by this Section. For an apartment complex with more than fifty (50) units, an additional apartment provided rent free to an employee for every additional fifty (50) units is not subject to the tax imposed by this Section.
- (o) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, this State or any other state or a political subdivision of this State or of any other state in a privately operated prison, jail or detention facility is exempt from the

tax imposed by this Section.

- (p) Charges by any hospital, any licensed nursing care institution, or any kidney dialysis facility to patients of such facilities for the use of rooms or other real property during the course of their treatment by such facilities are exempt.
- (q) Charges to patients receiving "personal care" or "directed care", by any licensed assisted living facility, licensed assisted living center or licensed assisted living home as defined and licensed pursuant to Chapter 4 Title 36 Arizona Revised Statutes and Title 9 of the Arizona Administrative Code are exempt.
- (r) Income received from the rental of any "low-income unit" as established under Section 42 of the Internal Revenue Code, including the low-income housing credit provided by IRC Section 42, to the extent that the collection of tax on rental income causes the "gross rent" defined by IRC Section 42 to exceed the income limitation for the low-income unit is exempt. This exemption also applies to income received from the rental of individual rental units subject to statutory or regulatory "low-income unit" rent restrictions similar to IRC Section 42 to the extent that the collection of tax from the tenant causes the rental receipts to exceed a rent restriction for the low-income unit. This subsection also applies to rent received by a person other than the owner or lessor of the low-income unit, including a broker. This subsection does not apply unless a taxpayer maintains the documentation to support the qualification of a unit as a low-income unit, the "gross rent" limitation for the unit and the rent received from that unit.
- (s) The gross proceeds of sales or gross income derived from a commercial lease in which a reciprocal insurer or a corporation leases real property to an affiliated corporation. For the purposes of this paragraph:
 - (1) "Affiliated Corporation" means a corporation that meets one of the following conditions:
 - (A) the corporation owns or controls at least eighty percent of the lessor.
 - (B) the corporation is at least eighty percent owned or controlled by the lessor.
 - (C) the corporation is at least eighty percent owned or controlled by a corporation that also owns or controls at least eighty percent of the lessor.
 - (D) the corporation is at least eighty percent owned or controlled by a corporation that is at least eighty percent owned or controlled by a reciprocal insurer.
 - (2) For the purposes of subsection (1), ownership and control are determined by reference to the voting shares of a corporation.
 - (3) "Reciprocal Insurer" has the same meaning as prescribed in A.R.S. Section 20-762.

Sec. 8A-446. (Reserved)

Sec. 8A-447. Rental, leasing, and licensing for use of real property: additional tax upon transient lodging.

In addition to the taxes levied as provided in Section 8A-444, there is hereby levied and shall be collected an additional tax in an amount equal to four percent (4%) of the gross income from the

business activity of any hotel engaging or continuing within the City in the business of charging for lodging and/or lodging space furnished to any transient

Sec. 8A-450. Rental, leasing, and licensing for use of tangible personal property.

- (a) The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the gross income from the business activity upon every person engaging or continuing in the business of leasing, licensing for use, or renting tangible personal property for a consideration, including that which is semi-permanently or permanently installed within the City as provided by Regulation.
- (b) Special provisions relating to long-term motor vehicle leases. A lease transaction involving a motor vehicle for a minimum period of twenty-four (24) months shall be considered to have occurred at the location of the motor vehicle dealership, rather than the location of the place of business of the lessor, even if the lessor's interest in the lease and its proceeds are sold, transferred, or otherwise assigned to a lease financing institution; provided further that the city or town where such motor vehicle dealership is located levies a Privilege Tax or an equivalent excise tax upon the transaction.
- (c) Gross income derived from the following transactions shall be exempt from Privilege Taxes imposed by this Section:
 - (1) rental, leasing, or licensing for use of tangible personal property to persons engaged or continuing in the business of leasing, licensing for use, or rental of such property.
 - (2) rental, leasing, or licensing for use of tangible personal property that is semi-permanently or permanently installed within another city or town that levies an equivalent excise tax on the transaction.
 - (3) rental, leasing, or licensing for use of film, tape, or slides to a theater or other person taxed under Section 5.04.410, or to a radio station, television station, or subscription television system.
 - (4) rental, leasing, or licensing for use of the following:
 - (A) prosthetics.
 - (B) income-producing capital equipment.
 - (C) mining and metallurgical supplies.These exemptions include the rental, leasing, or licensing for use of tangible personal property which, if it had been purchased instead of leased, rented, or licensed by the lessee or licensee, would qualify as income-producing capital equipment or mining and metallurgical supplies.
 - (5) rental, leasing, or licensing for use of tangible personal property to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property so rented, leased, or licensed is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512 or rental, leasing, or licensing for use of tangible personal property in this State by a nonprofit charitable organization that has qualified under Section 501(c)(3) of the United States Internal Revenue Code and that engages in and uses such property exclusively for training, job placement or rehabilitation programs or testing for mentally or physically handicapped persons.
 - (6) separately billed charges for delivery, installation, repair, and/or maintenance as provided by Regulation.
 - (7) charges for joint pole usage by a person engaged in the business of providing or

furnishing utility or telecommunication services to another person engaged in the business of providing or furnishing utility or telecommunication services.

- (8) (Reserved)
- (9) rental, leasing, or licensing of aircraft that would qualify as aircraft acquired for use outside the State, as prescribed by Regulation, if such rental, leasing, or licensing had been a sale.
- (10) rental, leasing and licensing for use of an alternative fuel vehicle if such vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. Section 1-215.
- (11) rental, leasing, and licensing for use of solar energy devices, for taxable periods beginning from and after July 1, 2008. The lessor shall register with the department of revenue as a solar energy retailer. By registering, the lessor acknowledges that it will make its books and records relating to leases of solar energy devices available to the department of revenue and city, as applicable, for examination.

Sec. 8A-452. (Reserved)

Sec. 8A-455. Restaurants and Bars.

- (a) The tax rate shall be at an amount equal to three and fifty hundredths percent (3.5%) of the gross income from the business activity upon every person engaging or continuing in the business of preparing or serving food or beverage in a bar, cocktail lounge, restaurant, or similar establishment where articles of food or drink are prepared or served for consumption on or off the premises, including also the activity of catering. Cover charges and minimum charges must be included in the gross income of this business activity.
- (b) Caterers and other taxpayers subject to the tax who deliver food and/or serve such food off premises shall also be allowed to exclude separately charged delivery, set-up, and clean-up charges, provided that the charges are also maintained separately in the books and records. When a taxpayer delivers food and/or serves such food off premises, his regular business location shall still be deemed the location of the transaction for the purposes of the tax imposed by this Section.
- (c) The tax imposed by this Section shall not apply to sales to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when sold for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.
- (d) The tax imposed by this Section shall not apply to sales of food, beverages, condiments and accessories used for serving food and beverages to a commercial airline, as defined in A.R.S. § 42--5061(A)49, that serves the food and beverages to its passengers, without additional charge, for consumption in flight.
- (e) The tax imposed by this Section shall not apply to sales of prepared food, beverages, condiments or accessories to a public educational entity, pursuant to any of the provisions of Title 15, Arizona Revised Statutes, to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school

hours.

- (f) For the purposes of this Section, “accessories” means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

Sec. 8A-460. Retail sales: measure of tax; burden of proof; exclusions.

- (a) The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the gross income from the business activity upon every person engaging or continuing in the business of selling tangible personal property at retail.
- (b) The burden of proving that a sale of tangible personal property is not a taxable retail sale shall be upon the person who made the sale.
- (c) Exclusions. For the purposes of this Chapter, sales of tangible personal property shall not include:
 - (1) sales of stocks, bonds, options, or other similar materials.
 - (2) sales of lottery tickets or shares pursuant to Article I, Chapter 5, Title 5, Arizona Revised Statutes.
 - (3) sales of platinum, bullion, or monetized bullion, except minted or manufactured coins transferred or acquired primarily for their numismatic value as prescribed by Regulation.
 - (4) gross income derived from the transfer of tangible personal property which is specifically included as the gross income of a business activity upon which another Section of this Article imposes a tax, shall be considered gross income of that business activity, and are not includable as gross income subject to the tax imposed by this Section.
 - (5) sales by professional or personal service occupations where such sales are inconsequential elements of the service provided.
- (d) (Reserved)
- (e) When this City and another Arizona city or town with an equivalent excise tax could claim nexus for taxing a retail sale, the city or town where the permanent business location of the seller at which the order was received shall be deemed to have precedence, and for the purposes of this Chapter such city or town has sole and exclusive right to such tax.
- (f) The appropriate tax liability for any retail sale where the order is received at a permanent business location of the seller located in this City or in an Arizona city or town that levies an equivalent excise tax shall be at the tax rate of the city or town of such seller's location.
- (g) Retail sales of prepaid calling cards or prepaid authorization numbers for telecommunications services, including sales of reauthorization of a prepaid card or authorization number, are subject to tax under this Section.

Sec. 8A-465. Retail sales: exemptions.

Income derived from the following sources is exempt from the tax imposed by Section 8A-460:

- (a) sales of tangible personal property to a person regularly engaged in the business of selling such property.
- (b) out-of-City sales or out-of-State sales.
- (c) charges for delivery, installation, or other direct customer services as prescribed by Regulation.
- (d) charges for repair services as prescribed by Regulation, when separately charged and separately maintained in the books and records of the taxpayer.
- (e) sales of warranty, maintenance, and service contracts, when separately charged and separately maintained in the books and records of the taxpayer.
- (f) sales of prosthetics.
- (g) sales of income-producing capital equipment.
- (h) sales of rental equipment and rental supplies.
- (i) sales of mining and metallurgical supplies.
- (j) sales of motor vehicle fuel and use fuel which are subject to a tax imposed under the provisions of Article I or II, Chapter 16, Title 28, Arizona Revised Statutes; or sales of use fuel to a holder of a valid single trip use fuel tax permit issued under A.R.S. Section 28-5739, or sales of natural gas or liquefied petroleum gas used to propel a motor vehicle.
- (k) sales of tangible personal property to a construction contractor who holds a valid Privilege Tax License for engaging or continuing in the business of construction contracting where the tangible personal property sold is incorporated into any structure or improvement to real property as part of construction contracting activity.
- (l) sales of motor vehicles to nonresidents of this State for use outside this State if the vendor ships or delivers the motor vehicle to a destination outside this State.
- (m) sales of tangible personal property which directly enters into and becomes an ingredient or component part of a product sold in the regular course of the business of job printing, manufacturing, or publication of newspapers, magazines, or other periodicals. Tangible personal property which is consumed or used up in a manufacturing, job printing, publishing, or production process is not an ingredient nor component part of a product.
- (n) sales made directly to the Federal government to the extent of:
 - (1) one hundred percent (100%) of the gross income derived from retail sales made by a manufacturer, modifier, assembler, or repairer.
 - (2) fifty percent (50%) of the gross income derived from retail sales made by any other person.

- (o) sales to hotels, bars, restaurants, dining cars, lunchrooms, boarding houses, or similar establishments of articles consumed as food, drink, or condiment, whether simple, mixed, or compounded, where such articles are customarily prepared or served to patrons for consumption on or off the premises, where the purchaser is properly licensed and paying a tax under Section 8A-455 or the equivalent excise tax upon such income.
- (p) sales of tangible personal property to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512 or sales of tangible personal property purchased in this State by a nonprofit charitable organization that has qualified under Section 501(c)(3) of the United States Internal Revenue Code and that engages in and uses such property exclusively for training, job placement or rehabilitation programs or testing for mentally or physically handicapped persons.
- (q) sales of food for home consumption.
- (r) (Reserved)
 - (1) (Reserved)
 - (2) (Reserved)
 - (3) (Reserved)
 - (4) (Reserved)
- (s) sales of groundwater measuring devices required by A.R.S. Section 45-604.
- (t) (Reserved)
- (u) sales of aircraft acquired for use outside the State, as prescribed by Regulation.
- (v) sales of food products by producers as provided for by A.R.S. Sections 3-561, 3-562 and 3-563.
- (w) (Reserved)
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)
- (aa) the sale of tangible personal property used in remediation contracting as defined in Section 8A-100 and Regulation 8A-100.5.
- (bb) sales of materials that are purchased by or for publicly funded libraries including school district libraries, charter school libraries, community college libraries, state university libraries or federal, state, county or municipal libraries for use by the public as follows:
 - (1) printed or photographic materials.
 - (2) electronic or digital media materials.
- (cc) sales of food, beverages, condiments and accessories used for serving food and beverages to a commercial airline, as defined in A.R.S. § 42-5061(A)(49), that serves the food and

beverages to its passengers, without additional charge, for consumption in flight. For the purposes of this subsection, “accessories” means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

- (dd) in computing the tax base in the case of the sale or transfer of wireless telecommunication equipment as an inducement to a customer to enter into or continue a contract for telecommunication services that are taxable under Section 8A-470, gross proceeds of sales or gross income does not include any sales commissions or other compensation received by the retailer as a result of the customer entering into or continuing a contract for the telecommunications services.
- (ee) for the purposes of this Section, a sale of wireless telecommunication equipment to a person who holds the equipment for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunication services that are taxable under Section 8A-470 is considered to be a sale for resale in the regular course of business.
- (ff) sales of alternative fuel as defined in A.R.S. § 1-215, to a used oil fuel burner who has received a Department of Environmental Quality permit to burn used oil or used oil fuel under A.R.S. § 49-426 or § 49-480.
- (gg) sales of food, beverages, condiments and accessories to a public educational entity, pursuant to any of the provisions of Title 15, Arizona Revised Statutes; to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours. For the purposes of this subsection, “accessories” means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
- (hh) sales of personal hygiene items to a person engaged in the business of and subject to tax under Section 8A-444 of this code if the tangible personal property is furnished without additional charge to and intended to be consumed by the person during his occupancy.
- (ii) For the purposes of this Section, the diversion of gas from a pipeline by a person engaged in the business of operating a natural or artificial gas pipeline, for the sole purpose of fueling compressor equipment to pressurize the pipeline, is not a sale of the gas to the operator of the pipeline.
- (jj) Sales of food, beverages, condiments and accessories to a nonprofit charitable organization that has qualified as an exempt organization under 26 U.S.C Section 501(c)(3) and regularly serves meals to the needy and indigent on a continuing basis at no cost. For the purposes of this subsection, “accessories” means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
- (kk) sales of motor vehicles that use alternative fuel was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and sales of equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. § 1-215.

- (ll) Sales of solar energy devices, for taxable periods beginning from and after July 1, 2008. The retailer shall register with the department of Revenue as a solar energy retailer. By registering, the retailer acknowledges that it will make its books and records relating to sales of solar energy devices available to the department of revenue and city, as applicable, for examination.

Sec. 8A-470. Telecommunication services.

- (a) The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the gross income from the business activity upon every person engaging or continuing in the business of providing telecommunication services to consumers within this City.
 - (1) Telecommunication services shall include:
 - (A) two-way voice, sound, and/or video communication over a communications channel.
 - (B) one-way voice, sound, and/or video transmission or relay over a communications channel.
 - (C) facsimile transmissions.
 - (D) providing relay or repeater service.
 - (E) providing computer interface services over a communications channel.
 - (F) time-sharing activities with a computer accomplished through the use of a communications channel.
 - (2) Gross income from the business activity of providing telecommunication services to consumers within this City shall include:
 - (A) all fees for connection to a telecommunication system.
 - (B) toll charges, charges for transmissions, and charges for other telecommunications services; provided that such charges relate to transmissions originating in the City and terminating in this State.
 - (C) fees charged for access to or subscription to or membership in a telecommunication system or network.
 - (D) charges for monitoring services relating to a security or burglar alarm system located within the City where such system transmits or receives signals or data over a communications channel.
 - (E) charges for telephone, fax or Internet access services provided at an additional charge by a hotel business subject to taxation under Section 8A-444.
- (b) Resale telecommunication services. Gross income from sales of telecommunication services to another provider of telecommunication services for the purpose of providing the purchaser's customers with such service shall be exempt from the tax imposed by this Section; provided, however, that such purchaser is properly licensed by the City to engage in such business.
- (c) Interstate transmissions. Charges by a provider of telecommunication services for transmissions originating in the City and terminating outside the State are exempt from the tax imposed by this Section.
- (d) Tax credit offset for franchise fees. There shall be allowed as an offset, up to the amount of tax due, any amounts paid to the City for license fees or franchise fees, but such offset

shall not be allowed against taxes imposed by any other Section of this Chapter. Such offset shall not be deemed in conflict with or violation of subsection 8A-400(b).

- (e) However, gross income from the providing of telecommunication services by a cable television system, as such system is defined in A.R.S. Section 9-505, shall be exempt from the tax imposed by this Section.
- (f) Prepaid calling cards. Telecommunications services purchased with a prepaid calling card that are taxable under Section 8A-460 are exempt from the tax imposed under this Section.
- (g) Internet Access Services - the gross income subject to tax under this section shall not include sales of internet access services to the person's subscribers and customers. For the purposes of this subsection:
 - (1) "Internet" means the computer and telecommunications facilities that comprise the interconnected worldwide network of networks that employ the transmission control protocol or internet protocol, or any predecessor or successor protocol, to communicate information of all kinds by wire or radio.
 - (2) "Internet Access" means a service that enables users to access content, information, electronic mail or other services over the internet. Internet access does not include telecommunication services provided by a common carrier.

Sec. 8A-475. Transporting for hire.

The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the gross income from the business activity upon every person engaging or continuing in the business of providing the following forms of transportation for hire from this City to another point within the State:

- (a) transporting of persons or property by railroad; provided, however, that the tax imposed by this subsection shall not apply to transporting freight or property for hire by a railroad operating exclusively in this State if the transportation comprises a portion of a single shipment of freight or property, involving more than one railroad, either from a point in this State to a point outside this State or from a point outside this State to a point in this State. For purposes of this paragraph, "a single shipment" means the transportation that begins at the point at which one of the railroads first takes possession of the freight or property and continues until the point at which one of the railroads relinquishes possession of the freight or property to a party other than one of the railroads.
- (b) transporting of oil or natural or artificial gas through pipe or conduit.
- (c) transporting of property by aircraft.
- (d) transporting of persons or property by motor vehicle, including towing and the operation of private car lines, as such are defined in Article VII, Chapter 14, Title 42, Arizona Revised Statutes; provided, however, that the tax imposed by this subsection shall not apply to:
 - (1) gross income subject to the tax imposed by Article IV, Chapter 16, Title 28, Arizona Revised Statutes.

- (2) gross income derived from the operation of a governmentally adopted and controlled program to provide urban mass transportation.
 - (3) (Reserved)
 - (4) (Reserved)
- (e) (Reserved)
- (f) Deductions or exemptions. The gross proceeds of sales or gross income derived from the following sources is exempt from the tax imposed by this Section:
- (1) income that is specifically included as the gross income of a business activity upon which another Section of Article IV imposes a tax, that is separately stated to the customer and is taxable to the person engaged in that classification not to exceed consideration paid to the person conducting the activity.
 - (2) income from arranging amusement or transportation when the amusement or transportation is conducted by another person not to exceed consideration paid to the amusement or transportation business.
- (g) The tax imposed by this Section shall not include arranging transportation as a convenience to a person's customers if that person is not otherwise engaged in the business of transporting persons, freight or property for hire. This exception does not apply to businesses that dispatch vehicles pursuant to customer orders and send the billings and receive the payments associated with that activity, including when the transportation is performed by third party independent contractors. For the purposes of this paragraph, "arranging" includes billing for or collecting transportation charges from a person's customers on behalf of the persons providing the transportation.

Sec. 8A-480. Utility services.

- (a) The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the gross income from the business activity upon every person engaging or continuing in the business of producing, providing, or furnishing utility services, including electricity, electric lights, current, power, gas (natural or artificial), or water to:
- (1) consumers or ratepayers who reside within the City.
 - (2) consumers or ratepayers of this City, whether within the City or without, to the extent that this City provides such persons utility services, excluding consumers or ratepayers who are residents of another city or town which levies an equivalent excise tax upon this City for providing such utility services to such persons.
- (b) Exclusion of certain sales of natural gas to a public utility. Notwithstanding the provisions of subsection (a) above, the gross income derived from the sale of natural gas to a public utility for the purpose of generation of power to be transferred by the utility to its ratepayers shall be considered a retail sale of tangible personal property subject to Sections 8A-460 and 8A-465, and not considered gross income taxable under this Section.
- (c) Resale utility services. Sales of utility services to another provider of the same utility services for the purpose of providing such utility services either to another properly licensed utility provider or directly to such purchaser's customers or ratepayers shall be exempt and deductible from the gross income subject to the tax imposed by this Section,

provided that the purchaser is properly licensed by all applicable taxing jurisdictions to engage or continue in the business of providing utility services, and further provided that the seller maintains proper documentation, in a manner similar to that for sales for resale, of such transactions.

- (d) Tax credit offset for franchise fees. There shall be allowed as an offset any franchise fees paid to the City pursuant to the terms of a franchise agreement. However, such offset shall not be allowed against taxes imposed by any other Section of this Chapter. Such offsets shall not be deemed in conflict with or violation of subsection 8A-400(b).
- (e) The tax imposed by this Section shall not apply to sales of utility services to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when sold for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.
- (f) The tax imposed by this Section shall not apply to sales of natural gas or liquefied petroleum gas used to propel a motor vehicle.
- (g) The tax imposed by this Section shall not apply to:
 - (1) revenues received by a municipally owned utility in the form of fees charged to persons constructing residential, commercial or industrial developments or connecting residential, commercial or industrial developments to a municipal utility system or systems if the fees are segregated and used only for capital expansion, system enlargement or debt service of the utility system or systems.
 - (2) revenues received by any person or persons owning a utility system in the form of reimbursement or contribution compensation for property and equipment installed to provide utility access to, on or across the land of an actual utility consumer if the property and equipment become the property of the utility. This exclusion shall not exceed the value of such property and equipment.
- (h) The tax imposed by this Section shall not apply to sales of alternative fuel as defined in A.R.S. § 1-215, to a used oil fuel burner who has received a Department of Environmental Quality permit to burn used oil or used oil fuel under A.R.S. § 49-426 or § 49-480.

Sec. 8A-485. (Reserved)

Article V - Administration

Sec. 8A-500. Administration of this Chapter; rule making.

- (a) The administration of this Chapter is vested in and exercised by the City of Kingman, and except as otherwise provided, and all payments shall be made to the City of Kingman. The City may, pursuant to an intergovernmental agreement, contract with the State of Arizona Department of Revenue for the administration of the tax. In such cases, "Tax Collector" shall also mean the Arizona Department of Revenue, when acting as agent in administering this tax.
- (b) The Tax Collector shall prescribe the forms and procedures necessary for the administration of the taxes imposed by this Chapter.
- (c) Except where such Regulations would conflict with administrative regulations adopted by the City Council or with provisions of this Chapter, all regulations on the Transaction Privilege Tax adopted by the Arizona Department of Revenue under the authority of A.R.S. Section 42-1005 shall be considered Regulations of this Chapter and enforceable as such.
- (d) Taxpayers shall be subject to the State taxpayer bill of rights (A.R.S. § 42-2051 et. seq.)
- (e) The unified audit committee shall publish uniform guidelines that interpret the model city tax code and that apply to all cities and towns that have adopted the model city tax code as provided by A.R.S. Section 42-6005.
 - (1) Prior to finalization of uniform guidelines that interpret the model city tax code, the unified audit committee shall disseminate draft guidelines for public comment.
 - (2) Pursuant to A.R.S. Section 42-6005(D), when the state statutes and the model city tax code are the same and where the Arizona Department of Revenue has issued written guidance, the department's interpretation is binding on cities and towns.

Sec. 8A-510. Divulging of information prohibited; exceptions allowing disclosure.

- (a) Except as specifically provided, it shall be unlawful for any official or employee of the City to make known information obtained pursuant to this Chapter concerning the business financial affairs or operations of any person.
- (b) The City Council may authorize an examination of any return or audit of a specific taxpayer made pursuant to this Chapter by authorized agents of the Federal Government, the State of Arizona, or any political subdivisions.
- (c) The Tax Collector may provide to an Arizona county, city, or town any information concerning any taxes imposed in this Chapter relative to the taxing ordinances of that county, city, or town.
- (d) Successors, receivers, trustees, personal representatives, executors, guardians,

administrators, and assignees, if directly interested, may be given information by the Tax Collector as to the items included in the measure and amounts of any unpaid tax, interest, and penalties required to be paid.

- (e) Upon a written direction by the City Attorney or other legal advisor to the City designated by the City Council, officials or employees of the City may divulge the amount and source of income, profits, leases, or expenditures disclosed in any return or report, and the amount of such delinquent and unpaid tax, penalty, or interest, to a private collection agency having a written collection agreement with the City.
- (f) The Tax Collector shall provide information to appropriate representatives of any Arizona city or town to comply with the provisions of A.R.S. Section 42-6003, A.R.S. Section 42-6005, and A.R.S. Section 42-6056.
- (g) The Tax Collector may provide information to authorized agents of any other Arizona governmental agency involving the allocation of taxes imposed by Section 8A-435 upon publishing and distribution of periodicals.
- (h) The Tax Collector may provide information regarding the enforcement and collection of taxes imposed by this Chapter to any governmental agency with which the City has an agreement.

Sec. 8A-515. (Reserved)

Sec. 8A-516. (Reserved)

Sec. 8A-517. (Reserved)

Sec. 8A-520. Reporting and payment of tax.

- (a) The taxpayer shall be required to use the report form authorized by the Tax Collector and shall mail or deliver the same, together with remittance for the amount of tax due, payable to the City of Kingman, to the Tax Collector or any City representative or agent authorized to receive such payment. The tax return shall be signed by the taxpayer or his authorized agent, and such signature shall be evidence that the person signing the return verifies the accuracy of the information supplied in the return.
- (b) Payment. If payment is made in any form other than United States legal tender, the tax obligation shall not be satisfied until the payment has been honored in funds.
- (c) Requirement of Security. If a taxpayer has remitted payment in the form of a check or other form of draw upon a bank or third party and such remittance has not been honored in funds, the Tax Collector may demand security for future payments.
- (d) Method of Reporting. Each taxpayer shall elect to report on either a cash receipts basis or an accrual basis and shall indicate the choice on the Privilege License application. A

taxpayer shall not change his reporting method without receiving prior written approval by the Tax Collector.

- (1) Taxpayers must report all gross income subject to the tax using the same basis of reporting.
- (2) Taxes imposed upon construction contracting shall be reported as follows:
 - (A) Construction contractors shall report on either a progressive billing ("accrual") basis or cash receipts basis.
 - (B) Speculative builders shall report the gross income derived from sale of improved real property at close of escrow or at transfer of title or possession, whichever occurs earlier.
 - (C) Owner-builders who are not speculative builders shall report taxable amounts as provided in Section 8A-417.

Sec. 8A-530. When tax due; when delinquent; verification of return; extensions.

- (a) Except as otherwise specified in this Section, the taxes levied under this Chapter shall be due, payable, and delinquent on the dates specified for the State Transaction Privilege Taxes in A.R.S. Section 42-5014. The taxpayer shall report on the taxes imposed by this Chapter at such frequency to be identical to the taxpayer's reporting frequency for the reporting of State Transaction Privilege Taxes.
- (b) (Reserved)
- (c) (Reserved)
- (d) (Reserved)
- (e) The Tax Collector may for good cause extend the date for making any return required under the provisions of this Section as prescribed by A.R.S. Section 42-1107.

Sec. 8A-540. Interest and civil penalties.

Any taxpayer who shall have failed to timely pay any taxes imposed by this Chapter, or file a report for the same in a timely manner, or fail or refuse to allow examination of records by the Tax Collector, shall be subject to any interest or civil penalties on such tax in like manner as such interest and penalties are provided in A.R.S. Sections 42-1123 and 42-1125 for the State Transaction Privilege Tax.

- (a) (Reserved)
- (b) (Reserved)
- (c) (Reserved)
- (d) (Reserved)
- (e) (Reserved)
- (f) (Reserved)
- (g) (Reserved)
- (h) (Reserved)
- (i) (Reserved)

Sec. 8A-541. (Reserved)

Sec. 8A-542. Prospective application of new law or interpretation or application of law.

- (a) Unless expressly authorized by law, the Tax Collector shall not apply any newly enacted legislation retroactively or in a manner that will penalize a taxpayer for complying with prior law.
- (b) If the Tax Collector adopts a new interpretation or application of any provision of this Chapter or determines that any provision applies to a new or additional category or type of business and the change in interpretation or application is not due to a change in the law:
 - (1) the change in interpretation or application applies prospectively only unless it is favorable to taxpayers.
 - (2) the Tax Collector shall not assess any tax, penalty or interest retroactively based on the change in interpretation or application.
- (c) For purposes of subsection (b), "new interpretation or application" includes policies and procedures which differ from established interpretations of this Chapter.
- (d) (Reserved)

Sec. 8A-545. Deficiencies; when inaccurate return is filed; when no return is filed; estimates.

- (a) If a taxpayer has failed to file a return or if the Tax Collector is not satisfied with the return or payment of tax required, the Tax Collector may redetermine the tax due, plus penalties and interest, and notify the taxpayer, as provided and prescribed by A.R.S. Sections 42-1108 and 42-1109.
 - (1) (Reserved)
 - (2) (Reserved)
- (b) Estimates by the Tax Collector. Any estimate made by the Tax Collector is to be made on a reasonable basis. The existence of another reasonable basis of estimation does not, in any way, invalidate the Tax Collector's estimate. It is the responsibility of the taxpayer to prove that the Tax Collector's estimate is not reasonable and correct, by providing sufficient documentation of the type and form required by this Chapter or satisfactory to the Tax Collector.

Sec. 8A-546. (Reserved)

Sec. 8A-550. Limitation periods.

- (a) Except as provided elsewhere in this Chapter, deficiency assessments for the taxes imposed by this Chapter must be issued within the limitation periods prescribed in A.R.S.

Section 42-1104, and must meet the provisions of A.R.S. Section 42-1108.

- (b) (Reserved)
- (c) In cases of failure to file a return or a false or fraudulent return, the limitation period shall be as prescribed in A.R.S. Section 42-1109.
- (d) Special provisions relating to owner-builders. The limitation for an owner-builder subject to the tax as prescribed in Section 8A-417 shall be based upon the date such tax liability is reportable or was reported, as provided in Section 8A-417.

Sec. 8A-555. Tax Collector may examine books and other records; failure to provide records.

- (a) The Tax Collector may require the taxpayer to provide and may examine any books, records, or other documents of any person who, in the opinion of the Tax Collector, might be liable for any tax under this Chapter, for any periods available to him under Section 8A-550.
- (b) (Reserved)
- (c) (Reserved)
- (d) The Tax Collector may use any generally accepted auditing procedures, including sampling techniques, to determine the correct tax liability of any taxpayer. The Tax Collector shall ensure that the procedures used are in accordance with generally accepted auditing standards.
- (e) The fact that the taxpayer has not maintained or provided such books and records which the Tax Collector considers necessary to determine the tax liability of any person does not preclude the Tax Collector from making any assessment. In such cases, the Tax Collector is authorized to use estimates, projections, or samplings, to determine the correct tax. The provisions of Section 8A-545(b), concerning estimates, shall apply.
- (f) (Reserved)

Sec. 8A-556. (Reserved)

Sec. 8A-560. Erroneous payment of tax; credits and refunds; limitations.

- (a) Except as provided in Section 8A-565, the period within which a claim, meeting the requirements of subsection (c) of this Section, for credit may be filed, or refund allowed or made if no claim is filed, shall be as provided in A.R.S. Sections 42-1106 and 42-1118. For purposes of this Section, “claimant” means a taxpayer that has paid a tax imposed under this article and has submitted a credit or refund claim under this Section. Except where the taxpayer has granted a customer a power of attorney to pursue a credit or refund claim on the taxpayer’s behalf, claimant does not include any customer of such taxpayer,

whether or not the claimant collected the tax from customers by separately stated itemization.

- (b) (Reserved)
- (c) A credit or refund claim submitted by a claimant for credit or refund of any taxes, penalties, or interest paid must be in writing and:
 - (1) Identify the name, address and city tax identification number of the taxpayer; and
 - (2) Identify the dollar amount of the credit or refund requested; and
 - (3) Identify the specific tax period involved; and
 - (4) Identify the specific grounds upon which the claim is based.
- (d) (Reserved)
- (e) (Reserved)
- (f) Interest shall be allowed on the overpayment of tax for any credit or refund authorized pursuant to this Section at the rate and in the manner set forth in Section 8A-540(a). Interest shall be calculated from the date the Tax Collector receives the claimant's written claim meeting the requirements of subsection (c) of this Section.
- (g) The denial of a refund by the Tax Collector is subject to the provisions of A.R.S. Section 42-1119.
- (h) Claimants shall be subject to the State taxpayer bill of rights (A.R.S. Section 42-2051 et. seq.), except that reasonable fees and other costs may be awarded and are not subject to the monetary limitations of A.R.S. Section 42-2064 if the Tax Collector's position was not substantially justified or was brought for the purpose of harassing the claimant, frustrating the credit or refund process or delaying the credit or refund. For the purposes of this Section, "reasonable fees and other costs" means fees and other costs that are based on prevailing market rates for the kind and quality of the furnished services, not to exceed the amounts actually paid for expert witnesses, the cost of any study, analysis, report, test, project or computer program that is found to be necessary to prepare the claimant's case and necessary fees for attorneys or other representatives.
- (i) (Reserved)
- (j) Any refund paid under the provisions of this Section shall be paid from the Privilege Tax revenue accounts.

Sec. 8A-565. Payment of tax by the incorrect taxpayer or to the incorrect Arizona city or town.

- (a) When it is determined that taxes have been reported and paid to the City by the wrong taxpayer, any taxes erroneously paid shall be transferred by the City to the privilege tax account of the person who actually owes and should have paid such taxes, provided that the City receives an assignment and waiver signed by both the person who actually paid the tax and the person who should have paid the tax.

- (b) An assignment and waiver provided under this Section, must:
 - (1) identify the name and City privilege license number of the person who erroneously paid the tax and the person who should have paid the tax.
 - (2) provide that the person who erroneously paid the tax waives any right such person may have to a refund of the taxes erroneously paid.
 - (3) authorize the City Treasurer to transfer the erroneously paid tax to the privilege tax account of the person who should have paid the tax.
- (c) When it is determined that taxes have been reported and paid to the wrong Arizona city or town, such taxes shall be remitted to the correct city or town, provided that the city or town to whom the taxes were erroneously paid receives an assignment and waiver signed by both the person who actually paid the tax and the person who should have paid the tax. Where the person who actually paid the tax and the person who should have paid the tax are one and the same, no assignment and waiver need be provided. The City shall neither pay nor charge any interest or penalty on any overpayment or underpayment except such interest and penalty actually paid by the taxpayer relating to such tax.
- (d) This Section in no way limits or restricts the applicability of any remedies which may otherwise be available under A.R.S. Section 42-6003. The limitations and procedures set forth in A.R.S. Section 42-6003 shall apply to all payments under this Section.
- (e) When reference is made in this Section to this City or an Arizona city or town, and payments made to or requested from this City or an Arizona city or town, the provisions shall be applicable to the Arizona Department of Revenue when it is acting for or on behalf of this City or an Arizona city or town.

Sec. 8A-567. (Reserved)

Sec. 8A-570. Administrative review; petition for hearing or for redetermination; finality of order.

- (a) Closing agreements between the Tax Collector and a taxpayer have no force of law unless made in accordance with the provisions of A.R.S. Section 42-1113.
- (b) Administrative review.
 - (1) Petitions of appeal shall be made to, and hearings shall be conducted by, the Arizona Department of Revenue, in accordance with the provisions of A.R.S. Section 42-1251, as modified by Section 8A-571.
 - (2) (Reserved)
 - (3) (Reserved)
 - (4) (Reserved)
 - (5) Hearings shall be held by the Arizona Department of Revenue in accordance with the provisions of A.R.S. Section 42-1251. The Department's decision may be appealed to the State Board of Tax Appeals, in accordance with the provisions of A.R.S. Section 42-1253.

- (6) (Reserved)
- (7) (Reserved)
- (8) (Reserved)

- (c) (Reserved)
- (d) (Reserved)

(e) Taxpayers shall be subject to the State taxpayer bill of rights (A.R.S. § 42-2051 et. seq.).

Sec. 8A-571. Jeopardy assessments.

- (a) If the Tax Collector believes that collection of any amounts imposed by this Chapter will be jeopardized by delay, he shall issue notice to the taxpayer in accordance with the provisions of A.R.S. Section 42-1111.
- (b) In cases where such jeopardy notice has been issued, the taxpayer must meet the provisions of A.R.S. Section 42-1111, concerning appeals of jeopardy assessments, before any request for administrative review shall be honored. Any bond or collateral that may be required shall meet the provisions of A.R.S. Section 42-1102.
- (c) (Reserved)
- (d) (Reserved)
- (e) (Reserved)

Sec. 8A-572. (Reserved)

Sec. 8A-575. Judicial review.

- (a) Appeal of a State Board of Tax Appeals decision to the courts is valid only if all the provisions of A.R.S. Section 42-1254 are met.
- (b) (Reserved)
- (c) (Reserved)
- (d) (Reserved)
- (e) The City has the burden of proof by a preponderance of the evidence in any court proceeding regarding any factual issue relevant to ascertaining the tax liability of a taxpayer. This subsection does not abrogate any requirement of this Chapter that requires a taxpayer to substantiate an item of gross income, exclusion, exemption, deduction, or credit. This subsection applies to a factual issue if a preponderance of the evidence demonstrates that:
 - (1) the taxpayer asserts a reasonable dispute regarding the issue.
 - (2) the taxpayer has fully cooperated with the tax collector regarding the issue, including providing within a reasonable period of time, access to and inspection of all witnesses, information and documents within the taxpayer's control, as reasonably requested by the tax collector.

- (3) the taxpayer has kept and maintained records as required by the City.
- (f) The issuance of an adjusted or corrected assessment or notice of refund due to the taxpayer, where made by the Tax Collector pursuant to the decision of the Hearing Officer, shall not be deemed an acquiescence by the City or the Tax Collector in said decision, nor shall it constitute a bar or estoppel to the institution of an action or counterclaim by the City to recover any amounts claimed to be due to it by virtue of the original assessment.
- (g) After the initiation of any action in the appropriate court by either party, the opposite party may file such counterclaim as would be allowed pursuant to the Arizona Rules of Civil Procedure.

Sec. 8A-577. (Reserved)

Sec. 8A-578. (Reserved)

Sec. 8A-580. Criminal penalties.

- (a) It is unlawful for any person to knowingly or willfully:
 - (1) fail or refuse to make any return required by this Chapter.
 - (2) fail to remit as and when due the full amount of any tax or additional tax or penalty and interest thereon.
 - (3) make or cause to be made a false or fraudulent return.
 - (4) make or cause to be made a false or fraudulent statement in a return, in written support of a return, or to demonstrate or support entitlement to a deduction, exclusion, or credit or to entitle the person to an allocation or apportionment or receipts subject to tax.
 - (5) fail or refuse to permit any lawful examination of any book, account, record, or other memorandum by the Tax Collector.
 - (6) fail or refuse to remit any tax collected by such person from his customer to the Tax Collector before the delinquency date next following such collection.
 - (7) advertise or hold out to the public in any manner, directly or indirectly, that any tax imposed by this Chapter, as provided in this Chapter, is not considered as an element in the price to the consumer.
 - (8) fail or refuse to obtain a Privilege License or to aid or abet another in any attempt to intentionally refuse to obtain such a license or evade the license fee.
 - (9) reproduce, forge, falsify, fraudulently obtain or secure, or aid or abet another in any attempt to reproduce, forge, falsify, or fraudulently obtain or secure, an exemption from taxes imposed by this Chapter.
- (b) The violation of any provision of subsection (a) above shall constitute a Class One Misdemeanor.
- (c) In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent statement, with the intent aforesaid, shall be guilty of the offense of

perjury and on conviction thereof shall be punished in the manner provided by law.

Sec. 8A-590. Civil actions.

(a) Liens.

- (1) Any tax, penalty, or interest imposed under this Chapter which has become final, as provided in this Chapter, shall become a lien when the City perfects a notice and claim of lien setting forth the name of the taxpayer, the amount of the tax, penalty, and interest, the period or periods for which the same is due, and the date of accrual thereof, the amount of the recording costs by the county recorder in any county in which the taxpayer owns real property and the documentation and lien processing fees imposed by the City council and further, stating that the City claims a lien therefore.
- (2) The notice of claim of lien shall be signed by the tax collector under his official seal or the official seal of the City, and, with respect to real property, shall be recorded in the office of the County Recorder of any county in which the taxpayer owns real property, and, with respect to personal property shall be filed in the office of the Secretary of State. After the notice and claim of lien is recorded or filed, the taxes, penalties, interest and recording costs and lien processing fees referred to above in the amounts specified therein shall be a lien on all real property of the taxpayer located in such county where recorded, and all tangible personal property of the taxpayer within the State, superior to all other liens and assessments recorded or filed subsequent to the recording or filing of the notice and claim of lien.
- (3) Every tax and any increases, interest, penalties, and recording costs and lien processing fees referred to above, shall become from the time the same is due and payable a personal debt from the person liable to the City, but shall be payable to and recoverable by the Tax Collector and which may be collected in the manner set forth in subsection (b) below.
- (4) Any lien perfected pursuant to this Section shall, upon payment of the taxes, penalties, interest, recording costs and lien processing fees referred to above and lien release fees imposed by the county recorder in any county in which the lien was recorded, thereby, be released by the Tax Collector in the same manner as mortgages and judgments are released. The Tax Collector may, at his sole discretion, release a lien in part, that is, against only specified property, for partial payment of moneys due the City.

- (b) Actions to recover tax. The Arizona Department of Revenue, or any agent or representative authorized by that Department, may bring action, in the name of the City, to recover taxes as provided in A.R.S. Section 42-1114.

Sec. 8A-595. Collection of taxes when there is succession in and/or cessation of business.

- (a) In addition to any remedy provided elsewhere in this City Code that may apply, the Tax Collector may apply the provisions of subsections (b) through (d) below concerning the collection of taxes when there is succession in and/or cessation of business.
- (b) The taxes imposed by this Chapter are a lien on the property of any person subject to this Chapter who sells his business or stock of goods, or quits his business, if the person fails to make a final return and payment of the tax within fifteen (15) days after selling or quitting his business.
- (c) Any person who purchases, or who acquires by foreclosure, by sale under trust deed or warranty deed in lieu of foreclosure, or by any other method, improved real property or a portion of improved real property for which the Privilege Tax imposed by this Chapter has not been paid shall be responsible for payment of such tax as a speculative builder or owner builder, as provided in Sections 8A-416 and 8A-417.
 - (1) Any person who is a creditor or an affiliate of creditor, who acquires improved real property directly or indirectly from the creditor's debtor by any means set forth in this subsection, shall pay the tax based on the amount received by the creditor or its affiliate in a subsequent sale of such improved real property to a party unrelated to the creditor, regardless of when such subsequent sale takes place. Such tax shall be due in the month following the month in which the sale of the improved real property by the creditor or its affiliate occurs. Notwithstanding the foregoing, if the real property meets the definition of partially improved residential real property in Section 8A-416(a)(4) and all of the requirements of Section 8A-416(b)(4) are met by the parties to the subsequent sale transaction, then the tax shall not apply to the subsequent sale.
 - (2) In the event a creditor or its affiliate uses the acquired improved real property for any business purpose, other than operating the property in the manner in which it was operated, or was intended to be operated, before the acquisition or in any other manner unrelated to selling the property, the tax shall be due. The gross income upon which the tax shall be determined pursuant to Sections 8A-416 and 8A-417 shall be the fair market value of the improved real property as of the date of acquisition. The tax shall be due in the month following the month in which such first business use occurs. When applicable, the credit bid shall be deemed to be the fair market value of the property as of the date of acquisition.
 - (3) Once the subsequent sale by the creditor or its affiliate has occurred and the creditor or its affiliate has paid the tax due from it pursuant to this subsection, neither the creditor nor its affiliate, nor any future owner, shall be liable for any outstanding tax, penalties or interest that may continue to be due from the debtor based on the transfer from the debtor to the creditor or its affiliate.
 - (4) If the tax liability imposed by either Section 8A-416 or Section 8A-417 on the transfer of the improved real property to the creditor or its affiliate, or any part thereof, is paid to the tax collector by the debtor subsequent to payment of the tax by the creditor or its affiliate, the amount so paid may constitute a credit, as equitably determined by the tax collector in good faith, against the tax imposed on the creditor or its affiliate by either paragraph 1 or paragraph 2 of this subsection.

- (5) Notwithstanding anything in this chapter to the contrary, if a creditor or its affiliate is subject to tax as described in paragraph 1 or paragraph 2 of this subsection and such creditor or affiliate has not previously been required to be licensed, such creditor or affiliate shall become licensed no later than the date on which the tax is due.
- (d) A person's successors or assignees shall withhold from the purchase money an amount sufficient to cover the taxes required to be paid, and interest or penalties due and payable, until the former owner produces a receipt from the Tax Collector showing that all City tax has been paid or a certificate stating that no amount is due as then shown by the records of the Tax Collector. The Tax Collector shall respond to a request from the seller for a certificate within fifteen (15) days by either providing the certificate or a written notice stating why the certificate cannot be issued.
- (1) If a subsequent audit shows a deficiency arising before the sale of the business, the deficiency is an obligation of the seller and does not constitute a liability against a buyer who has received a certificate from the Tax Collector.
- (2) If the purchaser of a business or stock of goods fails to obtain a certificate as provided by this Section, he is personally liable for payment of the amount of taxes required to be paid by the former owner on account of the business so purchased, with interest and penalties accrued by the former owner or assignees.

Sec. 8A-596. (Reserved)

Sec. 8A-597. (Reserved)

Article VI - Use Tax

Sec. 8A-600. Use tax: definitions

For the purposes of this Article only, the following definitions shall apply, in addition to the definitions provided in Article I:

"Acquire (for Storage or Use)" means purchase, rent, lease, or license for storage or use.

"Retailer" also means any person selling, renting, licensing for use, or leasing tangible personal property under circumstances which would render such transactions subject to the taxes imposed in Article IV, if such transactions had occurred within this City.

"Storage (within the City)" means the keeping or retaining of tangible personal property at a place within the City for any purpose, except for those items acquired specifically and solely for the purpose of sale, rental, lease, or license for use in the regular course of business or for the purpose of subsequent use solely outside the City.

"Use (of Tangible Personal Property)" means consumption or exercise of any other right or power over tangible personal property incident to the ownership thereof except the holding for the sale, rental, lease, or license for use of such property in the regular course of business.

Sec. 8A-601. (Reserved)

Sec. 8A-602. (Reserved)

Sec. 8A-610. Use tax: imposition of tax; presumption.

- (a) There is hereby levied and imposed, subject to all other provisions of this Chapter, an excise tax on the storage or use in the City of tangible personal property, for the purpose of raising revenue to be used in defraying the necessary expenses of the City, such taxes to be collected by the Tax Collector.
- (b) The tax rate shall be at an amount equal to two and fifty hundredths percent (2.5%) of the:
 - (1) cost of tangible personal property acquired from a retailer, upon every person storing or using such property in this City.
 - (2) gross income from the business activity upon every person meeting the requirements of subsection 8A-620(b) or (c) who is engaged or continuing in the business activity of sales, rentals, leases, or licenses of tangible personal property to persons within the City for storage or use within the City, to the extent that tax has been collected upon such transaction.
 - (3) cost of the tangible personal property provided under the conditions of a warranty, maintenance, or service contract.
 - (4) cost of complimentary items provided to patrons without itemized charge by a

- restaurant, hotel, or other business.
- (5) cost of food consumed by the owner or by employees or agents of the owner of a restaurant or bar subject to the provisions of Section 8A-455 of this Chapter.
- (c) It shall be presumed that all tangible personal property acquired by any person who at the time of such acquisition resides in the City is acquired for storage or use in this City, until the contrary is established by the taxpayer.
- (d) Exclusions. For the purposes of this Article, the acquisition of the following shall not be deemed to be the purchase, rental, lease, or license of tangible personal property for storage or use within the City:
- (1) stocks, bonds, options, or other similar materials.
 - (2) lottery tickets or shares sold pursuant to Article I, Chapter 5, Title 5, Arizona Revised Statutes.
 - (3) Platinum, bullion, or monetized bullion, except minted or manufactured coins transferred or acquired primarily for their numismatic value as prescribed by Regulation.
- (e) (Reserved)

Sec. 8A-620. Use tax: liability for tax.

The following persons shall be deemed liable for the tax imposed by this Article; and such liability shall not be extinguished until the tax has been paid to this City, except that a receipt from a retailer separately charging the tax imposed by this Chapter is sufficient to relieve the person acquiring such property from further liability for the tax to which the receipt refers:

- (a) Any person who acquires tangible personal property from a retailer, whether or not such retailer is located in this City, when such person stores or uses said property within the City.
- (b) Any retailer not located within the City, selling, renting, leasing, or licensing tangible personal property for storage or use of such property within the City, may obtain a License from the Tax Collector and collect the Use Tax on such transactions. Such retailer shall be liable for the Use Tax to the extent such Use Tax is collected from his customers.
- (c) Every agent within the City of any retailer not maintaining an office or place of business in this City, when such person sells, rents, leases, or licenses tangible personal property for storage or use in this City shall, at the time of such transaction, collect and be liable for the tax imposed by this Article upon the storage or use of the property so transferred, unless such retailer or agent is liable for an equivalent excise tax upon the transaction.
- (d) Any person who acquires tangible personal property from a retailer located in the City and such person claims to be exempt from the City Privilege or Use tax at the time of the transaction, and upon which no City Privilege Tax was charged or paid, when such claim is not sustainable.

- (e) Every person storing or using tangible personal property under the conditions of a warranty, maintenance, or service contract.

Sec. 8A-630. Use tax: recordkeeping requirements.

All deductions, exclusions, exemptions, and credits provided in this Article are conditional upon adequate proof of documentation as required by Article III or elsewhere in this Chapter.

Sec. 8A-640. Use tax: credit for equivalent excise taxes paid another jurisdiction.

In the event that an equivalent excise tax has been levied and paid upon tangible personal property which is acquired to be stored or used within this City, full credit for any and all such taxes so paid shall be allowed by the Tax Collector but only to the extent Use Tax is imposed upon that transaction by this Article.

Sec. 8A-650. Use tax: exclusion when acquisition subject to Use Tax is taxed or taxable elsewhere in this Chapter; limitation.

The tax levied by this Article does not apply to the storage or use in this City of tangible personal property acquired in this City, the gross income from the sale, rental, lease, or license of which were included in the measure of the tax imposed by Article IV of this Chapter; provided, however, that any person who has acquired tangible personal property from a vendor in this City without paying the City Privilege Tax because of a representation to the vendor that the property was not subject to such tax, when such claim is not sustainable, may not claim the exclusion from such Use Tax provided by this Section.

Sec. 8A-660. Use tax: exemptions.

The storage or use in this City of the following tangible personal property is exempt from the Use Tax imposed by this Article:

- (a) tangible personal property brought into the City by an individual who was not a resident of the City at the time the property was acquired for his own use, if the first actual use of such property was outside the City, unless such property is used in conducting a business in this City.
- (b) tangible personal property, the value of which does not exceed the amount of one thousand dollars (\$1,000) per item, acquired by an individual outside the limits of the City for his personal use and enjoyment.
- (c) charges for delivery, installation, or other customer services, as prescribed by Regulation.
- (d) charges for repair services, as prescribed by Regulation.

- (e) separately itemized charges for warranty, maintenance, and service contracts.
- (f) prosthetics.
- (g) income-producing capital equipment.
- (h) rental equipment and rental supplies.
- (i) mining and metallurgical supplies.
- (j) motor vehicle fuel and use fuel which are used upon the highways of this State and upon which a tax has been imposed under the provisions of Article I or II, Chapter 16, Title 28, Arizona Revised Statutes.
- (k) tangible personal property purchased by a construction contractor, but not an owner-builder, when such person holds a valid Privilege License for engaging or continuing in the business of construction contracting, and where the property acquired is incorporated into any structure or improvement to real property in fulfillment of a construction contract.
- (l) sales of motor vehicles to nonresidents of this State for use outside this State if the vendor ships or delivers the motor vehicle to a destination outside this State.
- (m) tangible personal property which directly enters into and becomes an ingredient or component part of a product sold in the regular course of the business of job printing, manufacturing, or publication of newspapers, magazines or other periodicals. Tangible personal property which is consumed or used up in a manufacturing, job printing, publishing, or production process is not an ingredient nor component part of a product.
- (n) rental, leasing, or licensing for use of film, tape, or slides by a theater or other person taxed under Section 8A-410, or by a radio station, television station, or subscription television system.
- (o) food served to patrons for a consideration by any person engaged in a business properly licensed and taxed under Section 8A-455, but not food consumed by owners, agents, or employees of such business.
- (p) tangible personal property acquired by a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property is in fact used in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512.
- (q) food for home consumption.
- (r) (Reserved)
 - (1) (Reserved)
 - (2) (Reserved)
 - (3) (Reserved)
 - (4) (Reserved)

- (s) groundwater measuring devices required by A.R.S. Section 45-604.
- (t) (Reserved)
- (u) aircraft acquired for use outside the State, as prescribed by Regulation.
- (v) sales of food products by producers as provided for by A.R.S. Sections 3-561, 3-562 and 3-563.
- (w) (Reserved)
- (x) (Reserved)
- (y) tangible personal property donated to an organization or entity qualifying as an exempt organization under 26 U.S.C Section 501(c)(3); if and only if:
 - (1) the donor is engaged or continuing in a business activity subject to a tax imposed by Article IV; and
 - (2) the donor originally purchased the donated property for resale in the ordinary course of the donor's business; and
 - (3) the donor obtained from the donee a letter or other evidence satisfactory to the Tax Collector of qualification under 26 U.S.C. Section 501(c)(3) from the Internal Revenue Service or other appropriate federal agency; and
 - (4) the donor maintains, and provides upon demand, such evidence to the Tax Collector, in a manner similar to other documentation required under Article III.
- (z) tangible personal property used or stored by this City.
- (aa) tangible personal property used in remediation contracting as defined in Section 8A-100 and Regulation 8A-100.5.
- (bb) materials that are purchased by or for publicly funded libraries including school district libraries, charter school libraries, community college libraries, state university libraries or federal, state, county or municipal libraries for use by the public as follows:
 - (1) printed or photographic materials.
 - (2) electronic or digital media materials.
- (cc) food, beverages, condiments and accessories used for serving food and beverages to a commercial airline, as defined in A.R.S. § 42-5061(A)(49), that serves the food and beverages to its passengers, without additional charge, for consumption in flight. For the purposes of this subsection, “accessories” means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
- (dd) wireless telecommunication equipment that is held for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunication services that are taxable under Section 8A-470.
- (ee) (Reserved)

- (ff) alternative fuel as defined in A.R.S. § 1-215, by a used oil fuel burner who has received a Department of Environmental Quality permit to burn used oil or used oil fuel under A.R.S. § 49-426 or § 49-480.
- (gg) food, beverages, condiments and accessories purchased by or for a public educational entity, pursuant to any of the provisions of Title 15, Arizona Revised Statutes; to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours. For the purposes of this subsection, “accessories” means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
- (hh) personal hygiene items purchased by a person engaged in the business of and subject to tax under Section 8A-444 of this code if the tangible personal property is furnished without additional charge to and intended to be consumed by the person during his occupancy.
- (ii) The diversion of gas from a pipeline by a person engaged in the business of operating a natural or artificial gas pipeline, for the sole purpose of fueling compressor equipment to pressurize the pipeline, is not a sale of the gas to the operator of the pipeline.
- (jj) Food, beverages, condiments and accessories purchased by or for a nonprofit charitable organization that has qualified as an exempt organization under 26 U.S.C Section 501(c)(3) and regularly serves meals to the needy and indigent on a continuing basis at no cost. For the purposes of this subsection, “accessories” means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
- (kk) sales of motor vehicles that use alternative fuel if such vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and sales of equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. § 1-215.
- (ll) the storage, use or consumption of tangible personal property in the city or town by a school district or charter school.

Section 2. Any person found guilty of violating any provision of these amendments to the tax code shall be guilty of a class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. The provisions of this ordinance shall become effective on ~~July 1, 2013 through June 30, 2016~~ DECEMBER 1, 2015.

Section 5. ~~The tax increase imposed pursuant to Section 1 of this ordinance shall not apply to contracts entered into prior to the effective date of this ordinance.~~

Section 6. ~~The revenue generated from the additional 0.5% incremental increase in the tax rate will be designated as follows: restore and maintain general fund unreserved fund balance to no less than 25% of general fund operating expenditures; fund necessary police and fire mobile data terminal system; replace aged and obsolete breathing apparatus used by public safety personnel to operate in hazardous environments; replace fully depreciated public safety equipment and fleet; comply with state mandated automated fingerprinting system; reconstruction and improvements to Airway Avenue west of Stockton Hill Road; establish and install measures for a quiet zone in downtown Kingman; and if there to maintain general fund unreserved fund balance to no less than 25% of general fund operating expenditures; and any excess revenues in future years, said revenues will be applied to projects, public safety and general services as appropriated by the Council.~~

PASSED AND ADOPTED by the Mayor and Council of the City of Kingman, Arizona, this 6th day of October 2015.

ATTEST:

Sydney Muhle, Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

ARIZONA CITIES and TOWNS

Data as of 1/21/15

NAME	2010 CENSUS FIGURES *	COUNTY	Police	Fire	PROP TAX RATE	PROP TAX RATE	SALES TAX			REST & BAR		CONST TAX	UTIL TAX	COMM TAX
					(Primary)	(Secondary)	RATE	FOOD TAX	BED TAX	TAX				
APACHE JUNCTION	35,840	MARICOPA / PINAL	yes	no	0	0	2.4	2.4	4.6	2.4	2.4	3.4	3.4	
AVONDALE	76,238	MARICOPA	yes	yes	0.7766	0.9734	2.5	0	4.5	2.5	2.5	2.5	2.5	
BENSON	5,105	COCHISE	yes	yes	0.5531	0	2.5	2.5	4.5	2.5	4	2.5	2.5	
BISBEE	5,575	COCHISE	yes	yes	2.312	0	3.5	3.5	7	3.5	3.5	3.5	3.5	
BUCKEYE	50,876	MARICOPA	yes	yes	1.8011	0	3	3	3	3	3	3	4	
BULLHEAD CITY	39,540	MOHAVE	yes	no	0	0	2	0	5	2	2	2	2	
CAMP VERDE	10,873	YAVAPAI	yes	no	0	0	3.65	0	6.65	3.65	3.65	3.65	3.65	
CAREFREE	3,363	MARICOPA	yes	no	0	0	3	3	6	3	4	3	3	
CASA GRANDE	48,571	PINAL	yes	yes	0.9999	0.6308	1.8	1.8	3.8	1.8	4	2	2	
CAVE CREEK	5,015	MARICOPA	yes	no	0	0	3	3	7	3	5	3	3	
CHANDLER	236,326	MARICOPA	yes	yes	0.2992	0.88	1.5	0	4.4	1.8	1.5	2.75	2.75	
CHINO VALLEY	10,817	YAVAPAI	yes	no	0	0	4	4	8	4	4	4	4	
CLARKDALE	4,097	YAVAPAI	yes	yes	1.5739	0	3	3	5	3	4	3	3	
CLIFTON	3,311	GREENLEE	yes	yes	2.489	0	3	3	3	3	3	3	3	
COLORADO CITY	4,821	MOHAVE	yes	no	0	0	2	0	4	2	2	2	2	
COOLIDGE	11,825	PINAL	yes	yes	1.8494	0	3	3	6	3	4	3	3	
COTTONWOOD	11,265	YAVAPAI	yes	yes	0	0	3	3	6	3	4	1	3	
DEWEY-HUMBOLDT	3,894	YAVAPAI	yes	no	0	0	2	2	4	2	2	2	2	
DOUGLAS	17,509	COCHISE	yes	yes	1.1509	0	2.8	2.8	4.8	2.8	2.8	2.8	2.8	
DUNCAN	696	GREENLEE	no	yes	0.8369	0	2	2	5	2	2	2	2	
EAGAR	4,885	APACHE	yes	yes	0	0	3	3	6	3	3	3	3	
EL MIRAGE	31,797	MARICOPA	yes	yes	1.7426	1.798	3	3	5	3	3	3	3	
ELOY	16,631	PINAL	yes	no	1.1484	0	3		4	3	1.5			
FLAGSTAFF	65,870	COCONINO	yes	yes	0.8418	0.8366	2.051	0	4.051	4.051	2.051	2.051	2.051	
FLORENCE	25,536	PINAL	yes	yes	1.1182	0	2	2	4	2	4	2	2	
FOUNTAIN HILLS	22,489	MARICOPA	no	yes	0	0.1151	2.6	2.6	6.6	2.6	2.6	2.6	2.6	
FREDONIA	1,314	COCONINO	yes	yes	0	0	4	4	4	4	4	4	4	
GILA BEND	1,922	MARICOPA	no	yes	0.2931	0	3	3	5	3	3	3	3.5	
GILBERT	208,352	MARICOPA	yes	yes	0	1.0659	1.5	1.5	4.5	1.5	1.5	1.5	1.5	
GLENDALE	226,721	MARICOPA	yes	yes	0.4896	1.6605	2.9	2.5	7.9	3.9	2.9	2.9	6.1	
GLOBE	7,532	GILA	yes	yes	1.32	0	2	2	5	2	2	2	2	
GOODYEAR	65,275	MARICOPA	yes	yes	1.1836	0.6864	2.5	2	5	4	3.5	2.5	2.5	
GUADALUPE	5,523	MARICOPA	no	yes	0	0	4	4	10	5	4	4	4	
HAYDEN	662	GILA	yes	yes	8.0799	0	3	3	5	3	3	3	3	
HOLBROOK	5,053	NAVAJO	yes	yes	0	0	3	3	5	3	3	3	3	
HUACHUCA CITY	1,853	COCHISE	yes	yes	0.7562	0	1.5	0	1.5	1.5	1.5	1.5	1.5	
JEROME	444	YAVAPAI	yes	yes	0.9289	0	3.5	0	3.5	3.5	3	3.5	3.5	
KEARNY	1,950	PINAL	yes	yes	1.9909	0	3	3	6	3	4	3	3	
KINGMAN	28,068	MOHAVE	yes	yes	0	0	2.5	0	6.5	3.5	2.5	2.5	2.5	
LAKE HAVASU CITY	52,527	MOHAVE	yes	yes	0.7408	0	2	0	5	3	2	2	2	
LITCHFIELD PARK	5,476	MARICOPA	no	no	0	0	2.8	2.8	3.8	2.8	4.8	2.8	2.8	

ARIZONA CITIES and TOWNS

Data as of 1/21/15

NAME	2010 CENSUS FIGURES *	COUNTY			PROP TAX RATE	PROP TAX RATE	SALES TAX			REST & BAR			
			Police	Fire	(Primary)	(Secondary)	RATE	FOOD TAX	BED TAX	TAX	CONST TAX	UTIL TAX	COMM TAX
MAMMOTH	1,426	PINAL	yes	yes	2.398	0	2	0	2	2	2	2	2
MARANA	34,961	PIMA/PINAL	yes	no	0	0	2	0	8	2	4	4	4
MARICOPA	43,482	PINAL	yes	yes	4.9842	2.356	2	2	4	2	3.5	2	2
MESA	439,041	MARICOPA	yes	yes	0	1.1853	1.75	0	6.75	1.75	1.75	1.75	1.75
MIAMI	1,837	GILA	yes	no	4.6959	0	2.5	2.5	2.5	2.5	2.5	2.5	2.5
NOGALES	20,837	SANTA CRUZ	yes	yes	0	0	2	2	6	2	2	2	2
ORO VALLEY	41,011	PIMA	yes	no	0	0	2.5	0	8.5	2.5	4	4	2.5
PAGE	7,247	COCONINO	yes	yes	0	0	3	3	7.263	4	3	3	3
PARADISE VALLEY	12,820	MARICOPA	yes	no	0	0	2.5	2.5	5.9	2.5	2.5	2.5	2.5
PARKER	3,083	LA PAZ	yes	yes	0	0	2	0	6	4	2	3	2
PATAGONIA	913	SANTA CRUZ	yes	yes	0	0	3	2.5	6	3	3	3	3
PAYSON	15,301	GILA	yes	yes	0.3963	0	2.12	2.12	7.12	2.12	2.12	2.12	2.12
PEORIA	154,065	MARICOPA	yes	yes	0.19	1.25	1.8	1.6	5.6	2.8	1.8	3.3	1.8
PHOENIX	1,447,128	MARICOPA	yes	yes	1.3541	0.4659	2	0	5	2	2	2.7	4.7
PIMA	2,387	GRAHAM	yes	yes	0.1453	0	2	2	2	2	3	2	2
PINETOP-LAKESIDE	4,282	NAVAJO	yes	yes	0	0	2.5	2.5	5.5	4.5	3.5	2.5	2.5
PRESCOTT	39,843	YAVAPAI	yes	yes	0.3007	0.0142	2	0	5	2	2	2	2
PRESCOTT VALLEY	38,822	YAVAPAI	yes	no	0	0	2.33	2.33	4.66	2.33	2.33	2.33	2.33
QUARTZSITE	3,677	LA PAZ	yes	no	0	0	2.5	2.5	5.5	3	3.5	2.5	2.5
QUEEN CREEK	26,361	MARICOPA/PINAL	no	yes	1.95	0	2.25	2.25	3	2.25	4.25	2.25	2.25
SAFFORD	9,566	GRAHAM	yes	yes	0.4984	0	2.5	2.5	7.5	2.5	2.5	2.5	2.5
SAHUARITA	25,259	PIMA	yes	no	0	0	2	0	4	2	4	2	2
SAN LUIS	27,909	YUMA	yes	yes	0	0	4	4	4	4	4	4	4
SCOTTSDALE	217,385	MARICOPA	yes	yes	0.558	0.6869	1.65	1.65	6.65	1.65	1.65	1.65	1.65
SEDONA	10,031	YAVAPAI/COCONINO	yes	no	0	0	3	0	6.5	3	3	3	3
SHOW LOW	10,660	NAVAJO	yes	yes	0	0	2	2	2	2	2	2	2
SIERRA VISTA	43,888	COCHISE	yes	yes	0.1136	0	1.75	1.75	5.5	2.6	2.45	2	2
SNOWFLAKE	5,590	NAVAJO	yes	yes	0	0	2	2	6	3	2	2	2
SOMERTON	14,287	YUMA	yes	yes	1.6873	0	3.3	3.3	3.3	3.3	3.3	3.3	3.3
SOUTH TUCSON	5,652	PIMA	yes	yes	0.2528	0	4.5	1.5	4	5.5	4.5	4.5	4.5
SPRINGERVILLE	1,961	APACHE	yes	yes	0	0	3	3	5	3	3	3	3
ST. JOHNS	3,480	APACHE	yes	yes	0	0	3	3	6	3	3	3	3
STAR VALLEY	2,310	GILA	no	no	0	0	2	2	2	2	2	2	2
SUPERIOR	2,837	PINAL	yes	no	7.0155	0	4	0	4	4	4	4	4
SURPRISE	117,517	MARICOPA	yes	yes	0.7591	0	2.2	0	4.72	3.2	3.7	2.2	2.2
TAYLOR	4,112	NAVAJO	yes	yes	0	0	2	2	4	2	2	2	2
TEMPE	161,719	MARICOPA	yes	yes	0.9231	1.5119	1.8	1.8	6.8	1.8	1.8	1.8	1.8
THATCHER	4,865	GRAHAM	yes	yes	0	0	2.5	2.5	5.5	2.5	3.5	2.5	2.5
TOLLESON	6,545	MARICOPA	yes	yes	1.8309	1.9148	2.5	2.5	4.5	2.5	2.5	2.5	2.5
TOMBSTONE	1,380	COCHISE	yes	yes	0.8487	1.1085	3.5	0	7.5	3.5	3.5	3.5	3.5
TUCSON	520,116	PIMA	yes	yes	0.4829	0.9777	2	0	8	2	2	2	2

ARIZONA CITIES and TOWNS

Data as of 1/21/15

NAME	2010 CENSUS FIGURES *	COUNTY	Police	Fire	PROP TAX RATE (Primary)	PROP TAX RATE (Secondary)	SALES TAX RATE	FOOD TAX	BED TAX	REST & BAR TAX	CONST TAX	UTIL TAX	COMM TAX
TUSAYAN	558	COCONINO	no	yes	0	0	2	0	4	4	2	2	2
WELLTON	2,882	YUMA	yes	yes	0	0	2.5	2.5	5	2.5	2.5	2.5	2.5
WICKENBURG	6,363	MARICOPA/YAVAPAI	yes	yes	0.527	0	2.2	2.2	4.2	2.2	2.2	2.2	3
WILLCOX	3,757	COCHISE	yes	no	0.3507	0.7545	3	3	7	3	3	3	3
WILLIAMS	3,023	COCONINO	yes	yes	1.604	0	3.5	0	4.5	4.5	3.5	3.5	3.5
WINKELMAN	353	GILA/PINAL	no	yes	5.8933	0	3.5	3.5	3.5	3.5	3.5	3.5	3.5
WINSLOW	9,655	NAVAJO	yes	yes	1.2831	0	3	3	5	5	3	3	3
YOUNGTOWN	6,156	MARICOPA	yes	no	0	0	3	3	5	3	3	3	3
YUMA	90,660	YUMA	yes	yes	1.8281	0	1.7	1.7	3.7	3.7	1.7	1.7	1.7
AVG RATE							2.581	1.862	5.113	2.857	2.898	2.658	2.719

PUBLIC HEARING
Sunset Date Removal of TPT 0.50%
Increase

October 6, 2015

HISTORY BEHIND THE 0.50% TPT INCREASE IMPLEMENTATION

Revenue Reductions

- Sales tax revenues declined
- State shared revenues decreased significantly
- Reduction in HURF funds
- Reduction in general fund impact fees and building permit fees
- Lottery and Powerball funds were swept by the State
- Interest earnings declined
- Budget FY13 g/f revenues were expected to be almost \$5,000,000 less than FY07 actual revenues

Budget Cuts

- Staff was reduced by 46 positions
- Salary increases were frozen indefinitely
- Employees bore the cost of increased health expenses – over \$600,000
- Some street maintenance and repair projects were put on hold
- Street improvement projects were removed from the pipeline
- Vehicle replacement program was eliminated – including public safety vehicles
- Technology enhancements and building maintenance and repairs were put on the back burner

Ordinance 1751R

WHEREAS, in order to provide sufficient revenues necessary for the delivery of public safety, general services, and capital improvements it is deemed necessary to increase the transaction privilege and use tax rate from two percent (2%) to two and fifty hundredths percent (2.5%); with said increase to be effective July 1, 2013 through June 30, 2016;

Section 6. The revenue generated from the additional 0.5% incremental increase in the tax rate will be designated as follows:

- Restore and maintain general fund unreserved fund balance to no less than 25% of general fund operating expenditures;

- Fund necessary police and fire mobile data terminal system;

- Replace aged and obsolete breathing apparatus used by public safety personnel to operate in hazardous environments;

- Replace fully depreciated public safety equipment and fleet;

- Comply with state mandated automated fingerprinting system;

- Reconstruction and improvements to Airway Avenue west of Stockton Hill Road;

- Establish and install measures for a quiet zone in downtown Kingman; and,

- If there are excess revenues in future years, said revenues will be applied to projects, public safety and general services as appropriated by the Council.

**LIST OF ONGOING PRIORITY ITEMS TO BE FUNDED IF THE SUNSET ON THE
0.5% INCREMENTAL INCREASE IS REMOVED**

General Fund Balance. Maintain the general fund balance to no less than 25% of general fund operating expenditures.

Public Safety Equipment and Fleet Replacement. Fire apparatus/fire engine replacements are necessary in the next 2-4 years and include the Support/Haz Mat truck, the water tender (offset with a grant award), and a fire engine. Patrol vehicles are aging. It is necessary to replace approximately 5 police vehicles each year in order to maintain the current fleet with approximately 11 years of service before recognizing full depreciation. Replacement of other high mileage vehicles such as a crime scene vehicle, neighborhood services vehicles and detective vehicles will be necessary. *\$2,000,000.*

Public Safety Facilities – Fire Station #2/#5 Design and Construction. The current fire station #2 does not have room to centralize personnel and locate the ladder and rescue trucks in the center of the community. Relocation or renovation of this station will provide centrally located and necessary bay space for the ladder and rescue trucks. Due to the lack of access in the northeast area of Kingman, emergency response times to this area are below average. With the City experiencing continued growth to this area, fire station #5 will need to be constructed and equipped with apparatus, engines, personnel and equipment. This station will also facilitate public safety classroom training needs. *\$6,000,000.*

TPT INCREASE – YEARLY REVIEW

GENERAL FUND	ACTUAL FY13	ACTUAL FY14	ESTIMATED FY15	BUDGET FY16
REVENUES				
Local				
Sales Tax	\$10,950,290	\$13,912,720	\$14,522,770	\$14,100,000
Room Tax (2%)	356,243	380,786	425,920	360,000
Restaurant & Bar Tax	573,036	104,965	0	0
Other Fees	790,293	807,382	809,290	800,500
State				
Sales Tax	2,297,418	2,443,116	2,565,099	2,415,000
Income Tax	2,867,086	3,128,535	3,397,805	3,275,000
Auto Lieu Tax	1,294,678	1,339,534	1,424,649	1,300,000
Recreation Fees	1,298,938	1,243,612	1,273,192	1,206,100
Miscellaneous Fees & Charges	1,557,087	1,003,227	1,044,671	1,198,100
Internal Fund Transfers	1,303,267	1,385,259	1,310,117	1,202,553
TOTAL REVENUES	\$23,288,336	\$25,749,136	\$26,773,513	\$25,857,253
EXPENDITURES				
Personnel Expenses	\$14,843,272	\$15,191,719	\$15,383,996	\$17,665,134
Supplies & Services	3,849,653	3,802,846	3,979,419	5,307,418
City & Internal Services	1,606,240	1,710,587	1,802,923	1,838,748
Capital Outlay, Lease Purchases & Debt	447,220	701,496	570,554	851,000
Cash Transfers	2,317,363	2,558,133	1,668,224	1,915,505
Contingency	0	0	0	1,000,000
TOTAL EXPENDITURES	\$23,063,748	\$23,964,781	\$23,405,116	\$28,577,805
BEGINNING FUND BALANCE	\$7,454,494	\$7,679,082	\$9,463,437	\$12,831,834
ENDING FUND BALANCE	\$7,679,082	\$9,463,437	\$12,831,834	\$10,112,282
% OF OPERATING EXPENDITURES	33.30%	39.49%	54.82%	35.38%

COMPARISONS TO OTHER ARIZONA CITIES AND TOWNS WITHOUT A PROPERTY TAX

(Data as of 1/21/2015)

NAME	2010	COUNTY	POLICE	FIRE	EMER. RESP.	PROP TAX	PROP TAX	SALES			REST & BAR TAX	CONST TAX	UTIL TAX	COMM TAX	
	CENSUS FIGURES					RATE (Primary)	RATE (Secondary)	TAX RATE	FOOD TAX	BED TAX					
APACHE JUNCTION	35,840	MARICOPA / PINAL	yes	no	no	0	0	2.40	2.40	4.60	2.40	2.40	3.40	3.40	
BULLHEAD CITY	39,540	MOHAVE	yes	no	no	0	0	2.00	0.00	5.00	2.00	2.00	2.00	2.00	
CAMP VERDE	10,873	YAVAPAI	yes	no	no	0	0	3.65	0.00	6.65	3.65	3.65	3.65	3.65	
CAREFREE	3,363	MARICOPA	yes	no	no	0	0	3.00	3.00	6.00	3.00	4.00	3.00	3.00	
CAVE CREEK	5,015	MARICOPA	yes	no	no	0	0	3.00	3.00	7.00	3.00	5.00	3.00	3.00	
CHINO VALLEY	10,817	YAVAPAI	yes	no	no	0	0	4.00	4.00	8.00	4.00	4.00	4.00	4.00	
COLORADO CITY	4,821	MOHAVE	yes	no	no	0	0	2.00	0.00	4.00	2.00	2.00	2.00	2.00	
COTTONWOOD	11,265	YAVAPAI	yes	yes	no	0	0	3.00	3.00	6.00	3.00	4.00	1.00	3.00	
DEWEY-HUMBOLDT	3,894	YAVAPAI	yes	no	no	0	0	2.00	2.00	4.00	2.00	2.00	2.00	2.00	
EAGAR	4,885	APACHE	yes	yes	no	0	0	3.00	3.00	6.00	3.00	3.00	3.00	3.00	
FREDONIA	1,314	COCONINO	yes	yes	no	0	0	4.00	4.00	4.00	4.00	4.00	4.00	4.00	
GUADALUPE	5,523	MARICOPA	no	yes	no	0	0	4.00	4.00	10.00	5.00	4.00	4.00	4.00	
HOLBROOK	5,053	NAVAJO	yes	yes	no	0	0	3.00	3.00	5.00	3.00	3.00	3.00	3.00	
KINGMAN	28,068	MOHAVE	yes	yes	no	0	0	2.50	0.00	6.50	3.50	2.50	2.50	2.50	
LITCHFIELD PARK	5,476	MARICOPA	no	no	no	0	0	2.80	2.80	3.80	2.80	4.80	2.80	2.80	
MARANA	34,961	PIMA/PINAL	yes	no	no	0	0	2.00	0.00	8.00	2.00	4.00	4.00	4.00	
NOGALES	20,837	SANTA CRUZ	yes	yes	yes	0	0	2.00	2.00	6.00	2.00	2.00	2.00	2.00	
ORO VALLEY	41,011	PIMA	yes	no	no	0	0	2.50	0.00	8.50	2.50	4.00	4.00	2.50	
PAGE	7,247	COCONINO	yes	yes	yes	0	0	3.00	3.00	7.26	4.00	3.00	3.00	3.00	
PARADISE VALLEY	12,820	MARICOPA	yes	no	no	0	0	2.50	2.50	5.90	2.50	2.50	2.50	2.50	
PARKER	3,083	LA PAZ	yes	yes	no	0	0	2.00	0.00	6.00	4.00	2.00	3.00	2.00	
PATAGONIA	913	SANTA CRUZ	yes	yes	no	0	0	3.00	2.50	6.00	3.00	3.00	3.00	3.00	
PINETOP-LAKESIDE	4,282	NAVAJO	yes	yes	no	0	0	2.50	2.50	5.50	4.50	3.50	2.50	2.50	
PRESCOTT VALLEY	38,822	YAVAPAI	yes	no	no	0	0	2.33	2.33	4.66	2.33	2.33	2.33	2.33	
QUARTZSITE	3,677	LA PAZ	yes	no	no	0	0	2.50	2.50	5.50	3.00	3.50	2.50	2.50	
SAHUARITA	25,259	PIMA	yes	no	no	0	0	2.00	0.00	4.00	2.00	4.00	2.00	2.00	
SAN LUIS	27,909	YUMA	yes	yes	yes	0	0	4.00	4.00	4.00	4.00	4.00	4.00	4.00	
SEDONA	10,031	YAVAPAI/COCONINO	yes	no	no	0	0	3.00	0.00	6.50	3.00	3.00	3.00	3.00	
SHOW LOW	10,660	NAVAJO	yes	yes	no	0	0	2.00	2.00	2.00	2.00	2.00	2.00	2.00	
SNOWFLAKE	5,590	NAVAJO	yes	yes	yes	0	0	2.00	2.00	6.00	3.00	2.00	2.00	2.00	
SPRINGVILLE	1,961	APACHE	yes	yes	no	0	0	3.00	3.00	5.00	3.00	3.00	3.00	3.00	
ST. JOHNS	3,480	APACHE	yes	yes	no	0	0	3.00	3.00	6.00	3.00	3.00	3.00	3.00	
STAR VALLEY	2,310	GILA	no	no	no	0	0	2.00	2.00	2.00	2.00	2.00	2.00	2.00	
TAYLOR	4,112	NAVAJO	yes	yes	no	0	0	2.00	2.00	4.00	2.00	2.00	2.00	2.00	
THATCHER	4,865	GRAHAM	yes	yes	no	0	0	2.50	2.50	5.50	2.50	3.50	2.50	2.50	
TUSAYAN	558	COCONINO	no	yes	no	0	0	2.00	0.00	4.00	4.00	2.00	2.00	2.00	
WELLTON	2,882	YUMA	yes	yes	no	0	0	2.50	2.50	5.00	2.50	2.50	2.50	2.50	
YOUNGTOWN	6,156	MARICOPA	yes	no	no	0	0	3.00	3.00	5.00	3.00	3.00	3.00	3.00	
AVG RATE – 38 W/O PROPERTY TAX									2.68	2.04	5.50	2.95	3.06	2.77	2.75
AVG RATE – 18 W/ POLICE & FIRE SERVICES									2.72	2.44	5.32	3.11	2.89	2.67	2.72

ADDITIONAL REVENUE SOURCES

- Property Tax Revenue
 - Requires voter approval
 - If passed in the May 2016 election, revenue would be received in November 2017 (FY18)
- Sales Tax Revenue
 - Does not require voter approval

PROPERTY TAX LEVY	\$ 1,000,000	\$ 2,000,000	\$ 3,000,000
Property Owner Rate/\$100 Assessed Value	\$ 0.5657	\$ 1.1314	\$ 1.6970
Yearly Cost to Property Owner with \$100,000 Assessed Value	\$ 56.57	\$ 113.14	\$ 169.70

SALES TAX – TPT ACROSS-THE-BOARD	.20%	.30%	.40%	.50%
Increase TPT Overall	\$1,120,000	\$1,680,000	\$2,240,000	\$2,800,000

SALES TAX – SPECIFIC CATEGORIES	0.50%	1.00%	1.50%	2.00%
Increase Room Tax TPT	\$90,000	\$180,000	\$270,000	\$360,000
Increase Restaurant & Bar TPT	\$350,000	\$700,000	\$1,050,000	\$1,400,000
Implement Food Tax	\$440,000	\$880,000	\$1,320,000	\$1,760,000

GENERAL FUND IMPACT

REMOVAL OF SUNSET DATE

- Help absorb the annual PSPRS and ASRS retirement contribution increases – more than \$1 million since FY13
- Fund public safety vehicle replacement programs
- Allow for technology enhancements to be implemented
- Parks, recreation and golf course equipment can continue to be purchased
- Meet the fund balance policy of 25-50% of operating expenditures
- Provide funding required for future capital improvement projects such as a new and/or remodeled fire station, fire truck, and building projects
- Fund the abatement program, Veteran's Court, and other general fund expenditures

KEEP SUNSET DATE IN PLACE

- Loss of \$2.8 million in revenue
- Loss of funding the items above
- Budget cuts within the General Fund would be necessary
 - Public safety (including the dispatch center) comprises 56% of the general fund expenditures
 - Parks & recreation comprise 14% of the general fund expenditures
 - General fund staffing levels are 28 positions below FY07 staffing levels



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Tina D. Moline, Financial Services Director

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Authorization for General Fund Contingency transfer to fund abatements

SUMMARY:

With funding being set aside for abatement projects in the FY2015-16 budget, staff has moved forward with the abatement process on sixteen properties, five of which the property owners hired their own demolition companies costing the City \$0.

Four of the remaining projects are either completed or in the contract/demolition stage. These projects will cost the City \$34,361. The seven other projects are in the early stages of the abatement process. The cost to the City to fund these projects would be approximately \$42,500. In addition, there are still a number of properties that will begin the abatement process in the upcoming months.

The FY2015-16 budget for abatements is \$61,900. In order to fund all of the existing projects as well as any upcoming projects, staff requests a general fund contingency transfer of \$50,000.

FISCAL IMPACT:

There will be a \$50,000 increase to the Development Services budget and a decrease of \$50,000 to the Contingency Fund. The overall General Fund fiscal impact will be none.

STAFF RECOMMENDATION:

Staff recommends Council authorize a general fund contingency transfer of \$50,000 to fund future abatements during FY 2015-16.

ATTACHMENTS:

Description
Contingency Fund Transfer Request Fiscal Impact Report

REVIEWERS:

Department	Reviewer	Action	Date
City Manager	Dougherty, John	Approved	9/30/2015 - 12:12 PM
City Attorney	Cooper, Carl	Approved	9/30/2015 - 12:13 PM
City Manager	Dougherty, John	Approved	9/30/2015 - 12:18 PM

CITY OF KINGMAN
 CONTINGENCY FUND TRANSFER REQUEST
 FISCAL IMPACT REPORT
 CTC 10/6/15 - ABATEMENT FUNDING REQUEST

Fund	Account Description	Original Budget	Requested Transfer	Adjusted Budget, if Approved
GENERAL FUND				
	Development Services Department	\$1,231,337	\$50,000	\$1,281,337
	Contingency Fund	\$1,000,000	(\$50,000)	\$950,000
	General Fund Fiscal Impact	\$2,231,337	\$0	\$2,231,337



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Sydney Muhle, City Clerk

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Proposed change to Ordinance 1681, Section 3-22, related to the number of pets allowed per residence

SUMMARY:

Resident Amber Novak sent a letter to Vice Mayor Wimpee, Sr. requesting the City Council make changes to City of Kingman Ordinance No. 1681, Section 3--22, related to the number of pets allowed per residence to allow the livestock allowances on properly zoned property to be interchangeable.

FISCAL IMPACT:

STAFF RECOMMENDATION:

Staff is seeking direction from Council on whether to draft an ordinance allowing the number of livestock pets allowed to be interchangeable in properly zoned areas.

ATTACHMENTS:

Description

Copy of the Letter and Proposed Ordinance from Amber Novak

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	9/18/2015 - 12:08 PM
City Attorney	Cooper, Carl	Approved	9/23/2015 - 1:57 PM
City Manager	Dougherty, John	Approved	9/30/2015 - 12:59 PM

Amber Novak
2626 Southern Ave
Kingman, AZ 86401

August 14, 2015

Vice Mayor Mark Wimpee
City of Kingman
310 N. Fourth St
Kingman, AZ 86401

Dear Mr. Wimpee:

I am aware that the current ordinance for our city, in regards to agriculture and zoning/lot size, states that per every 40,000 sq. ft. of land, two (2) horses are permitted (one per every 20,000 sq ft of land), in addition to one (1) cow, goat, or other hooved animal, other than a horse or potbellied pig.

My request is quite small in that I would like to propose that the allowance be interchangeable, and that each horse would be the equivalent to every two (2) smaller hooved animal (such as a goat or sheep). For example, if I did not want any horses, I could own up to four (4) goats/sheep per 40,000 sq. ft. Or if I owned one (1) horse, I would be able to have a maximum of two (2) goats/sheep in addition.

I would like to request that the revisions be made to City of Kingman Ordinance No. 1681, Section 3-22, related to number of pets allowed per residence. I have attached Exhibit A as a reference to the changes I am proposing. Can you please propose this amendment to the ordinance at the next City Council meeting?

I appreciate your assistance with this proposal; please accept my sincere thanks for your time and consideration of my request. Please contact me with any questions you may have.

Sincerely,

Amber Novak
(928) 242-6075

Enc: Exhibit A

Exhibit A

EXCERPTS OF PETS AND DOMESTIC ANIMAL REGULATIONS FROM CITY OF KINGMAN CODE OF ORDINANCES

Note: Proposed amendment shown in blue.

Sec 3-22 Number of pets per residence.

(a) On residential lots under forty thousand (40,000) square feet, the number of dogs over the age of four (4) months shall be limited to three (3) per residence. The number of cats over the age of four (4) months shall be limited to three (3) per residence. The total number of dogs, cats, and pot-bellied pigs over the age of four (4) months shall not exceed three (3) per residence.

(b) On residential lots of forty thousand (40,000) square feet or greater, the number of dogs over the age of four (4) months shall be limited to four (4) per residence. The number of cats over the age of four (4) months shall be limited to four (4) per residence. The total number of dogs, cats and potbellied pigs over the age of four (4) months shall not exceed four (4) per residence.

(c) One (1) pot-bellied pig may be allowed on a residential lot at least five thousand (5,000) square feet. One (1) additional pot-bellied pig may be allowed for each additional five thousand (5,000) square feet of lot area, not to exceed three (3) pot-bellied pigs.

(d) On residential lots under forty thousand (40,000) square feet, the number of birds shall not exceed twelve (12); poultry are prohibited. On residential property forty thousand (40,000) square feet or greater, the number of birds or fowl shall not exceed thirty-six (36).

(e) On residential lots forty thousand (40,000) square feet or greater there may be one (1) horse permitted per every twenty thousand (20,000) square feet of lot area.

(f) On residential lots forty thousand (40,000) square feet or greater there may be one (1) cow, goat or other hoofed animal, other than a horse or pot-bellied pig, for each forty thousand (40,000) square feet of lot area up to a maximum of four (4) such animals.

(g) On residential lots forty thousand (40,000) square feet or greater, two (2) goats or sheep may be substituted for one (1) horse up to a maximum of four (4) goats or sheep per 40,000 square feet.

(Ord. No. 1681, § 1, 7-6-10)

Sec. 3-53 Shelter.

Pens, stables, cages and other shelter for hoofed animals, fowl, or birds normally kept within a dwelling shall not be located closer than twenty-five (25) feet to any property line or thirty-five (35) feet to any dwelling on the site. All structures shall be kept in a neat manner, and shall be kept free from refuse, manure, flies, and other nuisances at all times. Storage of feed, equipment, and other material related to such animals shall be entirely within an enclosed building or structure.

(Ord. No. 1681, § 1, 7-6-10)



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Development Services Department

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Public Hearing and consideration of Ordinance 1804 approving the modification of Ordinance 951-Revised to allow the splitting of a lot located at 3320 Stockton Hill Road

SUMMARY:

This is a request from Mohave Engineering Associates, Inc., applicant, and SK & M Investments, Inc., property owner, for the modification of certain zoning conditions of Ordinance 951-R. This ordinance, approved in 1992, included a site plan for the future Wal-Mart/Albertson's shopping center. The site plan specified maximum building sizes and minimum parking requirements for the main center as well as several pads along the perimeter of the shopping center. Pad "B", as shown on the site plan, is the current site of Taco Bell at 3220 Stockton Hill Road. The proposal is to split this parcel into two lots. A future building, a maximum of 1,600 square feet, is proposed on the future north lot. The existing Taco Bell restaurant will be located on the south lot after the property is split. The Planning and Zoning Commission held a public hearing on September 8, 2015. The Planning and Zoning Commission voted 5-0 to recommend approval of the request with certain conditions. Conditions include an allowance for the lot split; any lots created must meet C-3 development standards; maximum building and minimum parking requirements are established; a cross-access, common drive and shared parking agreement is required; no driveways on Stockton Hill Road would be permitted; and a right-of-way dedication along Stockton Hill Road would be required.

FISCAL IMPACT:

None expected at this time.

STAFF RECOMMENDATION:

Approve Ordinance 1804

ATTACHMENTS:

Description

P&Z Commission Report

Council presentation

Ordinance No. 1804

REVIEWERS:

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	9/23/2015 - 11:07 AM

City Attorney
City Manager

Cooper, Carl
Dougherty, John

Approved
Approved

9/23/2015 - 2:05 PM
9/30/2015 - 1:01 PM



CITY OF KINGMAN
Development Services Department
Rezoning Case: RZ15-003
Planning and Zoning Commission Report

Summary of Request: A request for the modification of certain zoning conditions of Ordinance No. 951-Revised. If approved the request would allow Pad "B" as shown on the site plan attached to Ordinance No. 951-Revised to be split into two lots with a future retail building, a maximum of 1,600 square feet to be located on the north lot. Pad "B" currently contains the Taco Bell restaurant, located at 3220 Stockton Hill Road. This building would be situated on the south lot after Pad "B" is split.

GENERAL INFORMATION:

Property Owner: S K & M Investments
P.O. Box 3839
Kingman, AZ 86402
(928) 263-6673

Applicant: Mohave Engineering Associates, Inc.
P.O. Box 6547
Kingman, AZ 86402

RECOMMENDATION

Planning and Zoning Commission voted 5-0 to recommend approval of the modification of Ordinance No. 951-Revised as requested under RZ15-003 with the conditions in Option 1 attached. This recommendation is based on the Goals and Objectives of the Kingman General Plan 2030, the Standards for Review, Findings of Fact, and Analysis contained in this report.

STANDARDS FOR REVIEW

APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE KINGMAN GENERAL PLAN 2030:

- *Chapter 4: Land Use Element, Land Use Categories*
- *Chapter 5: Growth Area Element*

APPLICABLE SECTIONS OF THE CITY OF KINGMAN ZONING ORDINANCE:

- Section 13.000: Commercial, Service Business
- Section 22.000: Off-Street Parking and Loading
- Section 31.000: Amendments and Zone Changes

OTHER APPLICABLE REGULATIONS

- Ordinance No. 951-Revised
- Kingman Municipal Code §2-146

FINDINGS OF FACT

Location and Size: The subject site is approximately 0.63 acres and is located at 3220 Stockton Hill Road.

Legal Description: The subject property is described as Lot 5, Wal-Mart Albertson's Addition, Tract 1942, Section 7, T.21N., R.16W. of the G&SRM, Mohave County, Arizona.

Existing Zoning and Existing Land Use: The subject site includes a Taco Bell restaurant, drive-thru, parking area and landscaping. The property is zoned C-3: Commercial, Service Business.

Projected Land Use: The Kingman General Plan 2030 indicates that the property is designated as Regional Commercial.

Surrounding Land Use and Zoning:

- **North:** is the main shopping center entrance from Stockton Hill Road. A bank building is located immediately north of the driveway and is zoned C-3.
- **East:** is a shopping center containing a number of businesses including PetsMart, Ross, Staples, Petco, Big Lots and Big 5 all zoned C-3.
- **South:** is a driveway entrance from Stockton Hill Road and an AM/PM minimart and gas station zoned C-3.
- **West:** across Stockton Hill Road is the Kingman Regional Medical Center zoned C-3.

Zoning and Development History:

- The site was part of an annexation of land into the City of Kingman on November 8, 1971 under Ordinance No. 139. It appears that O: Recreational Open Space zoning was applied to the property at that time.
- On February 20, 1990 Ordinance No. 808 passed which rezoned the area north of Beverly Avenue and east of Stockton Hill Road from O to C-3 for the purposes of developing a 228,000 square foot shopping center with a specific site plan. This rezoning included the subject site.

- On December 21, 1992 Ordinance No. 951-Revised was passed which amended Ordinance No. 808 and approved a revised site plan with a maximum building area of 218,000 square feet for the entire shopping center including all pads.
- In 1993 the Taco Bell restaurant was constructed on the subject site. At the same time the Wal-Mart/Albertson's shopping center was constructed to the north and east.

Physical Characteristics:

- The subject site is basically flat and is developed with a parking lot, a restaurant building, and landscaping.
- The property lies within Flood Zone "X", according to the FEMA panel map dated November 18, 2009. Zone "X" are areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile.

Public Utilities:

- There are existing water and sewer lines in Stockton Hill Road which serve this site. There is also an abandoned sewer line which crosses the northern portion of the subject site.

Transportation:

- The subject site is indirectly accessed from Stockton Hill Road which is a fully improved major arterial street with a right-of-way ranging from 100-foot to 108.20-foot wide adjacent to this site.
- There is no direct driveway access to the subject site from Stockton Hill Road. A dedicated right-turn lane is located across the frontage of most of the subject site, although the right-of-way for the turn lane is not shown on the site plan. Access to the site is achieved through a driveway south of the Taco Bell restaurant and the shopping center driveway north of the subject site.

Public Notification and Expected Comment:

- The site was posted with a zoning notice on August 21, 2015.
- A public notice was published in the Kingman Daily Miner on August 23, 2015.
- Seven surrounding property owners within 300 feet were sent a notice of the public hearing via first class mail on August 20, 2015. The list of property owners was generated using information provided by the Mohave County Assessor's Office.
- No comments from the public have been received regarding this request as of when this report was completed on September 2, 2015.

Department and Agency Comments:

- City Engineering Department:
 - There is an existing easement and a narrow strip of Stockton Hill Road right-of-way not shown in the submitted rezoning map exhibit. The

dimensions and locations of these items will need to be shown on the future submittal for site development.

- Future proposed improvements on Stockton Hill Road include the widening of the roadway to six lanes and improvements at the intersections to provide for better turning movements, increase pedestrian safety, and improved ADA grades. To accommodate these future improvements, the City is requesting that the remaining narrow strip of land from the south boundary of the existing right-of-way for the Stockton Hill Road right turn lane bay to the southern boundary of the property be dedicated as right-of-way. This proposed area will be approximately 600 square feet.
- City Building Department: If the new retail building is located with a fire separation distance of less than ten feet, fire resistive exterior wall(s) will likely be required.
- City Fire Department: No issues with regard to this request.
- Mohave County Flood Control: The site is not located in a FEMA designated Special Flood Hazard Area. There are no objections to this action.
- UniSource Electric: No objections to the continued processing of the request.

ANALYSIS

This is a request for the modification of certain zoning conditions of Ordinance No. 951-Revised which was passed by the City Council on December 21, 1992. Ordinance No. 951-Revised included an attached site plan as well as language which specified the maximum building area of 218,000 square feet for the entire Wal-Mart/Albertson's shopping center that was subsequently constructed the following year. The building area included all of the separate pads on the perimeter of the shopping center along Beverly Avenue and Stockton Hill Road. Pad "B", as depicted on the site plan, is the location of the existing Taco Bell restaurant at 3220 Stockton Hill Road. The site plan specifies that the maximum allowable building size on this pad is 4,000 square feet with a minimum of 38 parking spaces.

This request, if approved, would modify the conditions of Ordinance No. 951-R so that Pad "B" could be split into two lots. The south lot is proposed to be approximately 15,440 square feet and would include the existing Taco Bell building. The north lot is proposed to be approximately 13,970 square feet. A conceptual site plan has been submitted showing the approximate location of the future property line, existing Taco Bell building and a future 1,600 square foot building with unknown uses on the north lot. The splitting of the property will require the submittal of a parcel plat per Kingman Municipal Code Section 2-146: Land Splitting Regulations.

The table below depicts the C-3 development standards which would be applied to the lot split as well as any future development on the lot.

Min Lot Area	Min Lot Width	Minimum Setbacks	Minimum Distance between buildings	Maximum Building Height
7,500 sq. ft.	75 feet	Stockton Hill Road: 15 feet No other setbacks are required	Six feet	50 feet

The proposed lots sizes and widths will be in compliance with C-3 standards. The proposed building appears to be located more than 15 feet from the Stockton Hill Road right-of-way. Based on the lot sizes and configurations depicted on the submitted conceptual plan, it appears the proposed lot split will meet the development standards.

PARKING AND CROSS-ACCESS REQUIREMENTS

The existing Taco Bell restaurant building is 2,657 square feet according to the Mohave County Assessor’s records. There are currently 45 parking spaces on the entire site. Ordinance 951-Revised allows a maximum of 4,000 square feet of building and a minimum of 38 parking spaces for the site. A building permit to remodel this building was recently approved by the City, although construction has not yet started. No changes to the square footage of the building are proposed. The interior of the building will be remodeled and the existing restaurant patio on the east side of the building will be removed. The plans show that seven new parking spaces will be added in the patio location on the east side of the building.

According to the conceptual site plan, there will be 14 parking spaces located within the area proposed for the south lot where the Taco Bell is located. There will also be 23 parking spaces on the north lot where the future 1,600 square foot building would be located. The use of the future building is unknown at this time.

Therefore, total number of parking spaces would be reduced to 37, which is one space below the minimum requirement of Ordinance 951-Revised. The overall building square footage would be 4,257 square feet which would be 257 square feet greater than the maximum allowance of Ordinance No. 951-Revised.

Based on the parking requirements of Section 22.330 of the Zoning Ordinance, planning staff has determined that a minimum of 20 parking spaces will be necessary to serve the remodeled Taco Bell restaurant. This will mean that once the property is split the south lot where Taco Bell is located will be six spaces short of the minimum required parking. Section 22.600 of the Zoning Ordinance allows common parking areas, provided that the total number of spaces shall not be less than the sum of the minimum requirements for the uses. When properties are under different ownership, permanent ownership and maintenance of the parking areas is required by recording of a contract or covenant between the owners which is filed with the Mohave County Recorder’s Office. In response to this requirement, a cross-access, common drive, and parking agreement has been proposed. A copy of the proposed agreement is included with the staff report. The intent of the proposed agreement is to insure that enough parking continues to be maintained for Taco Bell on the proposed north lot and that proper access is maintained

to both properties. At a minimum, six parking spaces and the access to those spaces will need to be covered under the cross parking portion of the agreement.

17 parking spaces would be available to the future 1,600 square foot building. If used for retail purposes, a minimum of eight parking spaces would be required at one parking space for every 200 square feet. Other uses such as a medical office or a restaurant may require additional parking spaces. However, it does appear that enough parking would be available under most use scenarios.

The applicant has provided copies of Codes Covenants and Restrictions (CC&Rs) which address the maintenance of ingress, egress, and parking for the overall shopping center site. These CC&Rs will allow continue to allow access to be maintained between the subject site, Stockton Hill Road, and the rest of the existing shopping center.

DRIVEWAYS AND RIGHT-OF-WAY

As mentioned earlier there is no direct access from Stockton Hill Road to the subject property. There is a dedicated right-turn lane located across the frontage of most of the subject site for the main shopping center entrance. However, the site plan does not show the 8.20 foot wide right-of-way that was dedicated for the turn lane with the subdivision plat for the Wal-Mart/Albertson's Addition, Tract 1942. A copy of the plat showing the right-of-way is included with this report. Due to the presence of the right turn lane, it is recommended that no new driveways be permitted from the subject site to Stockton Hill Road. Existing access into the site needs to be maintained from the driveway between AM/PM and Taco Bell and from the shopping center driveway north of the site.

The City Engineering Department commented that the right-of-way for the turn lane should be extended all the way to the southern boundary of the Taco Bell property. This right-of-way would accommodate the future widening of Stockton Hill Road to a six lane roadway. The proposed area of the dedication would be approximately 600 square feet. It does not appear that this dedication would impact the existing Taco Bell building or the drive-thru. Staff would recommend that this dedication be offered as part of the proposed parcel plat to split the subject site into two lots.

DECISION OPTIONS

1. Recommend approval of the request to modify certain conditions of Ordinance No. 951-Revised as follows:
 - a. Pad "B" as shown on Exhibit "A" of Ordinance No. 951-Revised, and described as Lot 5 Wal-Mart/Albertson's Addition Tract 1942, shall be permitted to be split into a maximum of two lots in accordance with the requirements of Kingman Municipal Code Section 2-146.
 - b. The lots created by parcel plat shall be in accordance with the property development standards of Section 13.000: Commercial, Service Business.

- c. The maximum building size on the northerly lot shall be 1,600 square feet with a minimum of 23 parking spaces. The maximum building size on the southerly lot shall be 2,657 square feet with a minimum of 14 parking spaces.
 - d. A cross-access, common drive, and shared parking agreement shall be maintained between the adjoining lots and said agreement shall be recorded.
 - e. No new driveways to Stockton Hill Road shall be permitted.
 - f. Additional right-of-way, 8.20 feet in width, shall be dedicated with the parcel plat along the property frontage on Stockton Hill Road between the existing right-of-way dedication for the right-turn lane and the southern boundary of the subject property.
2. Recommend denial of the request to modify certain conditions of Ordinance No. 951-Revised.

RECOMMENDATION

The Planning and Zoning Commission voted 5-0 to recommend approval of the modification of Ordinance No. 951-Revised as requested under RZ15-003 with the conditions in Option 1 attached. This recommendation is based on the Goals and Objectives of the Kingman General Plan 2030, the Standards for Review, Findings of Fact, and Analysis contained in this report.

ATTACHMENTS

- 1. Applicable portions of Sections 13.000, 22.000 of the Zoning Ordinance
- 2. Ordinance No. 951-Revised
- 3. KMC §2-146
- 4. Rezoning Application with proposed cross-access/common drive/parking agreement
- 5. Aerial Map
- 6. Conceptual Site Plan
- 7. Wal-Mart/Albertson's Addition subdivision plat with recommended right-of-way dedication.
- 8. Department Comments

13.000 COMMERCIAL: SERVICE BUSINESS (C-3)

13.100 INTENT AND PURPOSE

This district is intended to provide for the development of business and service uses designed to meet the needs of the community, region and public at large. Such areas will provide a wide variety of goods and services in establishments whose operating characteristics require good exposure in a readily identifiable and accessible commercial setting. Provisions of this district are designed to ensure that such commerce will be compatible with adjacent, non-commercial development and to minimize any undesirable effects of heavy traffic or other operating characteristics.

13.200 GENERAL PROVISIONS

13.210 PERMITTED USES

Land shall be used and buildings/structures shall hereafter be erected, altered, enlarged, or otherwise modified for the following permitted uses:

All uses enumerated as **permitted uses** in the **C-2** district, **also**,
All uses enumerated as permitted by Conditional Use Permit in the C-2 district, unless otherwise noted, **and**

- Animal hospitals
- Automobile and truck sales and service, new and used
- Automobile body repair, conducted entirely in an enclosed building
- Automobile, truck and trailer rental and service
- Building material sales
- Building material yards
- Cabinet shops
- Caskets and casket supplies – not including outside storage
- Catering establishments
- Cleaning and dyeing, coin operating, pick-up station and/or using non-explosive solvents
- Cold storage lockers
- Computer services
- Contractor's and construction offices – including equipment rental or storage yards
- Drafting service
- Equipment and appliances, household – service and repair shops
- Exterminating shops
- Food lockers
- Fuel and ice sales – retail only
- Furniture transfer and storage
- Glass replacement and repair (including auto glass)
- Greenhouses, does not include medical marijuana cultivation facilities.
- Heating, plumbing, ventilating, refrigeration and air-conditioning sales and service
- High-density multiple-family developments
- Instructional Schools or Trade Schools, not involving any danger of fire, explosion nor offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences (not providing housing, dormitories or sleeping overnight)
- Linen supply services
- Machinery and tool rental
- Mail order houses
- Medical Marijuana Dispensary and Cultivation only in conjunction with the dispensary, subject to the following conditions and limitations:
 - a. Applicant shall provide a copy of the Application for a Dispensary Registration Certificate to the Arizona Department of Health Services.
 - b. Shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle.

- c. Shall not be located within 500-feet of the same type of use. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
- d. Shall not be located within 500-feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
- e. Shall not be located within 2500-feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, mental health facility, substance abuse rehabilitation center or public community center. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
- f. Shall have operating hours not earlier than 8:00 a.m. and not later than 6:00 p.m. of the same day and only Monday through Saturday.
- g. Drive-through services are prohibited.
- h. Shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the facility's exterior refuse containers.

Microfilm service

Monument sales

Motor vehicle and motor equipment sales

Music and dance studios

Packing and crating

Parcel delivery services

Parking lots and storage garages for automobiles

Public and private utility service yards

Recording studios

Restaurants – including live entertainment and dancing

Schools, commercial or trade, not involving any danger of fire, explosion nor offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences

Secretarial services

Second hand stores and rummage shops

Sheet metal shops

Sign printing shops

Small animal boarding

Taxidermists

Tool and cutlery sharpening or grinding

Trailer, camper and mobile home sales

Travelers aid societies

Vehicle towing and storage – subject to the following conditions:

- 1. There shall be a business building of at least one-thousand (1,000) square feet on the site. Thus within C-3, a fenced storage yard alone is not allowed to be established,
- 2. For the opportunity to have a towing and storage yard, the proposed site for the business must be at least forty-thousand (40,000) square feet in area,
- 3. No more than one (1) acre of the total site of the business can be used for outdoor storage of vehicles, unless storage occurs inside a building,
- 4. Total number of vehicles stored outdoors at any one time shall not exceed thirty (30),
- 5. The storage area shall be fenced with site obstructing fences, in accord with Section 26.800 of the Zoning Ordinance,
- 6. No vehicle stored shall be observed above the fence line,
- 7. No parting out, crushing, wrecking, or similar activities concerning the stored vehicles are permitted. NOTE: IF A TOWING AND STORAGE BUSINESS WISHES TO OPERATE OUTSIDE OF THE CONDITIONS ABOVE, THEY SHOULD BE LOCATED IN I-1 OR I-2 ZONING DISTRICTS AS APPROPRIATE.

Warehousing of non-noxious products or materials

Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is fifty (50) feet. (See also

Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

Accessory uses to the above permitted uses. Uses not explicitly enumerated in this section as permitted uses but closely similar thereto, provided that these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance.

13.220 USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT

The following uses may be permitted subject to approval of a Conditional Use Permit as provided in Section 29.000: CONDITIONAL USE PERMITS:

- Auction rooms
- BMX racetrack
- Car washes
- Dog kennels
- Instructional Schools or Trade Schools, not involving any danger of fire, explosion nor offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences (providing housing, dormitories or sleeping overnight)
- Mechanical equipment, such as but not limited to vehicle hoists, used for vehicle repair and service that are located outside of an enclosed building.
- Mini-storages
- Off-premises signs (billboards) subject to bulk regulations within the Sign Code
- One (1) detached caretaker, owner or manager's residence only. Residence may be site built or manufactured home. Recreational vehicles shall not be caretaker's residence. Any such residence will adhere to the bulk regulations of the C-3 Commercial District.
- Pre-fabrication units – used for offices only
- Recreational vehicle parks
- Research, development and testing laboratory facilities
- Schools, Private School, Charter School, or Community College (providing housing, dormitories or sleeping overnight)
- Storage of gasoline and/or diesel fuel in an above-ground tank with a maximum 15,000 gallon capacity for use in vehicles associated with permitted activities on the premises. An approved structure must be provided that will contain on-site 100-percent of any fuel in the event of a tank leak or rupture.
- Swap Meet, Indoor; Also, by Conditional Use Permit in I-1 (Light Industry).
 1. Permanent restroom facilities shall be available on site prior to opening to the public.
 2. All uses associated with the operation of a swap meet other than parking, including but not limited to concession stands shall take place indoors.
 3. Parking shall be improved in the manner prescribed under Section 22.000 of this code that is with improved surfaces. The number of parking spaces shall be one (1) space for each vendor space and one (1) space for each one-hundred (100) feet of vendor area.
- Swap Meet, Outdoor; Also, by Conditional Use Permit in I-1 (Light Industry).
 1. This activity or any accessory use, including concession stands, shall take place no closer than two-hundred-fifty (250) lineal feet from a residentially zoned area.
 2. Parking is permitted within the two-hundred-fifty (250) foot buffer and shall be improved in the manner prescribed under Section 22.000 of this code that is with improved surfaces.
 3. The number of improved parking spaces shall be one (1) space for every three-hundred (300) square feet of lot area where the swap meet exists, plus one (1) parking space for each vendor space.
 4. Site obstruction fences may be required based on the circumstances of the site, intensity of use and adjacent uses.
 5. Permanent restroom facilities shall be provided on site prior to opening to the public.
 6. Operation of swap meet shall be limited to the hours of 6:00 A.M. to 9:00 P.M. The site shall be cleared of all storage containers, merchandise and tables between the hours of 9:30 P.M. and 5:30 A.M.

7. No vendor storage will be allowed unless the swap meet site has specific permanent indoor storage facilities in place.

Tire retreading and recapping

Travel trailer park

Truck stops – for truck stop facilities (not withstanding all other conditions and standards set forth in this ordinance) performance standards for these facilities shall include:

1. The site for a truck stop must be a minimum of two (2) acres;
2. Any fuel dispenser, perimeter of underground storage tanks or pumps must be one-hundred (100) feet from any residence or residential district line and at least forty (40) feet from a right-of-way line;
3. A sight obstructing masonry fence of not less than six (6) feet in height or more than eight (8) feet in height shall be erected between the perimeter of the truck stop and any residential district or use;
4. All truck washing shall be under a canopied bay;
5. Truck engine repair shall be under a roofed structure.

Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is two-hundred-fifty (250) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

Uses not explicitly enumerated in this section as permitted uses but closely similar thereto, provided that these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance.

13.300 GENERAL

13.310 LOT AREA

All lots hereafter created in this district shall contain a minimum of seventy-five-hundred (7,500) square feet. The specified lot area size is not intended to prohibit two (2) or more separate uses on a lot where the lot is in undivided ownership.

13.320 LOT WIDTH

Not less than seventy-five (75) feet

13.330 YARDS

Yard abutting street: no minimum

Side yard and rear yard: There shall be no requirements, except where a side or rear lot line coincides with a lot line in an adjacent residential district. Such yard shall not be less than ten (10) feet in depth and such yard may be used for parking.

13.340 BUILDING HEIGHT

Not to exceed fifty (50) feet

13.350 DISTANCE BETWEEN BUILDINGS

Buildings not actually adjoining shall be provided with a minimum six (6) foot separation.

13.360 OFF-STREET PARKING AND OFF-STREET LOADING

See Section 22.000: OFF-STREET PARKING AND LOADING REQUIREMENTS

13.370 CONDUCT OF USES

All business, service, storage, and merchandise display shall be conducted wholly within an enclosed building or an opaque enclosure, including porches, except for off-street automobile parking, off street loading, and the usual pumping operations of gasoline sales and permitted open sales or storage lots. Vehicle repair and service work may be performed outside of an enclosed building. Any vehicle that does not have the repair completed by the end of the business day must be placed in an enclosed building or behind a screen enclosure that meets the standards of Section 26.800 STORAGE FACILITIES, subsection 26.810 ALL COMMERCIAL AND INDUSTRIAL USES HAVING PERMITTED OUTSIDE STORAGE OR DISPLAY OF MERCHANDISE, MATERIAL, OR EQUIPMENT. Mechanical equipment erected or constructed outside an enclosed building necessary to repair or service vehicles may be permitted by conditional use permit.

When a lot is used for commercial purposes and abuts a lot within any developed residential district, a masonry wall of not less than six (6) feet or more than eight (8) feet in height shall be erected and maintained along the abutting side and/or rear yard line prior to occupancy of the building.

Said wall shall be reduced to thirty-six (36) inches in height within a required front yard of the adjacent residential property. In the case where the developed commercial lot abuts an undeveloped residential district, which has been identified as having commercial potential by an approved land use plan, the masonry wall requirement may be deferred until such time as the abutting lot is developed in a residential manner. At this point in time, the owner of the abutting commercial property shall have six (6) months, from the date of Certificate of Occupancy for the residence is issued, to construct the required masonry wall. If there is a dedicated alley or public roadway separating the commercial property from the residential property, the alley or public roadway shall serve as the buffer and the masonry wall shall not be required unless so specified by ordinance relating to the rezoning of the subject property.

Revised 2/05/03 per Ord. No. 1362
Revised 4/07/03 per Ord. No. 1370
Revised 5/04/09 per Ord. No. 1652
Revised 6/04/10 per Ord. No. 1675
Revised 4/05/11 per Ord. No. 1700-B

22.000 OFF-STREET PARKING AND LOADING REQUIREMENTS

22.100 INTENT AND PURPOSE

These regulations are established to provide for the off-street parking for automobiles, trucks, and other non-motorized vehicles bicycles in connection with the uses of land permitted in this Ordinance. These uses generate vehicular traffic according to their specific characteristics, and thus require differing amounts of off-street parking and loading area. These regulations have the further purpose of relieving congestion on the public streets, freeing them for use by both essential public safety vehicles and by the general public and provide reasonable requirements for off-street parking facilities for bicycles and provide design guidelines for such. These regulations are intended to encourage the use of alternate forms of transportation throughout the community.

22.200 DEFINITIONS

Bicycle: shall mean a vehicle propelled by human power and sometimes by a small gasoline-powered motor, upon which any person may ride, and is typically made of a tubular frame mounted on two (2) large usually wire-spoke wheels, one (1) behind the other, or having three (3) wheels and are equipped with handlebars and a saddle-like seat.

Bicycle Bench: shall mean a freestanding bicycle parking stand combination park bench. This device is designed to fit within the public rights-of-way in constricted areas, such as in downtown areas. (See Illustration 5)

Bicycle Parking Facility: shall mean an area located on a site and used specifically for parking bicycles.

Bicycle Parking Space: shall mean an area allowance for the parking of an individual bicycle. As a general rule the typical measurement is six (6) feet long by eighteen (18) inches wide.

Bicycle Support: shall mean a rack, or other device, which is anchored securely and will directly support the bicycle frame in a stable position without damage to the wheels, frame, or components.

Downtown Retail/Governmental Area: shall mean a portion of that area also known as the Historic Downtown Kingman, and for the purpose of this Ordinance, is located to the east of N. First Street, south of Maple Street, west of Sixth Street and north of Andy Devine Avenue.

Guard Rail Parking Facility: shall mean a bicycle support that is designed to accommodate two (2) bicycles with handlebars alternated – one (1) on each side – and fits within the public right-of-ways in constricted areas or pedestrian areas, such as in the downtown retail/governmental area.

Judicial Center: shall mean a building or buildings used for courts of law or judges and judicial administration.

Public Building: shall mean facilities for the conducting of public business constructed for various public agencies and includes courthouses, City halls, post offices, governmental office buildings, libraries, and museums, but does not include public or private schools or churches.

Ribbon-style Parking Facility: shall mean a freestanding bicycle support made of continuous bending or serpentine design, with approximately two (2) inches or slightly larger outside diameter, galvanized steel tubing. (See Illustration 4)

Short-term Bicycle Parking: shall mean those facilities which are convenient and are located near building entrances or other highly visible areas which are self-policing.

22.300 REQUIRED PARKING AND LOADING

Any building or structure erected or located and any use of land established after the effective date of this Ordinance or any subsequent amendments thereto, shall be required to provide off-street automotive and bicycle parking and loading facilities in accordance with the provisions of the ordinance.

22.310 PARKING FACILITIES REQUIRED FOR CHANGE OF USE OR CHANGE OF OCCUPANCY

Automobile: Whenever the existing use of a structure or the existing use of land is changed to another use or occupancy, a site plan shall be submitted showing area reserved for parking and loading in conformity with the regulations then in effect.

Bicycle: In addition to the above, whenever the existing use of a commercial structure which is three-thousand-four-hundred-ninety-nine (3,499) square feet in size or greater, is changed to another use or occupancy, the new use shall provide bicycle parking facilities as set forth in this article.

22.320 PARKING FACILITIES REQUIRED FOR MORE INTENSIVE USE

When the intensity of use of any building, structure or premises is increased through the addition of dwelling units, floor area, seating capacity or other units of measurement specified in this part, the additional required automobile and bicycle parking and loading facilities for such increase shall be provided.

22.330 NUMBER OF PARKING SPACES REQUIRED

The number of off-street parking spaces required for each use shall be as follows, provided that where two (2) or more uses occupy the same building, lot or parcel of land, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately.

Arcade: One (1) space per three-hundred (300) square feet of building area.

Automobile Service Stations: One-and-one-half (1-1/2) spaces for each pump to the first six (6) pumps, and one (1) space for each additional pump. Automobile service stations without mini-markets and car washes are exempt from the provision of bicycle parking facilities.

Boarding Houses: One (1) space for each three-hundred (300) square feet of living area.

Bowling Alley: Five (5) spaces for each alley. Additional parking spaces for balance of building calculated according to use.

Cafes, Cafeterias, Restaurants, Bars, Cocktail Lounges, Night Clubs, and other similar places dispensing food or refreshments: One (1) space for each five (5) seats, or one (1) space for every thirty-five (35) square feet of seating area where there are no fixed seats, plus one (1) parking space for each two (2) employees on the largest shift.

Dwellings, Single-Family (Including Manufactured Homes): Two (2) parking spaces for each dwelling unit.

Dwelling, Multiple-Family: Two (2) parking spaces per unit.

Furniture Sales and Repair, Major Household Appliances Sales and Repair: One (1) space for each four-hundred (400) square feet of floor area.

Golf Courses: Ten (10) spaces for each hole.

Hospitals: One (1) space per bed; **Sanitariums and Rest Homes:** One (1) space for every three (3) patient's beds.

Hotels and Motels: One (1) space for each living or sleeping unit; plus one (1) space for each five (5) units. For each unit with kitchen facilities, two (2) spaces in a garage or carport.

Industrial Uses Not Otherwise Listed: One (1) space for each four-hundred (400) square feet of floor area. Also, one (1) space for each vehicle used in connection with the use. Industrial buildings and warehouses are exempt from the provision of bicycle parking facilities.

Judicial Center: One (1) parking space for every 350 square feet of floor area.

Mortuary and Funeral Homes: One (1) space for each five (5) fixed seats of all areas used simultaneously for assembly purposes or for each thirty-five (35) square feet of floor space used for such assembly purposes. Also, one (1) space for each vehicle used in connection with the use.

Offices:

1. **Medical and Dental:** One (1) space per one-hundred-fifty (150) square feet of floor space.
2. **Other Professional and General Business:** One (1) space per two-hundred-fifty (250) square feet of floor area.
3. **Corporate or Headquarters Offices not providing services to the General Public:** One (1) space per three-hundred-fifty (350) square feet of floor area.

Open Air Commercial Uses such as Nurseries and Used Car Lots: One (1) space for each one-thousand (1,000) square feet of lot area devoted to sales and display. Other specific Open Air Commercial Uses such as nurseries, new and used car sales lots, recreational vehicle and boat sales lots, and manufactured or mobile home sales lots as follows:

1. **Nurseries:** One (1) improved customer parking space for every one-thousand (1,000) square feet of sales and display area, plus one (1) improved space for every five-hundred (500) square feet within a building on site.
2. **New and Used Auto Sales Facilities:** One (1) improved customer parking space for each five-hundred (500) square feet within an enclosed building including service area. In addition, any exterior area used for sales, storage and display shall be improved in a like manner.
3. **Recreational Vehicle and Boat Sales:** One (1) improved customer parking space for every one-thousand (1,000) square feet of sales or display area and one (1) parking space for every five-hundred (500) square feet within any enclosed building on site including service buildings. In addition, any exterior area used as sales should be improved in a like manner.
4. **Manufactured Home and Exclusive Travel Trailer Sales:** One (1) parking space for each five-hundred (500) square feet within any building site, plus one (1) space per employee on the largest shift, plus one (1) improved space for every twenty-five-hundred (2,500) square feet of exterior sales or display area.

Public Assembly-Indoor, Entertainment and Public Assembly-Indoor, General: One (1) space for each five (5) fixed seats, or one (1) space for every thirty-five (35) square feet of seating area where there are no fixed seats. Also, one (1) space for each two-hundred-fifty (250) square feet of floor area not used for seating.

Public and Private Elementary and Junior High Schools: One-and-one-half (1-1/2) spaces for each classroom plus one (1) space for each five (5) fixed seats in the auditorium, gymnasium, or similar place of public assembly and for every thirty-five (35) square feet of area available for general assembly where there are no fixed seats.

1. Bicycle parking facilities shall be provided based on five percent (5%) of the computed automobile parking spaces. At a minimum of the computed total, two (2) bicycle parking spaces will be the least number required.

Public or Private High Schools and Colleges: One (1) space for each ten (10) students plus one-and-one-half (1-1/2) for each classroom; this requirement shall be based on the number of students and classrooms for which the school or college is designed.

Retail Establishments and Service Business otherwise not enumerated in this section such as Drug Stores, Department Stores, Repair Shops, Animal Hospitals, Business Schools, Dance Studios: One (1) space for each two-hundred (200) square feet of floor area.

Roller Rink: One (1) space per three-hundred (300) square feet of building area.

Stadium, Outdoor Amphitheater, or Outdoor Seating: One (1) space for every four (4) seats. If the seating is bleachers, one (1) seat is defined as every twenty (20) inches. As a condition of approval, the Planning Commission can require paved parking on a site specific basis.

Wholesaling or Warehousing: One (1) space per one-thousand (1,000) square feet of floor area. Also, one (1) space for each vehicle used in connection with the use.

22.340 REQUIRED PARKING, USES NOT MENTIONED

1. The required off-street parking for any building, structure, or use of land of a type which is not listed in this section, shall be determined by the Planning and Zoning Commission, as evidenced by a resolution of record.
2. In such an instance, the Commission shall within one (1) year of the date of said resolution, initiate an appropriate amendment to the Zoning Ordinance of the City of Kingman as provided in Section 31.000: AMENDMENTS.

22.400 LOCATION AND CONTROL OF PARKING FACILITIES

The off-street parking facilities required by the article shall be located on the same lot or parcel of land as the use they are intended to serve, except that in cases of unusual site conditions, the Commission may approve a substitute location which meets either of the following conditions:

1. That the substitute location is within two-hundred (200) feet of the principal use for which the parking is being provided; and that the substitute lot shall be in the same ownership or under agreements approved as to form by the City Attorney. The purpose of such an agreement shall be to guarantee the availability of such parking to the property in question. A recorded document stipulating the reservation of the property for parking purposes shall be filed with the City prior to the issuance of a building permit.
2. Or that the property in question is part of a Parking District formed to provide off-street parking facilities. Where such a District exists, it shall provide parking facilities in accord with the provisions of this ordinance.

22.500 COMPUTATION OF REQUIRED PARKING SPACES

For the purpose of computing off-street parking spaces which are required by this article, the following rules shall apply:

1. Floor area shall mean gross floor area unless otherwise specified for a particular use.
2. Churches and other places of assembly in which benches or pews are used in place of seats, each eighteen (18) inches in length of such benches or pews shall be counted as one (1) seat.
3. When determination of the number of off-street parking spaces results in a requirement of a fractional space, and fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one (1) required parking space.
4. The number of bicycle parking spaces provided for commercial buildings, public buildings, churches and schools shall be based on five percent (5%) of the computed automobile parking spaces. At a minimum of the computed total, two (2) bicycle parking spaces will be the least number required.

22.600 COMBINED OR COMMON PARKING AREAS

1. The required off-street parking and loading facilities as required for this article may be provided collectively for two (2) or more buildings or uses in any commercial or industrial district, provided that the total number of parking spaces shall not be less than the sum of the requirements for each of the individual uses and may be satisfied by the establishment and maintenance of common parking areas as herein provided.
2. If the common parking area and the building sites to be served are subject to more than one (1) ownership, permanent improvements and maintenance of such parking facilities must be provided for in one of the following manners:
 - a. By covenant or contract among all such property owners and duly recording of an appropriate covenant running with the land and improvements and filed in the office of the Mohave County Recorder.
 - b. By the creation of special districts and the imposing of special assessments in any of the procedures prescribed by the State Law.
1. The required off-street bicycle parking facilities as required for this article may be provided collectively for two (2) or more building or uses, provided that the total number of parking spaces shall not be less than the sum of the requirements for each of the individual uses.

22.700 DESIGN AND IMPROVEMENT OF PARKING AREAS

1. All required parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Backing into a roadway or alley is prohibited, except where employee parking is provided at the rear of the lot then the alley may be used as maneuvering area.
2. Parking areas shall conform to design standards as set forth in Illustration 1 and Table 1 of this Section.

**CITY OF KINGMAN, ARIZONA
ORDINANCE NO. 951-Revised**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA, CONCERNING ZONING, AMENDING ORDINANCE NO. 808, BY MAKING SPECIFIC FINDINGS TOWARD, AND APPROVING A SITE PLAN, FOR A MAJOR RETAIL CENTER WITHIN THE CITY AND PRESCRIBING CONDITIONS TO SAID SITE PLAN APPROVAL.

WHEREAS, the City of Kingman and its citizens have expressed a desire to cooperate with responsible developers to enhance and expand retail business opportunities within the City and,

WHEREAS, DSL Services, a division of Downey Savings and Loan of Newport Beach, California, owns an eighteen acre parcel described as a portion of Government Lots 5 and 6, Section 7, T21N, R16W, G&SRB&M, located north of Interstate Highway 40, and east of Stockton Hill Road, where they wish to construct a shopping center, and

WHEREAS, the adopted Kingman General Plan of 1992 had projected this site for a Regional Commercial use, a use which would be utilized by the entire Kingman area and surrounding hinterlands, and

WHEREAS, DSL Services, has made application to substitute a new site plan for a previously approved site plan under Ordinance 808 on their property, to allow retail and other commercial uses in this shopping center complex, and

WHEREAS, Ordinance 808, did apply actual zoning of C-3, Commercial Service Business, to this entire site with conditions, based on a site plan designated Scheme 'K', and

WHEREAS, the City Council wishes to allow a Regional Commercial use on the site in accord with the General Plan while assuring, through proper planning, that the impacts of a major commercial center on this site, especially the traffic impact, will be minimized,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA

SECTION 1: That the following described property within the City of Kingman as zoned by Ordinance 808, under the to C-3: Commercial Service Business, in 1990 continues to maintain the C-3 zoning.

PARCEL A: as shown on Parcel Plat recorded November 25, 1986 in Book 3 of Parcel Plats, page 10, records of Mohave County, Arizona and being a portion of Government Lots 5 & 6, Section 7, T21N R16W of the G&SRB&M, Mohave County, Arizona, EXCEPT for that area known as Parcel "C" as shown on Parcel Plat recorded July 23, 1991 in Book 5 of Parcel Plats, page 87-87A.

Further, this property is located at the NE corner of Beverly & Stockton Hill Road and is comprised of 18.21 acres more or less and does not include that area of the ARCO AM/PM mini-market and gas station or the Kentucky Fried Chicken restaurant.

SECTION 2.

That the approval of the site Plan under Ordinance 808 known as Scheme "K" is hereby repealed and the site plan for the above described site known as THE DUNAWAY PLAN, as amended 12-21-92, and attached herein as Exhibit "A" is hereby approved. The total maximum site building area including all pads under this approval is 218,000 square feet. This approval is subject to the following conditions.

1. The implementation of Arizona Department of Transportation (ADOT) requirements for driveway locations, and configurations from the site, including any traffic mitigation measures. The City of Kingman requires that, at minimum these measures should include:
 - a. the creation of a four legged signalized intersection on Stockton Hill Road with the main entrance to the shopping center, and the main entrance to Kingman Regional Medical Center. Traffic signal to be financed by the property developers, however, this does not preclude the ability of the developers to negotiate possible participation by other parties.
 - b. facilitation in the development of a deceleration lane on northbound Stockton Hill Road into the main four legged signalized entrance to the shopping center, as shown on the revised plan of 12-21-92.

- c. extension of the width transition on Beverly Avenue, the length of DSL's property to facilitate the left turn lane. Curb, gutter and sidewalk improvements will be completed on Beverly, the length of Downey Savings property frontage.
 - d. extension of the Stockton Hill Road concrete barrier median north to and through the signalized intersection in order to channel traffic through the redeveloped intersection.
2. The site plan should be revised to show the following before building permits are issued:
- a. Lane widths and traffic movement arrows on all driveways and interior aisles,
 - b. Revise the width of the two western driveways on Beverly Avenue in accord with a revised Traffic Impact Study, based on the Dunaway Plan, as revised 12-21-92, to be submitted to ADOT and the City of Kingman, before construction permits are issued.
 - c. Integration of the KFC & ARCO building pads into the overall development, showing existing configurations of driveways, & buildings. (Two existing KFC driveways and the proposed combination of the north driveway with the northern delivery truck exit driveway; not to exceed 40 feet in width).
 - d. Show existing and proposed on-site traffic patterns at ARCO and KFC.
 - e. Show all three (3) of the hospital driveways on the site plan. With this shown, all parties will be able to ascertain the alignment of hospital and shopping center drives.

3. Per the Planning Commission's request the revised site plan will show proposed locations of the parking lot lighting fixtures in accord with the City of Kingman Outdoor Lighting Code.
4. The Dunaway Plan shows that 9.5% of the site including individual pads, will be in landscaping. This percentage will be maintained upon final construction.
5. Water and sewer extensions to serve the shopping center will be made in accord with City Municipal Utility Regulations.
6. Architectural elevations and color schemes of all major buildings in the shopping center will be maintained as presented by the architectural firm of Musil, Perkowitz, and Ruth, Inc., in their elevations and color boards dated 11-19-92.
7. Placement of an on-site partial median barrier along the central Beverly driveway to the Walmart store front to minimize backing conflicts with traffic entering and leaving the shopping center site.
8. Extending the taper from the main Stockton Hill Road (SHR) driveway in the area of the west front of the proposed Albertson's to facilitate traffic merging & weaving into and out of the site, as shown on the revised plan of 12-21-92.
9. A median barrier will be extended on the southside of the main entrance on Stockton Hill Road. This barrier will extend across the first parking lot aisle adjacent to Pad B as shown in Exhibit "A" of 12-21-92.
10. Asphalt ramps and striped pedestrian crossings will be placed at the entrances of Walmart and Albertson's in order to minimize traffic/pedestrian conflicts at the store fronts.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona, this 21st day of December, 1992.

ATTEST:

APPROVED:

Charlene Ware
Charlene Ware, City Clerk

Carol S. Anderson
Carol S. Anderson, Mayor

APPROVED AS TO FORM:

Charlotte A. Wells
Charlotte A. Wells, City Attorney



Sec. 2-146 Land splitting regulations.

(a) *General statement.* In order to control the division of lands inside the corporate limits of the city, the hereinafter regulations have been developed. The purpose of these regulations is to ensure that the creation of any new parcels of land two and one-half (2) acres or under in size shall be of such character that there is access to a dedicated public roadway, adequate easements are available for utility services, adequate access is available for emergency vehicles, minimum lot sizes are maintained in accordance with the city's zoning regulations and that the land split will not adversely affect the city's general plan or other adopted development plans.

(b) *Authority.* The authority to regulate land splits within the corporate limits of cities and towns is given by Arizona Revised Statutes 9-463.01-L; "Land splits" being defined as the division of improved or unimproved land whose area is two and one-half (2 1/2) acres or less into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease.

(c) *Enforcement, violations, and penalties.*

(1) *General.*

a. It shall be the duty of the city planning director to enforce these regulations and to bring to the attention of the city attorney any violations or lack of compliance herewith.

b. No owner, or agent of the owner, of any parcel of land located within the corporate limits of Kingman shall create any new parcel of land two and one-half (2 1/2) acres or less without first complying with these regulations.

c. No building permit shall be issued for the construction of any building or structure located on a lot or parcel created in violation of the provisions of these regulations nor shall the city provide water, sewer, or sanitation service to such parcel.

d. Planning director shall notify any person in violation that they have sixty (60) days to correct any violation. Failure to correct a violation shall result in the matter being forwarded to the city attorney for prosecution.

(2) *Violations and penalties.* Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as provided in section 1-8 of this Code. Each separate day or any part thereof during which any violation of this section occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein described. The imposition of any sentence shall not exempt the offender from compliance with the requirements of these regulations and provisions of these regulations.

(3) *Civil enforcement.* Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations; to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building structure or premise, and these remedies shall be in addition to the penalties described above.

(d) *Application procedure and approval process.*

(1) The division of any land, lot, or parcel for the purpose of sale or lease, whether immediate or future, into two (2) or three (3) lots or parcels, any one of which is two and one-half (2 1/2) acres or less, shall require the submittal and approval of a parcel plat, as described hereinafter. Sale or lease includes every disposition, transfer, or offer or attempt to dispose of or transfer land or an interest or estate thereof.

(2) Before proceeding with the creation of any land split, the owner or his agent should submit to the planning director in writing his proposal to split a parcel, and schedule a meeting with the planning director or his staff for an informal discussion on the proposed land split.

(3) Land splits shall be reviewed by the planning director and city engineer or their designated agents, in order to assure that:

a. Proper zoning is in effect;

b. Necessary access and extension of streets, alleys, and/or easements are provided for in accordance with the city's plans and surrounding developments;

c. That the land split conforms to the lot area and dimensions called out in the appropriate zoning district;

d. That the land split conforms to the lot design standards called out in the subdivision ordinance;

e. Access to public utilities can be accommodated;

f. That the land split will not leave an unusable parcel, due to floodplain regulations;

g. Street improvements are required for properties resulting from any land split with frontage on existing unimproved or partially improved streets. Street improvements will occur at the time of development of the property (Option A: Or a cash payment shall be made equivalent to the value of the improvement which would fulfill any present or future obligations for street improvement. The required street improvements must be installed in accordance with the street classification of the surrounding area as designated in the Kingman General Plan, The Kingman Area Transportation Study and the following criteria:

(1) For lot splits within the commercial, industrial, and multiple family zoning districts, the owner/developer shall improve the street(s) abutting the property being developed to city standards in accordance with the street and sidewalk development rules and regulations,

(2) For all lot splits within any residential zoning districts:

(a) If the property being divided is directly adjoining, or opposite of a developed residential subdivision, then the owner/developer shall improve the street(s) abutting the property being developed similar to the adjacent developed subdivision,

(b) If the property being divided is within five hundred (500) feet of a developed subdivision, and more than half of the street abutting the property being developed have street improvements including pavement, and/or curb and gutter, and/or sidewalk, then the owner/developer shall improve the street(s) abutting the property being developed similar to the adjacent street improvements,

(c) If the property being divided is on a dedicated roadway that has not been opened and developed, the owner/developer shall improve the street(s) abutting the property being developed to provide fire department access in accord with Fire Code 902 and graded access in accord with the street and sidewalk development rules and regulations.

h. That where there is no access to the city's sewer system (as defined by the municipal utility regulations), any new parcel/lot must demonstrate the capacity to accommodate an individual waste water system and/or evapotranspiration area on site, with approvals for the Mohave County Environmental Health Department, in accordance with the Arizona State Health Regulations.

Upon satisfactory compliance with the above-cited requirements and conformance with the parcel plat format outlined hereinafter, the planning director and city engineer shall approve the land split and sign off on the parcel plat.

(4) In the event that the applicant is aggrieved by the decision of the planning director and/or city engineer, they may appeal the decision to the Kingman planning and zoning commission and city council. A written appeal should be submitted to the planning director at least fifteen (15) working days prior to the next regularly scheduled planning and zoning commission meeting date. In the event an appeal is requested, the matter shall be placed on the agenda for the next regularly scheduled planning and zoning commission meeting. The planning and zoning commission will forward a written recommendation to the common council, who will have the authority to take action on the appeal.

(5) Upon approval and after all lots or parcels have been staked by qualified Arizona registrant, the city clerk shall have the parcel plat recorded in the office of the Mohave County recorder. The fee for recordation shall be paid by the applicant.

(e) Form of parcel plat.

(1) The parcel plat shall be submitted on a transparent reproducible polyester film, or linen tracing cloth, drawn with India ink, or as a tracing reproduction on polyester film or linen for recording, and shall be on sheets eighteen (18) inches wide by twenty-four (24) inches long; and shall be at a scale of either one inch equals two hundred (200) feet or larger.

(2) Parcel plats shall show:

a. Name and legal description of tract or parcel in which the survey is located and ties to adjoining tracts or parcels.

b. All monuments found, set, reset, replaced, or removed, describing their kind, size, and location, and giving other data relating thereto.

c. Ties to witness monuments, basis of bearing, bearing and length of lines, north indicator, scale, date of survey, existing property lines, areas involved and owner of the property being divided.

d. Each parcel shall be numbered or designated in some logical manner.

e. All roadway and/or easements of record shall be shown and referenced.

f. Delineation on the plat of any areas identified on the flood insurance rate maps as special flood hazard areas.

g. The land being divided shall be indicated by a one-eighth-inch colored border applied on the reverse side of the linen or mylar.

h. Dedications for public utility easements and/or additional right-of-way width for public roadways may be made on the parcel plat. Offers of dedication shall be identified and dimensioned, and shall be presented to the common council for acceptance. A ratification statement shall be included when necessary.

i. Any other data necessary for the interpretation of the various items and location of the points, lines and areas shown.

(3) Certificates which shall appear on the plan are as follows:

(f) *When waiver allowable.* In any case where a land split is for the purpose of adjusting the boundary line or for the transfer of land between two (2) adjacent property owners which does not result in the creation of any additional lots, parcels, or building sites or where the parcel split is the division of a lot within an existing subdivision that has provisions for access and easements, provided this split does not conflict with any covenants, conditions, or restrictions affecting said lot, the procedure normally required by the regulations may be waived by the planning director.

(Ord. No. 539(R), § 1, 10-15-84; Ord. No. 823-R, § 1, 6-4-90; Ord. No. 1416, 3-1-04)



CITY OF KINGMAN
PLANNING & ZONING

AUG 17 2015

RCY'D *S. Jellison*
TIME *8:09 AM*

CITY OF KINGMAN
REZONING APPLICATION FORM
CASE # RZ- 15-003

Application Date: 07-27-2015

I (we) the undersigned property owner(s) request that the area described below be rezoned (PROVIDE COMPLETE LEGAL DESCRIPTION): Tract 1942 Wal-Mart/Albertsons Additional Lot 5 CONT 0.63 acres 320-11-103 (320-24-005 & ROW) Located in a portion of section 7, T21N, R16W

Property Address: 3220 Stockton Hill Road, Kingman, AZ 86401

Proposed Rezoning Request to allow: Splitting the parcel

Zoning From: Modification of site plan approved via City Ordinance # 951 dated 12-21-92 Zoning To: New site plan with new lay out and parcel split

Mohave County Tax Parcel Number(s): 320-24-005 Size of Parcel: 0.67 acres

OWNER'S NAME: SK & M Investments, Inc

Mailing Address: PO Box 3839

City/State/Zip: Kingman, AZ 86409

Phone Number: 928 263 6673 E-mail: markp@tacos.com

Signature: *[Handwritten Signature]*

APPLICANT NAME: (OR AGENT/REPRESENTATIVE); IF THE OWNER DOES NOT SIGN THIS APPLICATION A WRITTEN LETTER OF CONSENT MUST ACCOMPANY THIS APPLICATION.)
Mohave Engineering & Associates, Inc

Mailing Address: PO Box 6547

City/State/Zip: Kingman, AZ 86409

Phone Number: 928-7532627 E-mail: ju@meaiaz.com

Signature: *[Handwritten Signature]*

ITEMS FROM THE "REZONING CHECKLIST" SHALL BE SUBMITTED WITH THIS REZONING APPLICATION.

Cross Access/Common Drive/Cross Parking Agreement

This Cross Access / Common Driveway / Cross Parking Agreement (the "Agreement") is hereby made on this date _____ 20____; between Owner #1 and Owner #2.

Owner 1:

Name

Address

City, State, Zip Code

County

Owner 2:

Name

Address

City, State Zip Code

County

Recitals

- A. _____, is the Owner of real property more fully described on Exhibit "A" (legal description) attached hereto and incorporated herein by this reference (as "Parcel 1");
- B. _____, is the Owner of real property more fully described on Exhibit "B" (legal description) attached hereto and incorporated herein by this reference (as "Parcel 2");
- C. The parties to this Agreement desire to create/grant a perpetual easement on, over, upon and across portions of each property (**Parcel 1** and **Parcel 2**) for purposes of vehicular and pedestrian ingress and egress to and from, and non-exclusive parking rights, and for all other uses expressly contemplated by this Agreement;
- D. The parties agree that these mutual easements will be defined, at a minimum, by the designated areas in Exhibit "C" (property layout with hatched areas) for **Parcel 1** and Exhibit "D" for **Parcel 2** (property layout with hatched areas). These exhibits are hereby defined as the "Easement Areas" and attached hereto.

1. Granting of Easements

1.1 Cross Access Easement. The interested parties representing Parcel 1 and Parcel 2 hereby grant and convey perpetual, non-exclusive, mutual cross access easements for purposes of vehicular and pedestrian ingress and egress on, over, upon, and across the areas defined in the Easement Areas.

1.2 Common Driveway Easement. The interested parties representing Parcel 1 and Parcel 2 hereby grant and convey perpetual, non-exclusive, mutual common driveway easements for purposes of vehicular ingress and egress on, over, upon, and across the areas defined in the Easement Areas.

1.3 Cross Parking Easement. The interested parties representing Parcel 1 and Parcel 2 hereby grant and convey perpetual, non-exclusive, mutual cross parking easements for use of all parking spaces within the areas defined in the Easement Areas.

2. Maintenance

2.1 Maintenance of Easements Areas. Each party, at its sole cost and expense, shall maintain and keep the easements areas in a commercially reasonable condition and state of repair.

3. Mutual Indemnities

3.1 Indemnity. Each party held by this Agreement will indemnify, defend, and hold harmless the other for, from, and against any and all claims suffered or incurred in connection with any alleged bodily injury or property damage arising out of use or enjoyment of the Easements Areas, unless caused by negligence or willful misconduct.

4. Run with the Land

4.1 The covenants, conditions, restrictions, easements, and the other provisions of this Agreement shall run with and be appurtenant to each portion of Parcel 1 and Parcel 2, and shall be binding upon each portion of Parcel 1 and Parcel 2 and the Owner(s) thereof and all successors in title to any portion of Parcel 1 or Parcel 2 during their respective ownership.

5. Modification

5.1 The terms and conditions of this Agreement may be abrogated, modified, rescinded or amended in whole or in part only by written instrument executed by all the then Owners of Parcel 1 and Parcel 2 (and their mortgagees), and recorded with the County Recorder of Mohave County, Arizona.

IN WITNESS WHEREOF, this Agreement has been made as of the effective date.

Parcel 1:

Signature

Printed Name

Title

State of _____

County of _____

The foregoing instrument was signed before me,
the undersigned Notary Public,

this _____ day of _____, 20____

by _____

Notary Public _____

Parcel 2:

Signature

Printed Name

Title

State of _____

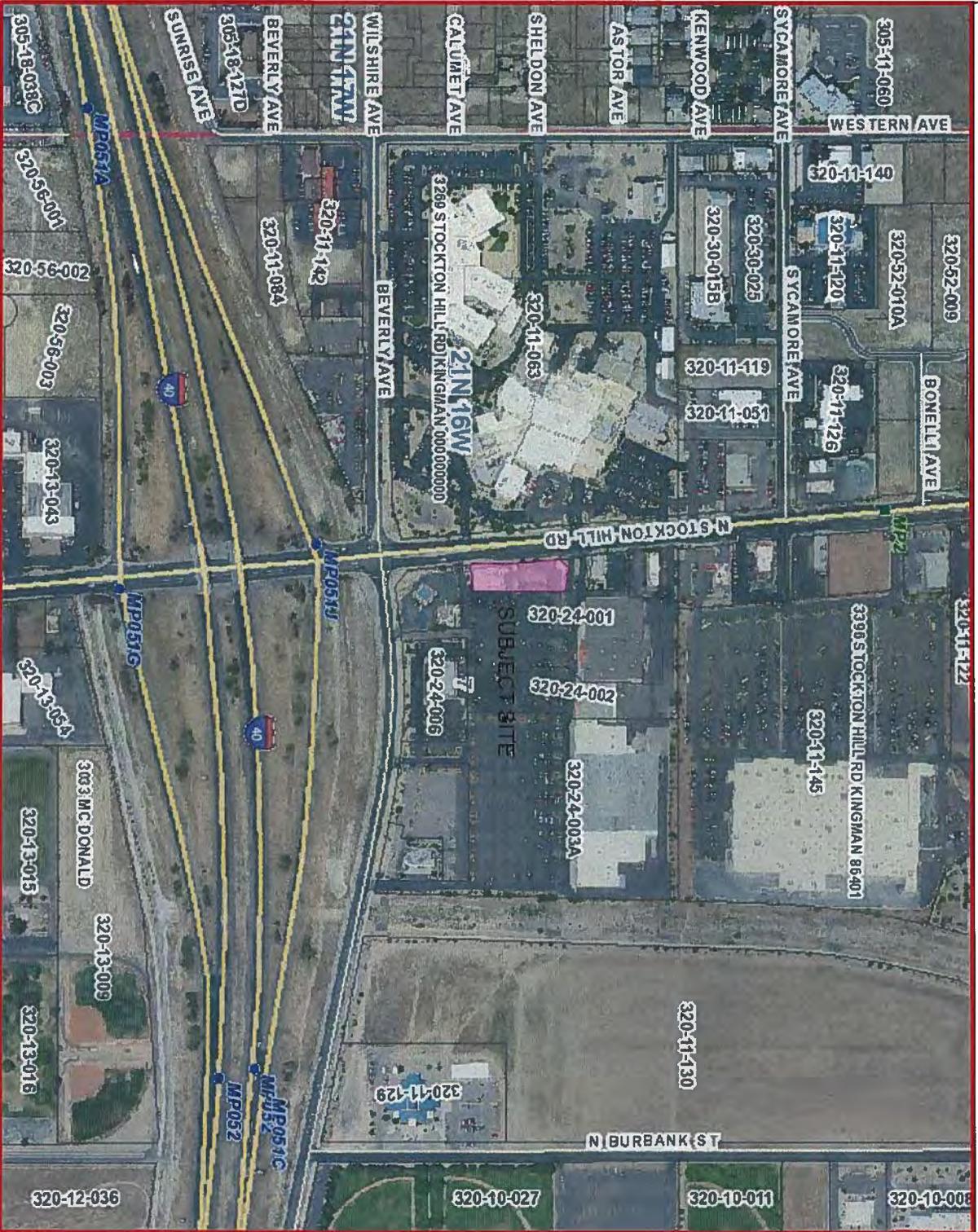
County of _____

The foregoing instrument was signed before me,
the undersigned Notary Public,

this _____ day of _____, 20____

by _____

Notary Public _____



- Legend**
- City Limits (> 200,000 scale)
 - Mohave County Boundary
 - Surrounding Counties
 - ADOT Mileposts
 - COUNTY Mileposts
 - Highways
 - Main Arterials
 - Collectors
 - Local
 - Railroad
 - Tax Parcel
 - Township/Range
 - Section
 - Surface Management
 - AZ Game and Fish
 - Bureau of Land Management
 - Bureau of Reclamation
 - City or County Parks
 - US Forest Service
 - Indian Reservation
 - Military Reservation
 - National Parks
 - Other
 - Private
 - State Parks
 - State Trust
 - National Wildlife Refuge

1:6,957



Notes:

This map is a user generated static output from the Mohave County Interactive Map Viewer and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION, AS A LEGAL DOCUMENT, FOR PROPERTY DESCRIPTIONS, OR DETERMINATION OF LEGAL TITLE, AND SHOULD NEVER BE SUBSTITUTED FOR SURVEY OR DEED INFORMATION. The user agrees to comply with the Limitation of Use, and Assumption of Risk as stated in the full disclaimer at <http://gis.mohavecounty.us>

Map Created: 8/19/2015

SITE PLAN

PetSmart King



Stockton Hill Rd
STOCKTON HILL RD.



AREA TABLE	
NORTH LOT	- ±13,970 SF
SOUTH LOT	- ±15,440 SF

PROPOSED ACCESS AND SHARED PARKING EASEMENTS

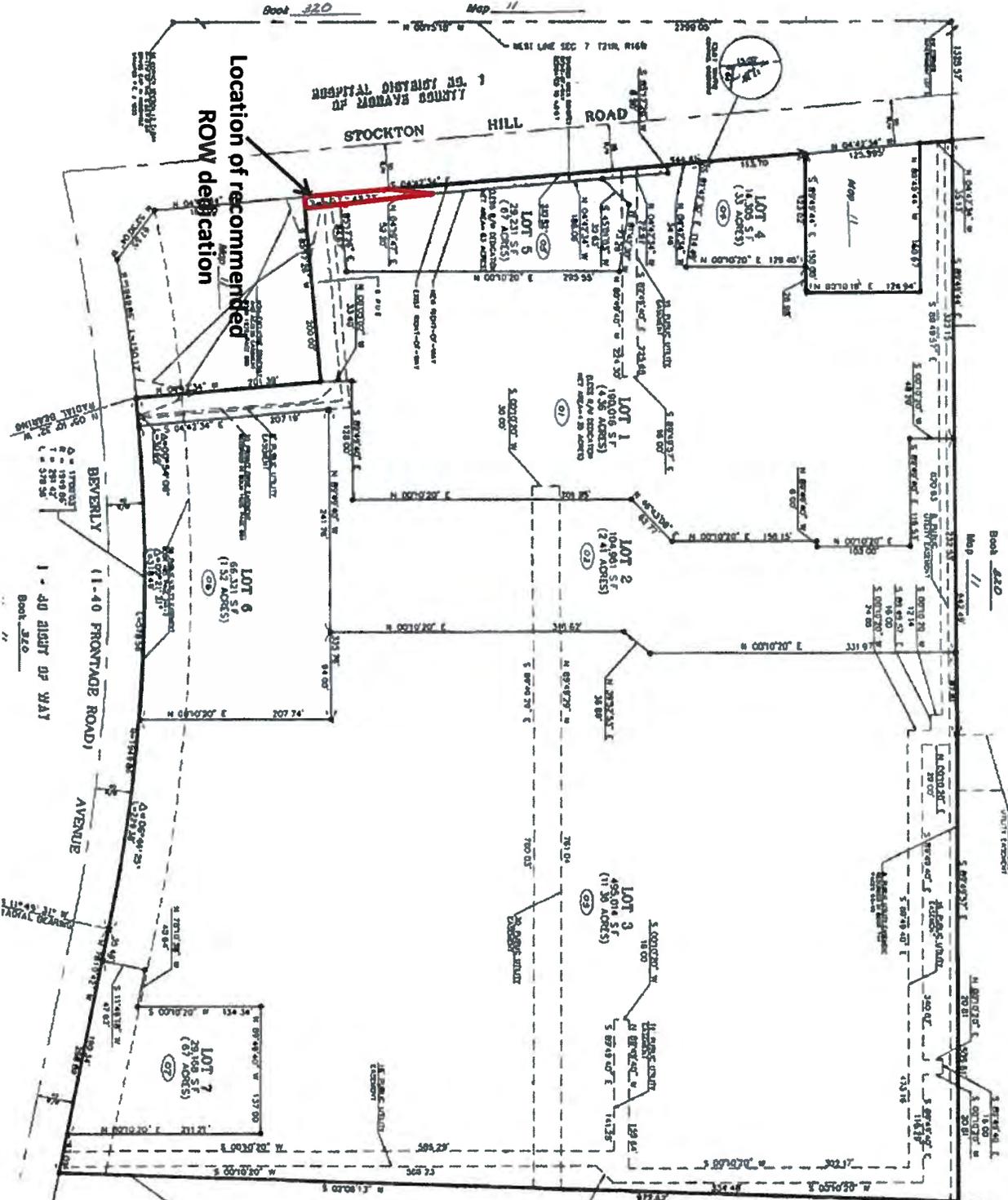
SEC. 7 (LOTS 5,6) T 21 N, R. 16 W.

WAL-MART/ALBERTSON'S ADDITION TRACT NO. 1942

BOOK
MAP

Recorded December 23, 1993

Fee No 93-73711



Location of recommended
ROW dedication

4/21/2006
VOID
SEE GIS

SCALE 1"=100'



Book 320
Map 11

0066
00552

Memo

To: Rich Ruggles
From: Mike Prior
CC: Greg Henry and File
Date: September 1, 2015
Re: Lot 5, Wal-Mart/Albertson's Addition, Tract 1942
Parcel 320-24-005
Project Number - RZ15-003



Engineering Department

The Engineering Department has reviewed the proposed rezoning case and has no objection to its continued processing. At the time of site development and building permit submittal, the following items will apply:

1. There is an existing easement and a narrow strip of Stockton Hill Road right-of-way not shown in the submitted rezoning map exhibit. The dimensions and locations of these items will need to be shown on the future submittals for site development.
2. Future proposed improvements on Stockton Hill Road include the widening of the roadway to six lanes and improvements at the intersections to provide for better turning movements, increase pedestrian safety, and improved ADA grades. To accommodate these future improvements, the City is requesting that the remaining narrow strip of land from the south boundary of the existing right-of-way for the Stockton Hill Road right turn lane bay to the southern boundary of this property be dedicated as right-of-way. This proposed area will be approximately 600 square feet.

Rich Ruggles

From: MGibelyou@uesaz.com
Sent: Friday, August 21, 2015 10:43 AM
To: Rich Ruggles
Subject: RE: City of Kingman Rezoning Case RZ15-003

Rich, UNS Electric has reviewed the proposed site plan. We have no objections to the continued processing of this time. The developer should contact us directly regarding electrical service to the new structure. Thanks for the opportunity to review.

Michael L. Gibelyou, SR/WA
Senior Right of Way Agent
UNS Electric, Inc.
(928) 681-8923 desk
(928) 681-8915 fax

From: Rich Ruggles [<mailto:rruggles@cityofkingman.gov>]
Sent: Thursday, August 20, 2015 10:27 AM
To: Pebley, Stephen (Stephen.Pebley@FTR.com); Gibelyou, Mike; Fjeld, Jeff; jeremy.brunk@suddenlink.com; shannon.summers@mohavecounty.us
Subject: [EXTERNAL E-Mail] City of Kingman Rezoning Case RZ15-003

Good morning:

I have attached a memo and an application, including maps for City of Kingman Rezoning Case RZ15-003. Please forward any comments you have to me by September 1, 2015. Thank you.

Rich Ruggles
Principal Planner
City of Kingman Development Services Dept.
Office: (928) 753-8130 Direct: (928) 753-8160
E-mail: rruggles@cityofkingman.gov



MOHAVE COUNTY FLOOD CONTROL DISTRICT

DEPARTMENT OF DEVELOPMENT SERVICES

P. O. Box 7000, Kingman, Arizona 86402-7000 3250 E Kino Ave, Kingman, AZ 86409 Telephone (928) 757-0925 FAX (928) 757-0912
www.mohavecounty.us

David West, P.E., C.F.M.
Flood Control District Engineer

Nicholas S. Hont, P.E.
Department Director

MEMORANDUM

Date: August 20, 2015
To: Rich Ruggles, Principal Planner
From: Randall Gremlich, PE, CFM, MCFCD project manager *RKG*
Thru: Dave West, PE CFM, MCFCD Engineer
Re: Submittal of a rezone request, RZ15-003, Tract 1942

I have reviewed the submittal by Mohave Engineering Associates, Inc. for the subject rezone request. The site is not located in a FEMA designated Special Flood Hazard Area. The MCFCD has no objections to this action.





Rezoning Case RZ15-003

Modification of Ord. 951-Revised

City Council Meeting

October 6, 2015

General Information

- **Applicant: Mohave Engineering Associates, Inc.**
- **Property Owner: S K & M Investments.**
- **Requested Action: Modification of Ord. 951-Revised to allow Pad “B” as shown in attached site plan to be split into two lots with changes to the overall building sf and minimum parking requirements. Pad “B” (aka Lot 5, Wal-Mart/Albertson’s Addition, Tr. 1942) is the location of Taco Bell at 3220 Stockton Hill Road.**

Aerial View of Site





2



VIEWPORT







© 2015 INEGI
© 2015 Google
© 2015 Google

Google earth

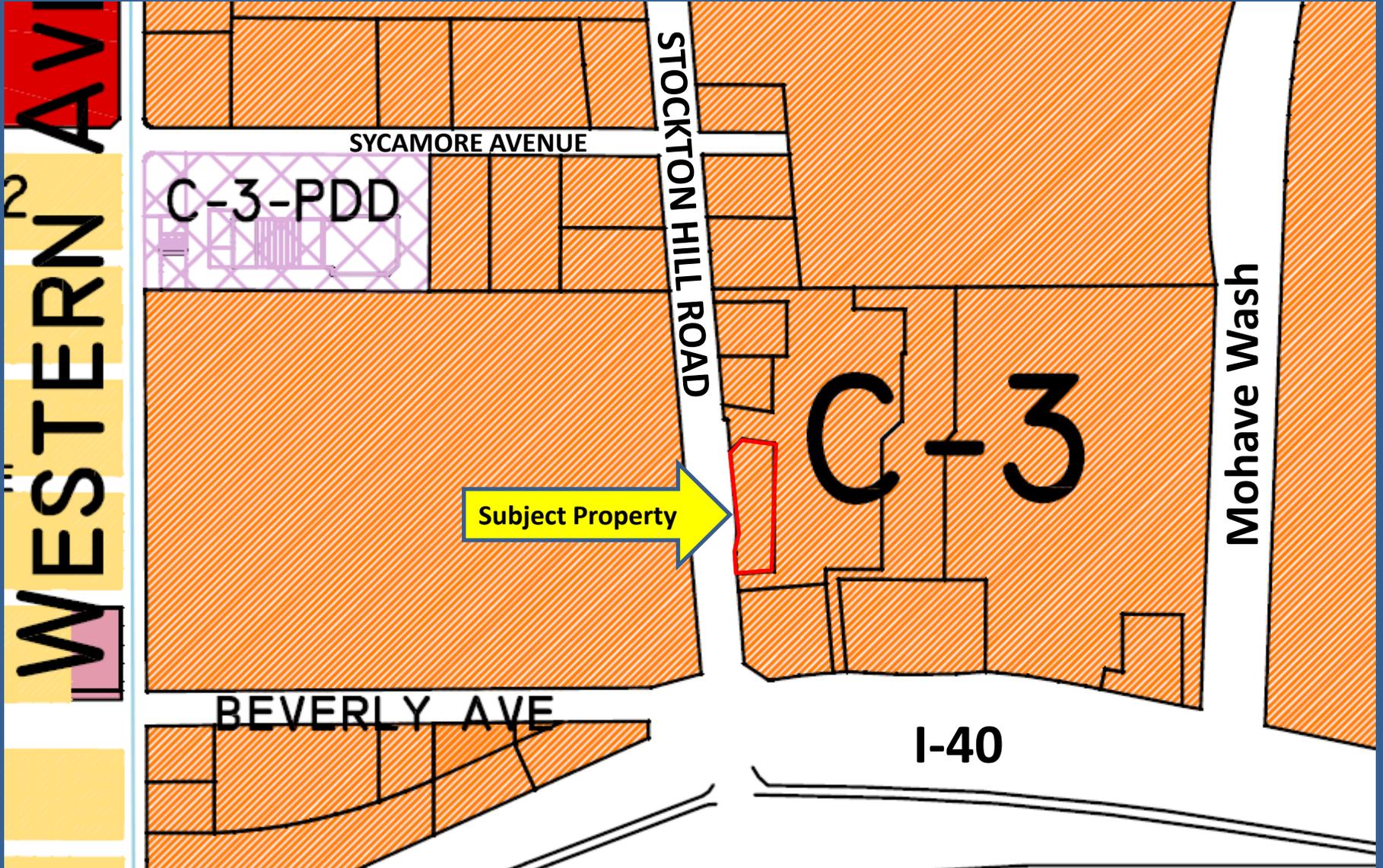
[Report a problem](#)



Findings of Fact

- Location and Size: 0.63 acres located at 3220 SHR.
- Existing Zoning and Land Use: C-3 with a Taco Bell restaurant, drive-thru, parking and landscaping.
- Projected Land Use: Regional Commercial
- Surrounding Land Use and Zoning: C-3 surrounding site. Shopping center to east, gas station and mini-mart to south and KRMC to west.

Zoning Map



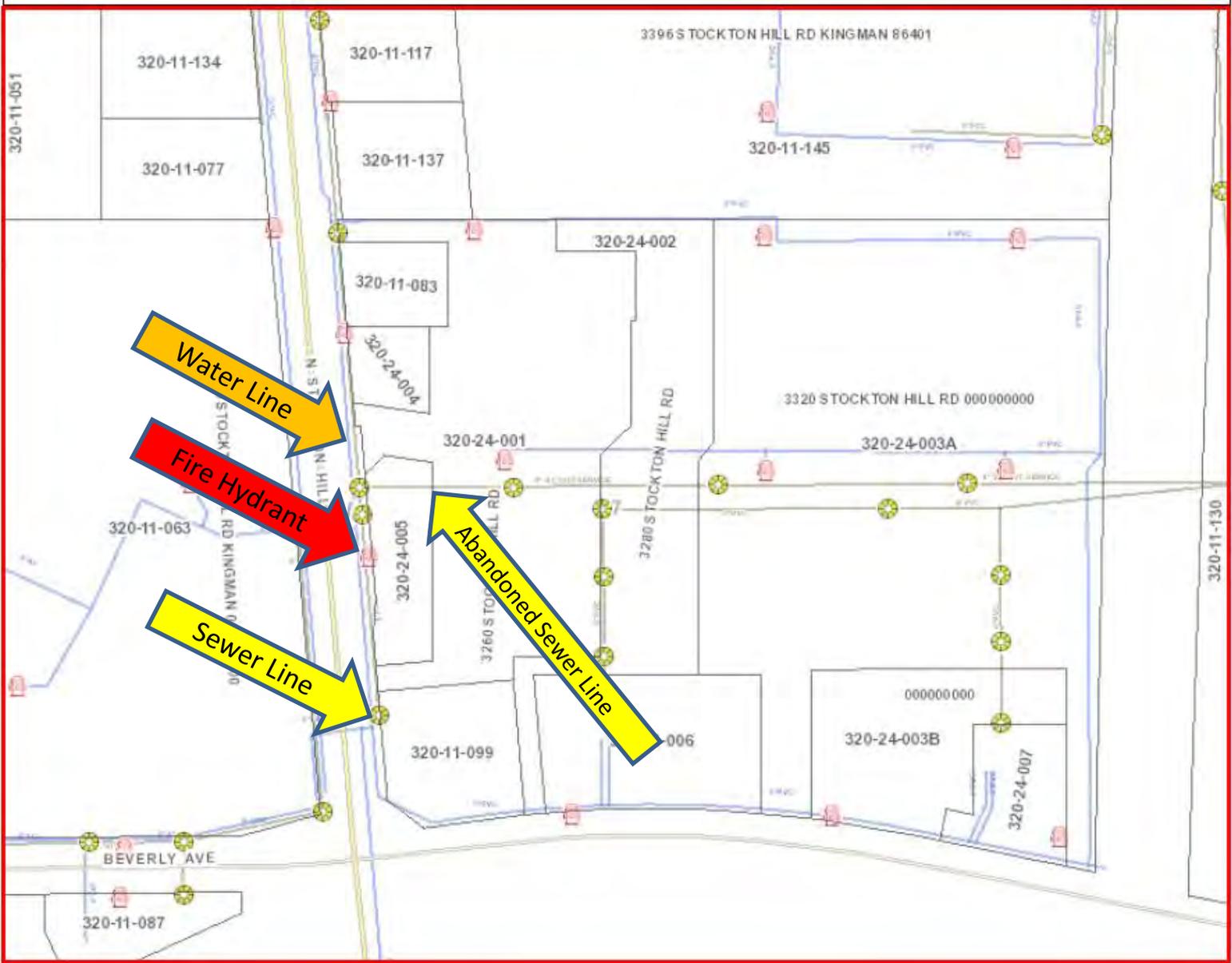
Zoning and Development History

- The property was annexed into the City of Kingman in 1971, Ord. 139 with O: Recreational Open Space zoning applied.
- Rezoned to C-3 under Ord. No. 808 in 1990. A specific site plan was approved for a 228,000 sf shopping center.
- Ord No. 951-Revised passed in December, 1992 which amended Ord. No. 808. Revised site plan approved with a 218,000 sf shopping center including several separate pads and specific parking requirements.
- Taco Bell restaurant constructed on subject site in 1993.

Public Utilities and Transportation

- Existing water and sewer lines serving the site are in Stockton Hill Road.
- There is an abandoned sewer line which crosses the northern portion of the subject site.
- Stockton Hill Road provides access through two off-site driveways north and south of the site. The street has a 100-ft to 108.20-ft wide right-of-way.
- Stockton Hill Road is fully improved with a dedicated right turn lane across most of the property frontage.

Area Utility Map



Department and Agency Comments

City Engineering Department :

- A narrow strip of Stockton Hill Rd ROW where the right turn lane is located is not shown on conceptual site plan. This needs to be shown on future submittals.
- Future widening of Stockton Hill Road to six lanes is planned. To accommodate future improvements additional ROW is requested from the right turn bay to the southern property boundary.

City Building Department :

- If new building is located less than 10-feet of a property line, fire resistive exterior wall(s) will likely be required.

City Fire Department, MC Flood Control, UniSource Electric:

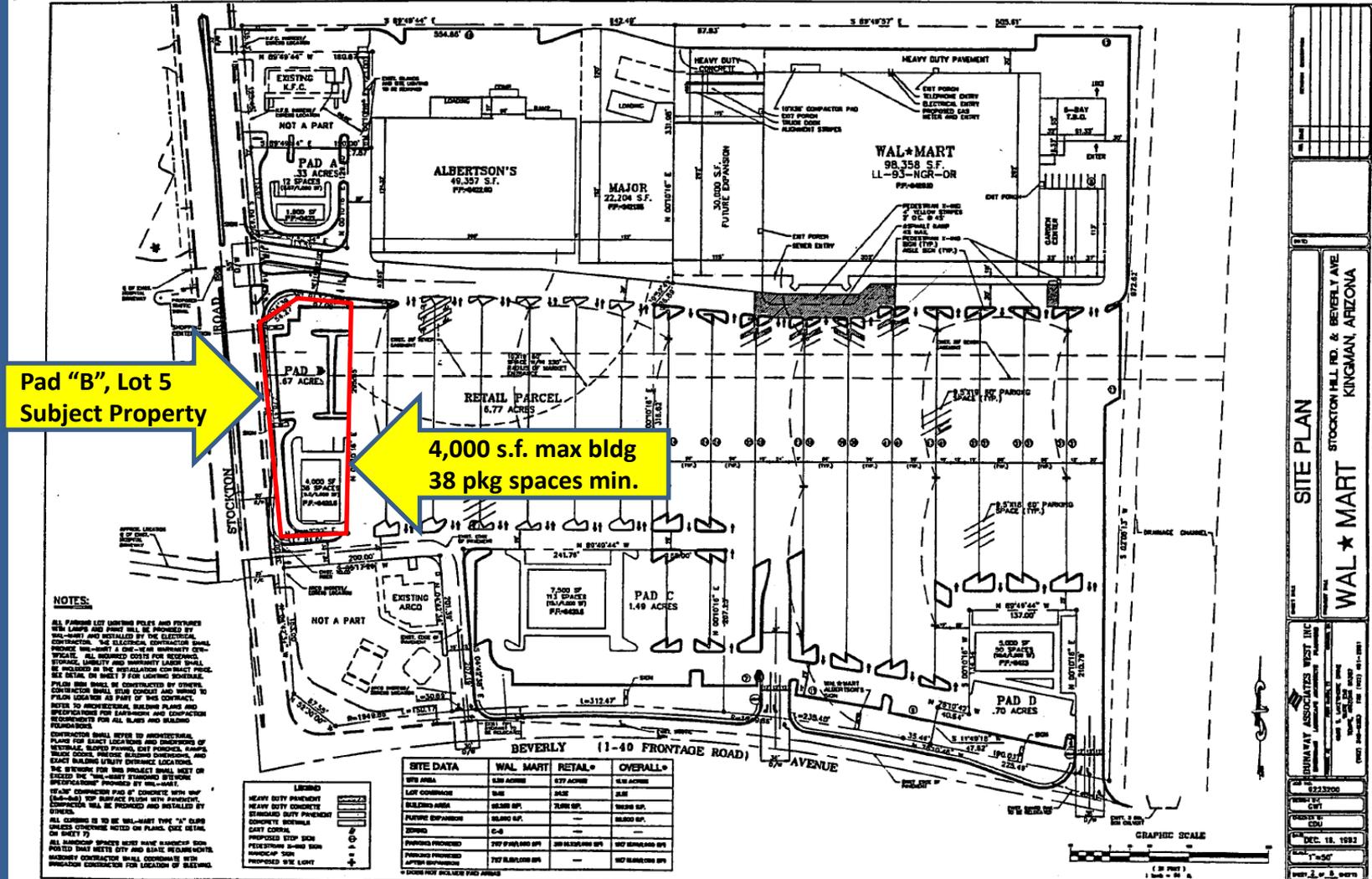
- No objections to request.

Analysis of Request

- The request is to modify certain zoning conditions of Ord. No. 951-R to allow the site to be split. The ordinance included a specific site plan for the 218,000 sf Wal-Mart Albertson's shopping center constructed in 1993. The building area also included all separate pads on the perimeter of the center.
- Pad "B", the location of the Taco Bell restaurant was permitted to have a maximum building size of 4,000 sf and a minimum of 38 parking spaces. The current building is 2,657 sf with 45 parking spaces.
- A conceptual plan shows the approximate location of the proposed property line. A future 1,600 sf building is proposed on the north lot while the Taco Bell restaurant would be located on the south lot.
- Based on the conceptual plan it appears the proposed split will meet the C-3 property development standards for lot size, widths and setbacks.

Exhibit "A" from Ord. 951-R

EXHIBIT 'A'



Conceptual Site Plan



Parking and Cross-Access Requirements

- The Taco Bell restaurant will be remodeled. The patio area will be removed and seven new parking spaces will be added in that area.
- Staff has determined that a minimum of 20 parking spaces are required for the restaurant. Once split, there will be 14 parking spaces on the Taco Bell lot. The conceptual plan shows 23 parking spaces on the north lot where the future 1,600 sf building would be located.
- The overall parking would be reduced to 37 spaces, which is one space below the minimum requirement of Ord. 951-R and the overall building square footage would increase to 4,257 sf which is 257 sf above the maximum allowance of Ord 951-R.

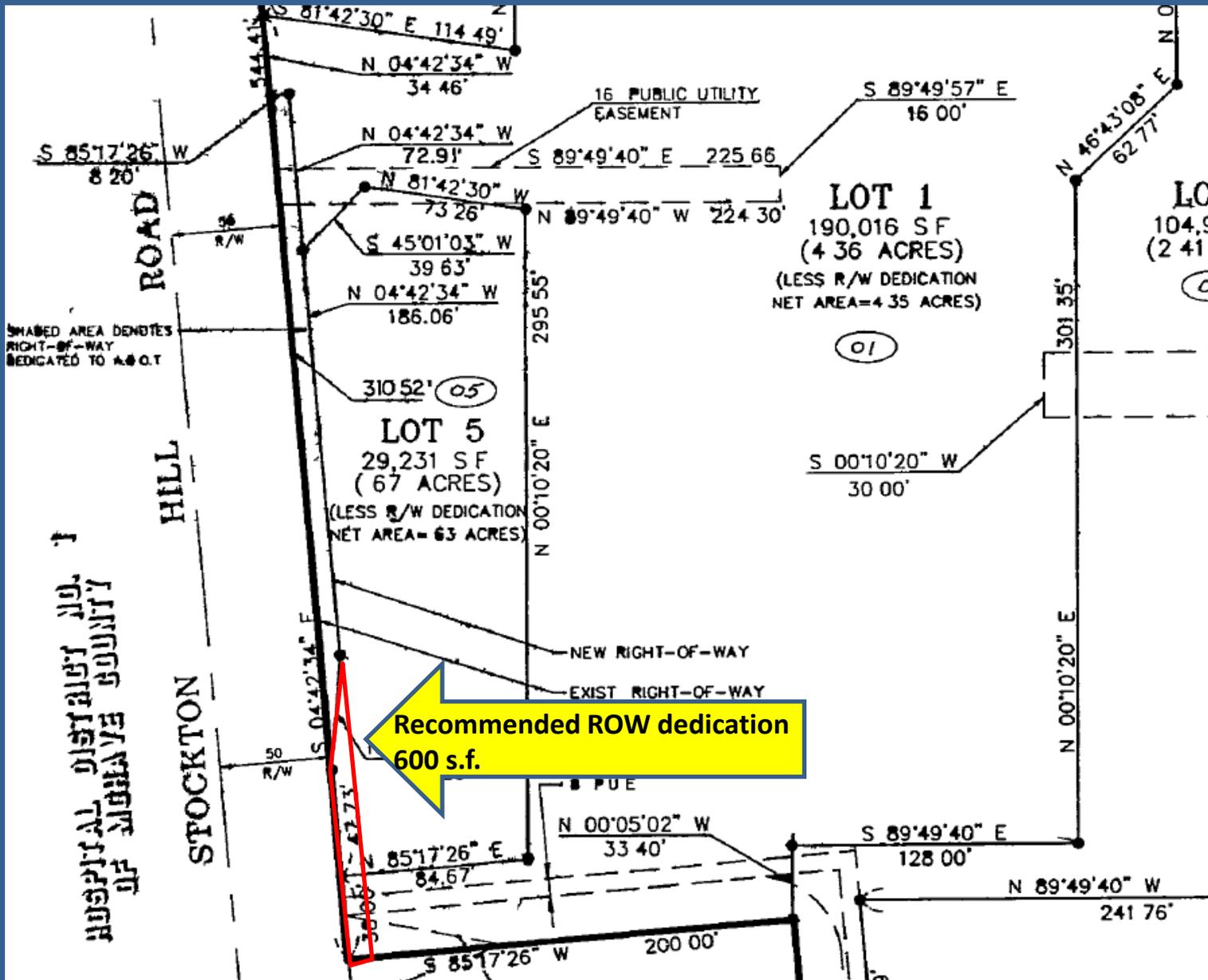
Parking and Cross Access Requirements

- **The Taco Bell site will be six spaces short of the parking requirement once the property is split.**
- **A cross-access, common drive, and parking agreement is proposed between the two properties to ensure enough parking and proper access continues to be provided for both lots.**
- **At least 17 parking spaces would be available on the north lot where the future 1,600 sf building would be located which should be adequate for any future uses.**
- **Copies of the recorded CC&Rs were provided which address the maintenance of ingress, egress, and parking for the overall shopping center site.**

Driveways and Right-of-Way

- There is no direct access from Stockton Hill Road to the subject property.
- There is a dedicated right-turn lane across most of the property frontage. Due to the turn lane location, no new driveways are recommended from Stockton Hill Road.
- It is recommended that additional right-of-way be dedicated between the right turn lane ROW dedication and the south property line to accommodate the future widening of Stockton Hill Road.
- The dedication would not impact the existing Taco Bell building or drive-thru.
- The area of the dedication would be about 600 s.f. The offer of dedication may be part of the proposed parcel plat to split the subject site into two lots.

Proposed Right-of-Way Dedication



RECOMMENDATION

**The Planning and Zoning
Commission and staff
recommend approval of
Ordinance #1804.**

WHEN RECORDED HOLD FOR
KINGMAN CITY CLERK
310 N. 4th Street
Kingman, AZ 86401

CITY OF KINGMAN ORDINANCE NO. 1804

AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA: MODIFYING ORDINANCE 951-REVISED TO ALLOW THE SPLITTING OF PAD “B”, LOT 5, WAL-MART/ALBERTSON’S ADDITION, TRACT 1942 AND PRESCRIBING CONDITIONS.

WHEREAS, Mohave Engineering Associates, Inc., applicant, and S K & M Investments, property owner, has requested the modification of certain zoning conditions of Ordinance No. 951-Revised; and

WHEREAS, the request is to allow Pad “B”, as shown on the site plan attached to Ordinance No. 951-Revised and described as Lot 5, Wal-Mart/Albertson’s Addition Tract 1942, to be split into two lots; and

WHEREAS, this request was reviewed by city staff and was found to be in accordance with the projected land use and density standards of the adopted City of Kingman General Plan 2030 and other applicable regulations; and

WHEREAS, the Planning and Zoning Commission held a public hearing on September 8, 2015 and voted 5-0 to recommend approval of this request with certain conditions, and

WHEREAS, the Kingman Common Council has the authority to approve this request pursuant to the City of Kingman Zoning Ordinance, Sections 13.000, 22.000, and 31.000.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Kingman, Arizona: That Ordinance No. 951-Revised is hereby amended as follows:

1. Pad “B” as shown on Exhibit “A” of Ordinance No. 951-Revised, and described as Lot 5 Wal-Mart/Albertson’s Addition Tract 1942, shall be permitted to be split into a maximum of two lots in accordance with the requirements of Kingman Municipal Code Section 2-146.
2. The lots created by parcel plat shall be in accordance with the property development standards of Section 13.000: Commercial, Service Business.

3. The maximum building size on the northerly lot shall be 1,600 square feet with a minimum of 23 parking spaces. The maximum building size on the southerly lot shall be 2,657 square feet with a minimum of 14 parking spaces.
4. A cross-access, common drive, and shared parking agreement shall be maintained between the adjoining lots and said agreement shall be recorded.
5. No new driveways to Stockton Hill Road shall be permitted.
6. Additional right-of-way, 8.20 feet in width, shall be dedicated with the parcel plat along the property frontage on Stockton Hill Road between the existing right-of-way dedication for the right-turn lane and the southern boundary of the subject property.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona this 6th day of October, 2015.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney



CITY OF KINGMAN COMMUNICATION TO COUNCIL

TO: Honorable Mayor and Common Council

FROM: Development Services Department

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Consideration of Resolution 4971, approving a cash payment street deferral for Manzanita Baptist Church

SUMMARY:

The Manzanita Baptist Church owns multiple lots along the north side of Gates Avenue west of Fairgrounds Boulevard. A building permit to remodel a gymnasium on the church property has been issued. The estimated construction cost of the permit is \$150,000. Gates Avenue adjacent to the location of the gymnasium is presently improved with some asphalt paving and no curb, gutter or sidewalk. Because the proposed construction will exceed \$20,000.00, the Streets and Sidewalks Development Rules and Regulations require that the adjacent street improvements be completed on Gates Avenue.

The scope of the required improvements would be a section, 187.5-feet in length, with curb, gutter, a four-foot wide sidewalk, two driveways, additional paving, and engineering and staking. The City Engineering Department's opinion of probable cost of these improvements is \$15,242.00. Manzanita Baptist Church sent a letter requesting a non-cash payment street improvement deferral.

The Traffic Safety Committee (TSC) reviewed the deferral request on August 20, 2015. The TSC recommended that the applicant either complete the required improvements or make a payment in lieu of completing the improvements to the city rather than granting a non-payment deferral. Staff has prepared a resolution which would accept a cash payment for the improvements.

FISCAL IMPACT:

If a cash payment deferral is approved, the city will receive \$15,242.00 that may be used to complete future improvements on this street.

STAFF RECOMMENDATION:

Adopt Resolution No. 4971 if Council wishes to accept a cash payment for the required street improvements on Gates Avenue.

ATTACHMENTS:

Description

Written request from applicant

Engineer's Cost Estimate and Map

Resolution No. 4971

REVIEWERS:

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	9/23/2015 - 11:06 AM
City Attorney	Cooper, Carl	Approved	9/23/2015 - 1:23 PM
City Manager	Dougherty, John	Approved	9/30/2015 - 12:28 PM



Manzanita Baptist Church
Proclaiming the Living Christ; Providing a Living Hope;
Producing Living Disciples

Peter A. Ernst
Senior Pastor/Teacher

August 4, 2015

City of Kingman
City Council
310 N 4th Street
Kingman Az 86401

To City Council Members,

Our church is requesting a deferral to complete curb, gutter and sidewalk in front of the building to be remodeled. We are requesting the deferral until such time as the remaining properties on the street (Gates Avenue between Main Street and Fairgrounds) are developed.

Recently our congregation decided to update our restrooms and kitchen inside the gymnasium to make them complicate with City, ADA and the Health Department requirements. Only the interior of the gym is being remodeled at this time. We are updating the restrooms to be ADA compliant and updating the kitchen to compliant with the health department so that we can serve the needy on special occasions. We have enough funds to update the kitchen and restrooms and our meeting rooms at this time, which is the scope of work of this remodel project. We are not changing or developing anything outside the building, we are not adding concrete or roof areas and we will not be impacting drainage or water flow with this interior remodel. Currently there are no curbs, gutter or sidewalks upstream or downstream of the remodel site. Putting curb, gutter and sidewalks in place at this time will be hard to match up in the future as this would be an isolated sidewalk.

Unless improvements were done on the entire street it could cause drainage problems and could impede water flow upstream and downstream of the building.

Sincerely,

Peter A. Ernst, President
Senior Pastor

2040 Golden Gate Ave. Kingman, Arizona 86401
1-928-753-2370 Fax: 1-928-753-3306
E-mail: tolson@manzanitabaptist.org
www.manzanitabaptist.org

CITY OF KINGMAN

AUG 06 2015

PLANNING & ZONING



City of Kingman

310 NORTH FOURTH STREET • KINGMAN • ARIZONA • 86401 • (928)753-5561
www.cityofkingman.gov

Street Improvement Cost Estimate for Manzanita Baptist Church Gym Remodel

Site Address: 2040 Golden Gate Avenue

Improvement Limits: Portion of Parcel 311-14-342A, Golden Gate Addition, Unit 7, Block 152, Lots 27 through 33 and west ½ of Lot 26

Project Number: BLD15-0292 and ENG15-058

Design Parameters

Field Measurements Taken: 9/11/15

Frontage: 187.5 feet

Street Classification: Local

Design Speed: 25 mph

R/W Width: 50 feet (Gates Avenue)

Sidewalk: 4 feet wide

Driveway Widths: 25 feet for west driveway, 29 feet for east driveway

Average Width of Existing Street: 26.8 feet

Design width: 29.16 feet

Notes:

MAG 150 Precast Safety Curbs will be called for the onsite parking spaces (9 spaces) to prevent vehicles from driving on the 4" thick sidewalk section. This costs less than installing the entire sidewalk section for this development at 9" thick.



City of Kingman

310 NORTH FOURTH STREET • KINGMAN • ARIZONA • 86401 • (928)753-5561
www.cityofkingman.gov

Street Improvement Cost Estimate for Manzanita Baptist Church Gym Remodel

Site Address: 2040 Golden Gate Avenue

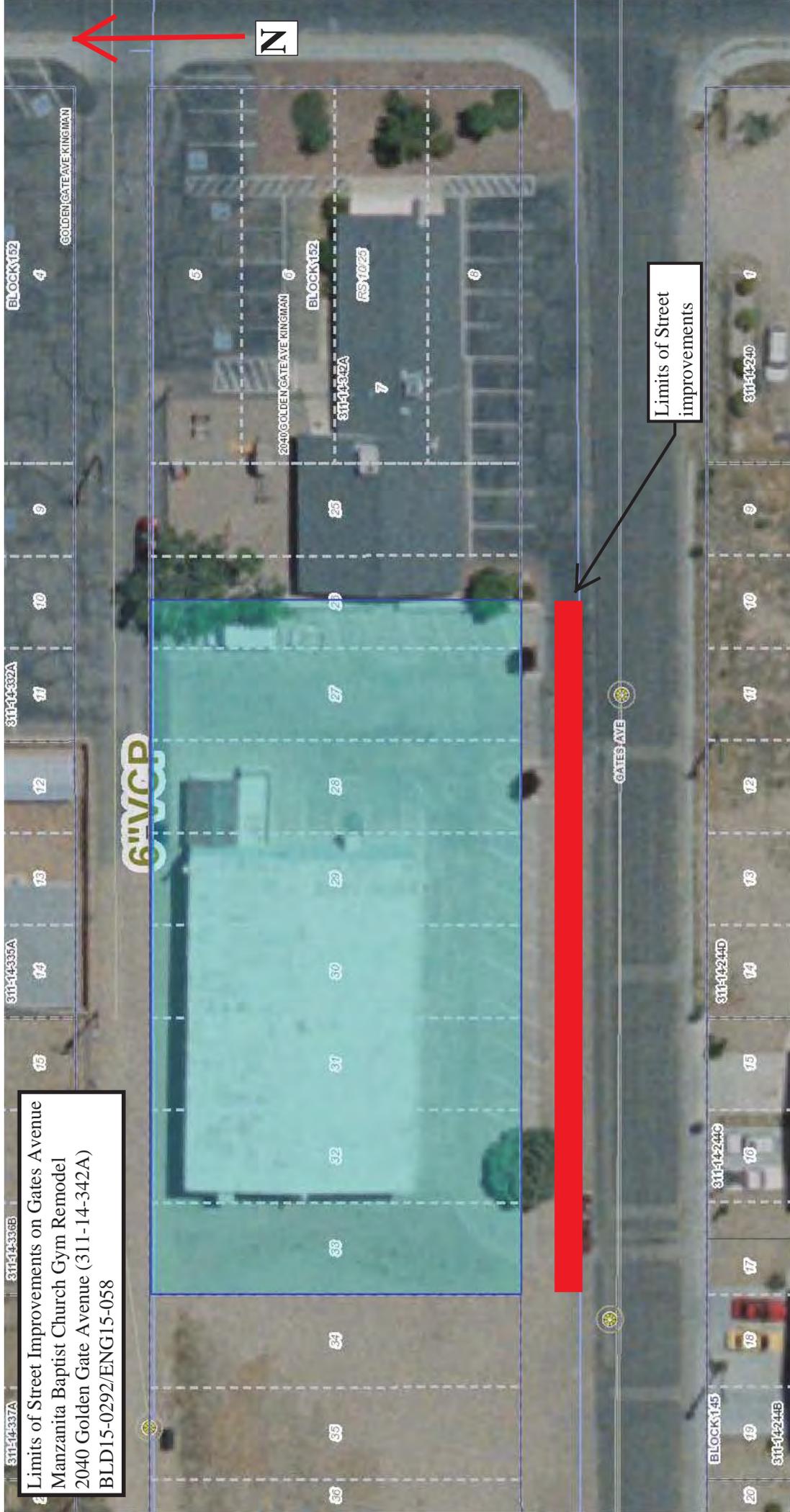
Improvement Limits: Portion of Parcel 311-14-342A, Golden Gate Addition, Unit 7, Block 152, Lots 27 through 33 and west ½ of Lot 26

Project Number: BLD15-0292 and ENG15-058

ITEM	DESCRIPTION	EST QTY	UNIT	UNIT COST	COST
	Street Improvements Costs for Gates Avenue fronting portion of parcel 311-14-342A under permit BLD15-0292				
1	MAG 220-1, Type C, Roll Curb	187.5	LF	\$14.00	\$2,625.00
2	Curb Terminations and Sidewalk Transition to Ground	2	EA	\$95.00	\$ 190.00
3	COK 230 Sidewalk, 4' wide (133.5 x 4') = 534 SF, 4" thick	534	SF	\$4.00	\$2,136.00
4	COK 230 Sidewalk at Driveways, 4' wide (25'+29') x 4' = 216 SF, 9" thick	216	SF	\$7.00	\$1,512.00
5	Concrete Driveway Panels (25' +29') x 4.42' = 239 SF	239	SF	\$7.00	\$1,673.00
6	MAG 150 Precast Safety Curb Type B-2, 48" wide	9	EA	\$85.00	\$ 765.00
7	Pavement Sawcut for Asphalt Removal	188	LF	\$1.00	\$ 188.00
8	Asphalt Pavement Removal for matchup paving (187' x 2') / 9 = 42 SY	42	SY	\$9.00	\$ 378.00
9	Asphalt Pavement to Local Street Width 2" AC/6" ABC (187' x 4.36') / 9 = 91 SY	91	SY	\$25.00	\$2,275.00
10	Engineering, Construction Staking, Testing (+/-30% Improvement Cost)	1	LS	\$3,500.00	\$3,500.00
Total for Paving Items					\$15,242.00



Expires 12-31-2015



Limits of Street Improvements on Gates Avenue
Manzanita Baptist Church Gym Remodel
2040 Golden Gate Avenue (311-14-342A)
BLD15-0292/ENGL15-058

Limits of Street improvements

311-14-337A

311-14-336B

311-14-335A

311-14-332A

BLOCK 152

1

20

49

18

17

16

15

14

13

12

11

10

9

8

7

6

5

4

3

2

1

311-14-337B

311-14-336C

311-14-335B

311-14-332B

BLOCK 152

21

50

19

18

17

16

15

14

13

12

11

10

9

8

7

6

5

4

3

2

1

311-14-337C

311-14-336D

311-14-335C

311-14-332C

BLOCK 152

22

51

20

19

18

17

16

15

14

13

12

11

10

9

8

7

6

5

4

3

2

1

311-14-337D

311-14-336E

311-14-335D

311-14-332D

BLOCK 152

23

52

21

20

19

18

17

16

15

14

13

12

11

10

9

8

7

6

5

4

3

2

1

311-14-337E

311-14-336F

311-14-335E

311-14-332E

BLOCK 152

24

53

22

21

20

19

18

17

16

15

14

13

12

11

10

9

8

7

6

5

4

3

2

1

311-14-337F

311-14-336G

311-14-335F

311-14-332F

BLOCK 152

25

54

23

22

21

20

19

18

17

16

15

14

13

12

11

10

9

8

7

6

5

4

3

2

1

311-14-337G

311-14-336H

311-14-335G

311-14-332G

BLOCK 152

26

55

24

23

22

21

20

19

18

17

16

15

14

13

12

11

10

9

8

7

6

5

4

3

2

1

311-14-337H

311-14-336I

311-14-335H

311-14-332H

BLOCK 152

27

56

25

24

23

22

21

20

19

18

17

16

15

14

13

12

11

10

9

8

7

6

5

4

3

2

311-14-337I

311-14-336J

311-14-335I

311-14-332I

BLOCK 152

28

57

26

25

24

23

22

21

20

19

18

17

16

15

14

13

12

11

10

9

8

7

6

5

4

3

311-14-337J

311-14-336K

311-14-335J

311-14-332J

BLOCK 152

29

58

27

26

25

24

23

22

21

20

19

18

17

16

15

14

13

12

11

10

9

8

7

6

5

4

311-14-337K

311-14-336L

311-14-335K

311-14-332K

BLOCK 152

30

59

28

27

26

25

24

23

22

21

20

19

18

17

16

15

14

13

12

11

10

9

8

7

6

5

311-14-337L

311-14-336M

311-14-335L

311-14-332L

BLOCK 152

31

60</

CITY OF KINGMAN RESOLUTION NO. 4971

A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA; ACCEPTING A CASH PAYMENT IN LIEU OF REQUIRING STREET IMPROVEMENTS ON GATES AVENUE ADJACENT TO GOLDEN GATE ADDITION, UNIT 7, BLOCK 152, LOTS 26 THROUGH 33

WHEREAS, Manzanita Baptist Church of Kingman has applied for and received a building permit to remodel a gymnasium on their property, described as Golden Gate Addition, Unit 7, Block 152, Lots 26-33, located on Gates Avenue west of Fairgrounds Boulevard; and

WHEREAS, the submitted building permit includes an estimated construction cost of the improvements as \$150,000.00; and

WHEREAS, Section 2-2 (d) of the City of Kingman Streets and Sidewalks Development Rules and Regulations requires that when a multiple-family, commercial, or industrial property is remodeled or redeveloped that requires a building permit and for which the improvement increases the area of the building or area of the developed portion of the property by 25% or more, or for which the improvement costs exceed \$20,000.00 in value, based on the City's valuation schedule used to compute building permit fees, adjacent street improvements are required; and

WHEREAS, the scope of the required street improvements would include the placement of curb, gutter, a four-foot wide sidewalk, two driveways, and match-up pavement width along the 187.5-foot property frontage where the gymnasium is located; and

WHEREAS, the City of Kingman Engineering Department' opinion of probable cost for the required street improvements is \$15,242.00 for this portion of Gates Avenue; and

WHEREAS, a letter has been sent by the property owner requesting that the City Council grant a non-cash payment deferral of the required street improvements; and

WHEREAS, the Traffic Safety Committee reviewed the request to consider a deferral of street improvements at its August 20, 2015 meeting and unanimously recommended per Section 2-2(e) of the City of Kingman Streets and Sidewalks Development Rules and Regulations that the developer be required to complete the required street improvements or that the City Council could accept a cash payment in lieu of completing the required improvements rather than grant a non-payment street deferral.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Kingman, Arizona that a cash payment in the amount of \$15,242.00 will be accepted in lieu of requiring the completion of the street improvements, and that it shall be agreed to by all responsible parties that upon receipt in full, this payment will also fulfill any future obligations associated with street improvements of the portion of Gates Avenue adjacent to property described as Golden Gate Addition, Unit 7, Block 152, Lots 26-33.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona this 6th day of October, 2015.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

AGREED TO BY:

Carl Cooper, City Attorney

Peter A. Ernst, President/Senior Pastor
Manzanita Baptist Church



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council
FROM: Gary Jeppson
MEETING DATE: October 6, 2015
AGENDA SUBJECT: Second annual Rattlers Mountain Bike Race

SUMMARY:

The Colorado River Area Trail Association (CRATA) is holding the Second Annual Rattler Mountain Bike Race in the Cerbat Foothills Recreation Area, west of downtown Kingman. The group is seeking \$4,000 to help on this event, which they believe will become self-sufficient after this year's event. Last year there were 77 participants, plus family and spectators. This event is growing and is expected to be a great annual tourism event for Kingman.

FISCAL IMPACT:

\$4,000.00

STAFF RECOMMENDATION:

The Tourism Development Commission recommends approval of this request.

ATTACHMENTS:

Description
Application
City Attorney Comment

REVIEWERS:

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	9/23/2015 - 11:08 AM
City Attorney	Cooper, Carl	Approved	9/29/2015 - 11:51 AM
City Manager	Dougherty, John	Approved	9/30/2015 - 1:04 PM

CITY OF KINGMAN
TOURISM DEVELOPMENT COMMISSION
FUNDING REQUEST

**IF ADDITIONAL SPACE IS NEEDED ATTACH AN EXTRA PAGE
AND INDICATE THE QUESTION NUMBER BEING ANSWERED.**

**This funding request is for the use of City Room Tax funding.
Return completed requests to the City of Kingman
Tourism Development Commission
310 N. 4th St., Kingman Arizona 86401**

Please contact Gary Jeppson 753-8353 if you have any questions.

ORGANIZATION NAME: 2nd Annual Rattler Mountain Bike Race

CONTACT PERSON: Scott O'Donnell, Denise Barron AMOUNT REQUESTED: \$4,000

ADDRESS: 3207 Kiersten Ave, Kingman, AZ 86401

DATE(S) WHEN FUNDS NEEDED: ASAP PHONE: 760/447-2029 & 928/530-0868

1. WHAT SPECIFIC T.D.C. GOAL WILL YOUR PROJECT ADDRESS? (See enclosed TDC Goals)

The 2nd Annual Rattler Mountain Bike Race will address Goals 1 and 2 – promoting overnight stays at local hotels, encouraging visitors to eat at local restaurants and focusing on the exceptional recreational trails bordering the City of Kingman.

2. HOW WILL YOUR PROJECT MEET THESE NEEDS? WHAT POSITIVE COMMUNITY OUTCOME DO YOU ANTICIPATE WILL OCCUR AS A RESULT OF THIS PROJECT?

With the rising popularity of mountain biking, local enthusiasts discovered the previously existing trails already offered terrain and vistas comparable to the best venues in the Southwest. Some of these trails were built many years ago by the City with the cooperation of Mohave County in the Cerbat Foothills Rec Area (CFRA). With the recent collaboration of the BLM and the International Mountain Biking Association (IMBA) with the local Colorado River Area Trail Association (CRATA), the trails on BLM-managed land have been and are in the final process of being rehabilitated to standards for sustainability, multi-use, and environmental preservation.

Starting the “Rattler” race last year was the first step in building not only an annual event but to expose the trail system around Kingman as a destination the during the entire year, but especially in the Fall and Winter when the Southern California mountains are often not acceptable for good mountain bike riding. Supplemental efforts to secure additional funding for the rehabilitation to current sustainability standards of the CFRA trails connecting Old Town Kingman to the CFRA and BLM-managed area trails is already underway. With this final work, Kingman will be in the position to host a major professional mountain bike race. A similar annual race in Prescott brings in an estimated \$1.5 million in economic value to the Prescott area each year. Maintaining the third weekend in October by supporting the “Rattler” race now helps position the subsequent professional race at the same time, a position that does not currently have any major race in the area.

3. HOW WILL YOU EVALUATE THE SUCCESS OF YOUR PROJECT? CAN THE SUCCESS BE MEASURED? (For example: How will you attract people to Kingman? How many additional lodging room rentals will this generate? What is the Return on Investment - be specific. "This project will increase the duration of tourist visits by one day." OR, "This project will generate 20-new jobs in the community.")

Last year's event brought in 77 event participants, not including family members and other spectators. This was more than double the originally anticipated participation. Many participants arrive on Friday night since the event starts fairly early on Saturday morning and concludes in the early afternoon. The selection of the third weekend in October coincides with the last "Chillin' on Beale Street" event of the season. With the current selection of entertainment offerings in the Old Town that are of particular interest to mountain bikers after a race and the additional enthusiasm generated in Old Town by the final "Chillin'" event, we hope to entice many participants, their families, and friends to stay an additional night. The Bluegrass Festival will also be included in the promotional materials to emphasize Kingman as a destination for the entire weekend.

Since last year's event, the Kingman trail system has garnered some very positive comments in social media centered on mountain biking. While planning is budgeted for 75 participants, it is likely that with the increased social media marketing that as many as 125 participants may register for this year's event.

This year, a survey of participants will be included not only for interest in accommodations for the event, but also for interest in other events, especially for the "Chillin' on Beale" and the Bluegrass Festival. A follow-up survey will be sent to participants for a review of the overall experience including the Old Town venue and use of the many other establishments throughout the city as well as the likelihood of return visits in the targeted Fall and Winter seasons.

The major effect of the funding will be to allow the event to be self-funding after this event. Since the majority of funds are from the collected entrance fees, it has been difficult to fund early marketing efforts and gather enough sponsor support. With this advance, marketing efforts will start early enough to encourage much wider participation and continued growth in the event, another enticement to attract the professional event.

4. WHAT OTHER GROUPS OR PROGRAMS IN THE COMMUNITY ARE INVOLVED IN SIMILAR EFFORTS? HOW DOES YOUR PROJECT DIFFER FROM, COMPLIMENT, OR OTHERWISE RELATE TO THESE EFFORTS?

No other event of this kind is currently running in Kingman. However, due to the lack of parking at the trail heads and the expected growth in participants, when the CFRA rehabilitation is ready, the start line can be moved to the new gateway arch planned for Beale Street next to the Locomotive Park. This allows for much more parking, the establishment of several vendors at the park near the starting location, and pedestrian access to the entire Old Town area for families and spectators. Ending at the arch encourages all participants to extend their time in Old Town and offers an incentive for the final "Chillin' on Beale St" of the season to extend their hours beyond 7pm and participation beyond the local car enthusiasts.

5. DESCRIBE YOUR WORK PLAN FOR ACHIEVING PROJECT OBJECTIVES (i.e., tasks schedule, major milestones, etc.):

See attached budget, definitions, and plan.

The object is to increase attendance each year to replenish the funds for earlier use in marketing both the event and encourage additional use in the Fall and Winter months. This small amount now will enable CRATA to improve the event each year, building momentum for an eventual professional event. Until the professional event is contracted, all local personnel are volunteer, unpaid staff. Even some of the services, for example, the professional timekeepers, are keeping their fees well below their minimum charges due to the future potential of a major race event held here.

6. DESCRIBE THE CAPABILITY OF YOUR ORGANIZATION TO CONDUCT THIS PROJECT (personnel, skills, experience, etc.):

This group (CRATA) began planning and executing the First Annual Rattler Race with far less cash up front but a solid group of volunteers. This year's event has all major positions assigned with a few key early milestones already in progress. The biggest drawback has been the need to organize on the promise of payment after the collection of entry fees, which is late in the event planning calendar. The 2014 event exceeded even the wildest dreams of participation but also pointed to some glaring omissions. One of the worst was the lack of a qualified food vendor, necessary for the remote starting point. That has already been arranged for this year, with a local restaurant agreeing to site their newly licensed self-contained trailer kitchen at the starting point.

7. ATTACH A DETAILED PROJECT BUDGET TO THIS REQUEST.

See attached budget, definitions, and plan.

8. WHAT OTHER FUNDING SOURCES HAVE YOU APPROACHED OR RECEIVED COMMITMENTS FROM FOR THIS PROJECT?

We are approaching the local bike shops, sports equipment stores, fitness centers, grocery stores, chain restaurants, Search & Rescue, KRMC for first aid, and more. Last year, many of these made donations and Search & Rescue provided not only their services but radios for communications in the field. This year, we have received donations of cash or merchandise for a raffle from every shop contacted to date.

9. DO YOU HAVE FUTURE PLANS FOR SELF-SUFFICIENCY OF THIS PROJECT?

After this one-time request, the event should be self-sufficient. Funds generated from this year's participants' fees will supply the bulk of the funds for next year. The plan is to reinvest 90% of each year's ending balance into the next year's event, leaving a small amount for additional marketing targets of opportunity. It is the intent of the CRATA committee to make this a growing success that will have an outreach well beyond the Southwest area and eventually attract the professional mountain biking circuit. Marketing efforts for 2016 begin with the establishment of a permanent date, the 3rd Saturday of October. This will bring a dynamic increase in visibility for Kingman, AZ and help to initially make it a destination for the growing mountain biking community throughout the Southwest.

10. HOW WILL THIS PROJECT BE FUNDED IN THE FUTURE? (Be as specific as possible.)

Funds generated from entrance fees at this year's event will provide the bulk of the funds for next year. The plan is to reinvest each year into the next year's event. In addition, CRATA will continue to seek community support through financial and in-kind donations of products and services as well as volunteer organizers.

11. HOW DO YOU PROPOSE TO ACKNOWLEDGE THE CITY'S GRANT?

The City's Logo will be on all print materials and on our electronic media sites. In post-event press releases, the city and other sponsors will continue to be represented at least until April, 2016. In future press stories, the city's past cooperation and lead in securing additional funding will be clearly identified with an emphasis on meeting IMBA sustainable design standards and environmentally-friendly stewardship of public lands.

12. WOULD YOU BE WILLING TO HAVE AN AUDIT CONDUCTED, AT YOUR OWN EXPENSE, WHEN THE PROJECT IS COMPLETED?

The CRATA Committee will be happy to provide bank statements, receipts and any other requested documentation, but cannot pay for an audit since there are no funds earmarked for that purpose in the budget.

13. IN ORDER TO RECEIVE FUNDING YOUR ORGANIZATION MAY BE REQUIRED TO SIGN A PERFORMANCE CONTRACT. **YOU ARE ADVISED THAT THE ETDC WILL REQUIRE A FINAL ACTIVITY REPORT INCLUDING FINANCIAL STATEMENTS WITHIN 3 MONTHS OF THE COMPLETION OF YOUR ORGANIZATION'S ACTIVITY.**

Absolutely, yes.

14. YOUR MISSION STATEMENT IS (one paragraph of 100-words or less):

To provide an annual event that collaborates between our local businesses and other annual or monthly events to draw mountain biking tourists to Kingman in October each year and also present the Kingman trail system as a year-round destination.

**CITY OF KINGMAN
TOURISM DEVELOPMENT COMMISSION
GOALS**

MISSION STATEMENT

To encourage and manage bed tax funds that will be distributed to organizations that expands and diversifies tourism development activities in the community.

GOALS:

1. Encourage the funding and coordination of organizations whose events will emphasize overnights stays. These events should eventually become self-sufficient after the Tourism Development Commission (TDC) provides “seed money”. The organizations must give financial statements and report their results including the return on investment to the TDC within three (3) months of the completion of the event.
2. The TDC will endeavor to assist appropriate agencies and individuals as they relate to revitalization of the Kingman area by continuing to develop and implement a plan focusing on the “branding” of Kingman.
3. The TDC will support local agencies and organizations in preserving and promoting Kingman’s rich history, cultural arts organizations, and strategic location in the Heart of Route 66.
4. The TDC will support the Kingman Area Chamber of Commerce dba Kingman Powerhouse Visitors Center in its efforts to support and promote special events and attractions that enhance community life and promote tourism.
5. Finalize plans and secure funding for “bricks and mortar” projects.

	Debit	Credit
Land Use Permits (BLM)	\$ 300.00	
Food Vendor Minimum fee (BLM)	\$ 105.00	
Timing (Professional time-trial equipment and a team to operate)	\$ 800.00	
DJ (Announcements, advertisement, and entertainment for spectators)	\$ 600.00	
PortaPotty	\$ 90.00	
Insurance	\$ 650.00	
Waivers	\$ 20.00	
Bike Reg. fees	\$ 200.00	
Tent (Sponsorship display and information)	\$ 800.00	
Shirts (For participants, for sale, for volunteers)	\$ 800.00	
Medals (Recognition)	\$ 300.00	
Subtotal Expenditures	\$ 4,665.00	

Current Account Balance	\$ 1,150.00			
Registration	\$ 3,500.00	\$ 35.00	100	participant
Sponsorships	\$ 1,250.00	\$ 250.00	5	sponsor tai
Subtotal Gross Income	\$ 5,900.00			
Tourist Development Request	\$ 4,000.00			
Projected Account Balance to carry forward to 2016 Event	\$ 5,235.00			

s

rget, cash or in-kind

To: Mayor and Common Council
From: Carl Cooper, City Attorney
Date: September 29, 2015
Re: Gift Clause and Tourism: Second annual Rattlers Mountain Bike Race

According to ARS 9-500.06 a city may spend bed tax dollars on:

- Direct expenditures by the city or town to promote tourism, including but not limited to sporting events or cultural exhibits.
- Contracts between the city or town and nonprofit organizations or associations for the promotion of tourism by the nonprofit organization or association.
- Expenditures by the city or town to develop, improve or operate tourism related attractions or facilities or to assist in the planning and promotion of such attractions and facilities.

In addition, as you have frequently heard from me, the City must be cognizant of the Arizona Constitution Gift Clause:

Neither the state, nor any county, city, town, municipality, or other subdivision of the state shall ever give or loan its credit in the aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation, or become a subscriber to, or a shareholder in, any company or corporation, or become a joint owner with any person, company, or corporation, except as to such ownerships as may accrue to the state by operation or provision of law or as authorized by law solely for investment of the monies in the various funds of the state.

When read together and in conjunction with Court interpretations, the City is able to pay bed tax monies for the promotion of tourism activities as long as the amount paid is not grossly disproportionate to what the City receives.

This request is less clear than the previous item. This does appear to be an event that could generate tourism, but the budget provided shows that they expect to have sufficient money to hold the event without City support. They do not explain how they plan to use the City provided money. They do show that they have enough money "in the bank" as well as expected revenue from registration and sponsorships to cover all costs.

A more thorough explanation of the use of City money should allow the Council to make a determination if the request is warranted.



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Development Services Department

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Public hearing and consideration of Ordinance 1803 to amend Section 16.000: LIGHT INDUSTRY (I-1) of the Zoning Ordinance of City of Kingman

SUMMARY:

Section 16.000: LIGHT INDUSTRY of the *Zoning Ordinance of the City of Kingman*, adopted in 1998, does not allow for air ambulance services. This amendment is to add air ambulance services with accessory helicopter pads as an allowable use with a conditional use permit to Section 16.000: Light Industry.

Most of the I-1 properties located within City limits run along the railroad tracks and mainly in the General Plan Light Industrial land use area. There are a few other I-1 properties near Airway Avenue and Bank Street as well. The light industry zoning district appears to be the most suitable district to allow for an air ambulance service compared to a commercial zoning district.

Upon approval of this text amendment, if an air ambulance service is proposed, the applicant will apply for a conditional use permit. Staff and other reviewing agencies will conduct a more detailed review of the conditional use permit application.

The Planning and Zoning Commission held the public hearing on September 8, 2015 to consider this request. Public testimony was heard. The Commission voted 5-0 to recommend approval of the proposed text amendment as written.

FISCAL IMPACT:

None expected at this time

STAFF RECOMMENDATION:

Approve Ordinance 1803.

ATTACHMENTS:

Description

Planning and Zoning Commission Report

Ordinance No. 1803

Powerpoint

REVIEWERS:

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	9/23/2015 - 11:07 AM
City Attorney	Cooper, Carl	Approved	9/23/2015 - 2:01 PM
City Manager	Dougherty, John	Approved	9/30/2015 - 1:00 PM

WHEN RECORDED HOLD FOR
KINGMAN CITY CLERK
310 N. 4th Street
Kingman, Arizona 86401

CITY OF KINGMAN ORDINANCE NO. 1803

AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA AMENDING SECTION 16:000: LIGHT INDUSTRY (I-1) TO ALLOW FOR AN AIR AMBULANCE SERVICE WITH AN ACCESSORY LANDING PAD TO BE ALLOWED BY CONDITIONAL USE PERMIT WITHIN THE I-1: LIGHT INDUSTRY ZONING DISTRICT.

WHEREAS, Section 16.000 LIGHT INDUSTRY of the *Zoning Ordinance of the City of Kingman*, adopted in 1998, does not allow for air ambulances services as an allowed use, and

WHEREAS, updating Section 16.000 LIGHT INDUSTRY of the *Zoning Ordinance of the City of Kingman* will allow for an air ambulance service with a conditional use permit Kingman; and

WHEREAS, On September 8, 2015, the City of Kingman Planning and Zoning Commission voted 4-0-1 to recommended approval of the proposed text amendment as shown in Attachment "A" of this ordinance, and

WHEREAS, on October 6, 2015, the Mayor and Common Council of the City of Kingman held a public hearing on the proposed text amendment to Section 16.000 LIGHT INDUSTRY of the *Zoning Ordinance of the City of Kingman*.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Kingman, Arizona as follows:

SECTION 1. Section 16.000 LIGHT INDUSTRY of the *Zoning Ordinance of the City of Kingman* is hereby amended as shown in Attachment "A" with the bold underline text to show the additions.

SECTION 2. Penalties for violations of these sections shall be in accordance with Section 1-8 of the Code of Ordinances of the City of Kingman, Arizona.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona this 6th day of October 6, 2015.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

ATTACHMENT “A”

Proposed text change in bold and underlined

16.000 LIGHT-INDUSTRY (I-1)

16.100 INTENT AND PURPOSE

This district is intended to provide for the orderly development of light manufacturing, research and development, wholesale and distribution, warehousing, and other compatible uses within the community. The provisions of this district are intended to ensure that industrial development will be protected from intrusion by inharmonious uses, that it will be provided with adequate space and accessory facilities and that adjacent, non-industrial areas will be protected from potential conflicts with industrial development.

16.200 GENERAL PROVISIONS

16.210 PERMITTED USES

The following uses are permitted, land shall be used, and buildings and structures shall hereafter be erected, altered, enlarged or otherwise modified for the following uses only:

Instructional Schools or Trade Schools (not providing housing, dormitories or sleeping overnight)

Manufacturing and processing:

- Aircraft and missile factory
- Automobile assembly, rebuilding, and reconditioning
- Automobile body and fender works
- Automobile painting
- Automobile trailer, camper, and mobile home manufacture
- Bakery, wholesale
- Battery manufacture
- Blacksmith shop
- Blueprinting and photo processing
- Boat building and repairs
- Bottling plant
- Brewery
- Cabinet shop or furniture manufacture
- Carpet and rug cleaning plant
- Ceramic products manufacture (Using only previously pulverized clay)
- Dairy products processing
- Dry cleaning and dyeing plant
- Electric or neon sign manufacture
- Electrical, electronic, or electromechanical machinery manufacture
- Fiberglass manufacturing or processing
- Garment manufacture
- Ice and cold storage plant
- Laundry
- Lumberyard, including millwork
- Machine shop
- Mail order firm
- Medical Marijuana Dispensary and Cultivation only in conjunction with the dispensary, subject to the following conditions and limitations:

- a. Applicant shall provide a copy of the Application for a Dispensary Registration Certificate to the Arizona Department of Health Services.
- b. Shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle.
- c. Shall not be located within 500-feet of the same type of use. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
- d. Shall not be located within 500-feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
- e. Shall not be located within 2500-feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, mental health facility, substance abuse rehabilitation center or public community center. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
- f. Shall have operating hours not earlier than 8:00 a.m. and not later than 6:00 p.m. of the same day and only Monday through Saturday.
- g. Drive-through services are prohibited.
- h. Shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the facility's exterior refuse containers.

Metalworking, fabrication or welding firm

Paint mixing (not employing a boiling process)

Poultry slaughter

Prefabricated buildings manufacture

Printing establishment, including newspaper plant

Sheet metal shop

Shoe manufacture

Soap manufacture (cold mix only)

Stone monument works

Television and Motion Picture Production Facilities including sound stages and studios, which may include transmission towers and dish-type antennas up to one hundred (100) feet in height and over one-point-five (1.5) meters in diameter. Towers over one hundred (100) feet in height may be approved by Conditional Use Permit.

Textile manufacture

Tire rebuilding, recapping and retreading

Truck repairing and overhauling

Outside Storage:

Building materials

Bus storage and terminal

Contractor's storage yard

Draying and freight yard

Feed

Lumberyard

Machinery and equipment rental

Trucking yard terminal

Research, development and testing laboratories facilities

Skateboarding Parks, including accessory uses such as skateboarding sales and repair

Utilities:

Electric distribution and public utility substations

Public and private utility service yards

Wastewater Treatment Plant, electro-coagulation closed loop system only; when in compliance with all federal and state regulations pertaining to such a use.

Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is fifty (50) feet. (See also

Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

16.220 ACCESSORY BUILDINGS AND USES

1. A single dwelling where used exclusively by a caretaker of a permitted industrial use and his family.
2. Exhibition of products produced on the premises or available for wholesale distribution.
3. Administrative, professional, medical and business office and facilities incidental to permitted industrial uses on the premises.
4. Cafeterias, cafes, restaurants, auditoriums or recreational facilities incidental to permitted industrial uses on the premises.
5. Gasoline service stations and other truck or automobile service facilities for vehicles used in conjunction with permitted industrial activities on the premises.

16.230 USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT

The following uses may be permitted in the Industrial District subject to obtaining a Conditional Use Permit as specified in Section 29.000: CONDITIONAL USE PERMITS:

Air ambulance service

Animal hospital, shelter or kennel

Animal slaughter and meat processing facilities

Antennas, antenna support structures, and communication towers: maximum height two-hundred-fifty (250) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

Automobile and truck service stations

Automobile sales, new and used

BMX racetrack

Industrial hospitals and clinics

Industrial training centers

Mining, sand and gravel operations, smelting and similar related extractive and processing activities:

1. The Planning and Zoning Commission shall use the criteria found in Section 29.000 of the Zoning Ordinance, "CONDITIONAL USE PERMITS, REQUIRED FINDINGS" to determine whether the particular location for a specific mining, sand and gravel operation or smelter is appropriate.
2. In addition, the proponent shall be required to present a plan for the reclamation and restoration of the property prior to the utilization of the conditional use.

Mixing and/or preparation of concrete and asphalt

Mobile homes as caretaker's residences

Motels

Motocross racetrack

Prefabricated units used as offices only

Recreational and fitness centers including, health clubs, gymnasiums, martial arts and dance studios

Restaurants, coffee shops and taverns

Sexually Oriented Businesses:

1. No person shall operate or cause to be operated a sexually oriented business within five hundred (500) feet of:
 - a. A church; or

- b. A public or private preschool, elementary school, or secondary school; or
 - c. A boundary of a residential zoning district or residential use; or
 - d. A public park.
2. No person shall operate, cause to be operated, establish or enlarge a sexually oriented business within one-thousand (1,000) feet of any other sexually oriented business.
 3. No person shall operate, cause to be operated or establish more than one (1) sexually oriented business in the same building, structure or portion thereof.
 4. For the purposes of subsection (2.) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a church, school, park, residential district or residential use, as the case may be.
 5. For the purposes of subsection (3.) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
 6. Signs visible from the exterior of the structure may state there is adult material inside but no pictures or other advertising that indicates a nude person is available for viewing may be displayed.

Storage of flammable or explosive materials or flammable or explosive liquids

Swap meet, Indoor; also, by Conditional Use Permit in C-3 (Commercial, Service Business).

1. Permanent restroom facilities shall be available on site prior to opening to the public.
2. All uses associated with the operation of a swap meet other than parking, including but not limited to concession stands shall take place indoors.
3. Parking shall be improved in the manner prescribed under Section 22.000 of this code that is with improved surfaces. The number of parking spaces shall be one (1) space for each vendor space and one (1) space for each one-hundred (100) feet of vendor area.

Swap meet, Outdoor; also, by Conditional Use Permit in C-3 (Commercial, Service Business).

1. This activity or any accessory use, including concession stands, shall take place no closer than two-hundred-fifty (250) lineal feet from a residentially zoned area.
2. Parking is permitted within the two-hundred-fifty (250) foot buffer and shall be improved in the manner prescribed under Section 22.000 of this code that is with improved surfaces.
3. The number of improved parking spaces shall be one (1) space for every three-hundred (300) square feet of lot area where the swap meet exists plus one (1) parking space for each vendor space.
4. Site obstruction fences may be required based on the circumstances of the site, intensity of use, and adjacent uses.
5. Permanent restroom facilities shall be provided on site prior to opening to the public.
6. Operation of the swap meet shall be limited to the hours of 6:00 A.M. to 9:00 P.M. The site shall be cleared of all storage containers, merchandise and tables between the hours of 9:30 P.M. and 5:30 A.M.
7. No vendor storage will be allowed unless the swap meet site has specific permanent indoor storage facilities in place.

Television sales and rentals

Trailers

16.300 PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to land and buildings within this district.

16.310 LOT AREA

All lots hereafter created in this district shall contain a minimum of twenty-thousand (20,000) square feet and no lot in this district shall be reduced below this standard. The specified lot area is not intended to prohibit two (2) or more separate uses on a lot where the lot is in undivided ownership.

16.320 LOT DIMENSIONS

None, provided yard requirements are complied with.

16.330 YARD SPACES

Yard Abutting Street: Minimum of twenty (20) feet. Such yard may be used for off-street parking purposes.

Interior Side and Rear Yards: None shall be required, except where an industrial zone abuts a residential district, where a thirty (30) foot yard shall be provided. Such yards may be used for off-street parking purposes.

16.340 PERMITTED HEIGHTS

The maximum heights of any building or structure shall be fifty (50) feet, provided, however, that the maximum height of any building within fifty (50) feet of a lot zoned for residential purposes shall be two (2) stories or fifty (50) feet, whichever is less.

16.350 PERMITTED COVERAGE

Sixty (60) percent of the lot may be covered with buildings or structures.

16.360 DISTANCE BETWEEN BUILDINGS

No requirements, except that buildings not actually adjoining shall be provided with a minimum eight (8) foot separation.

16.370 CONDUCT OF USES

1. When a lot is used for industrial purposes and abuts a lot within any developed residential district, a masonry wall of not less than six (6) feet or more than eight (8) feet in height shall be erected and maintained along the abutting side and/or rear yard line prior to occupancy of the building. Said wall shall be reduced to thirty-six (36) inches in height within a required front yard of the adjacent residential property. In the case where the developed industrial lot abuts an undeveloped residential district, which has been identified as having industrial/commercial potential by an approved land use plan, the masonry wall requirement may be deferred until such time as the abutting lot is developed in a residential manner. At this point in time, the owner of the abutting industrial property shall have six (6) months, from the date of the Certificate of Occupancy for the residence is issued, to construct the required masonry wall. If there is a dedicated alley or public roadway separating the industrial property from the residential property, the alley or public roadway shall serve as the buffer and the masonry wall shall

not be required unless so specified by ordinance relating to the rezoning of the subject property.

2. When the property in an industrial district is used for operations incidental to a primary permitted use, such as a storage yard, or where material necessary to the conduct of a permitted use is outside, there shall be provided a solid opaque fence or wall, not less than six (6) feet, nor more than eight (8) feet in height. Said wall shall be properly maintained and screen storage areas from adjacent public streets and from adjacent residential, and/or commercial districts.

16.380 OFF-STREET PARKING AND LOADING

Off-street parking and loading facilities shall be provided in accordance with the provisions of Section 22.000: OFF-STREET PARKING AND LOADING REQUIREMENTS.

16.400 OTHER PROPERTY DEVELOPMENT STANDARDS

1. No structure originally designed or intended for residential purposes shall be occupied by uses permitted in this district, except when used as a dwelling by a proprietor, manager or custodian of a permitted use.
2. No use shall be established in any industrial district which causes or emits any dust, gas, smoke, fumes, odors, noises, vibrations, electromagnetic disturbance, radiation, or other similar effects which is or may be detrimental to the public health, safety or general welfare. All uses shall be continuously maintained so that they are neither obnoxious nor offensive by reason of the above emissions.
3. All lot areas not in use by buildings shall be paved, planted or otherwise surfaced to eliminate dust. Use of gravel, decomposed granite and similar materials is permitted, subject to continuous maintenance in a neat and sightly manner. Use of oil is permitted only where adjacent areas will not be visible from public streets or adjacent non-industrial properties.
4. No building or structure having exterior walls of corrugated sheet metal shall be erected in this zone. This provision is not intended to prevent the erection of buildings of sheet metal or steel with baked-on decorative finishes.

16.500 ENFORCEMENT; VIOLATIONS; OFFENSES

Any person who violates any provision of this chapter or who establishes any sexually oriented business without first making application for and receiving a Zoning Use Permit shall be guilty of a criminal violation of the Zoning Ordinance, punishable as set for by law.

Revised 2/05/03 per Ord. No. 1362
Revised 4/07/03 per Ord. No. 1370
Revised 11/03/08 per Ord. No. 1719-A

WHEN RECORDED HOLD FOR
KINGMAN CITY CLERK
310 N. 4th Street
Kingman, Arizona 86401

CITY OF KINGMAN ORDINANCE NO. 1803

AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA AMENDING SECTION 16:000: LIGHT INDUSTRY (I-1) TO ALLOW FOR AN AIR AMBULANCE SERVICE WITH AN ACCESSORY LANDING PAD TO BE ALLOWED BY CONDITIONAL USE PERMIT WITHIN THE I-1: LIGHT INDUSTRY ZONING DISTRICT.

WHEREAS, Section 16.000 LIGHT INDUSTRY of the *Zoning Ordinance of the City of Kingman*, adopted in 1998, does not allow for air ambulances services as an allowed use, and

WHEREAS, updating Section 16.000 LIGHT INDUSTRY of the *Zoning Ordinance of the City of Kingman* will allow for an air ambulance service with a conditional use permit Kingman; and

WHEREAS, On September 8, 2015, the City of Kingman Planning and Zoning Commission voted 4-0-1 to recommended approval of the proposed text amendment as shown in Attachment "A" of this ordinance, and

WHEREAS, on October 6, 2015, the Mayor and Common Council of the City of Kingman held a public hearing on the proposed text amendment to Section 16.000 LIGHT INDUSTRY of the *Zoning Ordinance of the City of Kingman*.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Kingman, Arizona as follows:

SECTION 1. Section 16.000 LIGHT INDUSTRY of the *Zoning Ordinance of the City of Kingman* is hereby amended as shown in Attachment "A" with the bold underline text to show the additions.

SECTION 2. Penalties for violations of these sections shall be in accordance with Section 1-8 of the Code of Ordinances of the City of Kingman, Arizona.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Kingman, Arizona this 6th day of October 6, 2015.

ATTEST:

APPROVED:

Sydney Muhle, City Clerk

Richard Anderson, Mayor

APPROVED AS TO FORM:

Carl Cooper, City Attorney

ATTACHMENT “A”

Proposed text change in bold and underlined

16.000 LIGHT-INDUSTRY (I-1)

16.100 INTENT AND PURPOSE

This district is intended to provide for the orderly development of light manufacturing, research and development, wholesale and distribution, warehousing, and other compatible uses within the community. The provisions of this district are intended to ensure that industrial development will be protected from intrusion by inharmonious uses, that it will be provided with adequate space and accessory facilities and that adjacent, non-industrial areas will be protected from potential conflicts with industrial development.

16.200 GENERAL PROVISIONS

16.210 PERMITTED USES

The following uses are permitted, land shall be used, and buildings and structures shall hereafter be erected, altered, enlarged or otherwise modified for the following uses only:

Instructional Schools or Trade Schools (not providing housing, dormitories or sleeping overnight)

Manufacturing and processing:

- Aircraft and missile factory
- Automobile assembly, rebuilding, and reconditioning
- Automobile body and fender works
- Automobile painting
- Automobile trailer, camper, and mobile home manufacture
- Bakery, wholesale
- Battery manufacture
- Blacksmith shop
- Blueprinting and photo processing
- Boat building and repairs
- Bottling plant
- Brewery
- Cabinet shop or furniture manufacture
- Carpet and rug cleaning plant
- Ceramic products manufacture (Using only previously pulverized clay)
- Dairy products processing
- Dry cleaning and dyeing plant
- Electric or neon sign manufacture
- Electrical, electronic, or electromechanical machinery manufacture
- Fiberglass manufacturing or processing
- Garment manufacture
- Ice and cold storage plant
- Laundry
- Lumberyard, including millwork
- Machine shop
- Mail order firm
- Medical Marijuana Dispensary and Cultivation only in conjunction with the dispensary, subject to the following conditions and limitations:

- a. Applicant shall provide a copy of the Application for a Dispensary Registration Certificate to the Arizona Department of Health Services.
- b. Shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle.
- c. Shall not be located within 500-feet of the same type of use. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
- d. Shall not be located within 500-feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
- e. Shall not be located within 2500-feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, mental health facility, substance abuse rehabilitation center or public community center. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
- f. Shall have operating hours not earlier than 8:00 a.m. and not later than 6:00 p.m. of the same day and only Monday through Saturday.
- g. Drive-through services are prohibited.
- h. Shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the facility's exterior refuse containers.

Metalworking, fabrication or welding firm

Paint mixing (not employing a boiling process)

Poultry slaughter

Prefabricated buildings manufacture

Printing establishment, including newspaper plant

Sheet metal shop

Shoe manufacture

Soap manufacture (cold mix only)

Stone monument works

Television and Motion Picture Production Facilities including sound stages and studios, which may include transmission towers and dish-type antennas up to one hundred (100) feet in height and over one-point-five (1.5) meters in diameter. Towers over one hundred (100) feet in height may be approved by Conditional Use Permit.

Textile manufacture

Tire rebuilding, recapping and retreading

Truck repairing and overhauling

Outside Storage:

Building materials

Bus storage and terminal

Contractor's storage yard

Draying and freight yard

Feed

Lumberyard

Machinery and equipment rental

Trucking yard terminal

Research, development and testing laboratories facilities

Skateboarding Parks, including accessory uses such as skateboarding sales and repair

Utilities:

Electric distribution and public utility substations

Public and private utility service yards

Wastewater Treatment Plant, electro-coagulation closed loop system only; when in compliance with all federal and state regulations pertaining to such a use.

Wireless Communication Facilities located or co-located on an existing building or structure, if concealed or camouflaged. Maximum height of all facilities is fifty (50) feet. (See also

Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

16.220 ACCESSORY BUILDINGS AND USES

1. A single dwelling where used exclusively by a caretaker of a permitted industrial use and his family.
2. Exhibition of products produced on the premises or available for wholesale distribution.
3. Administrative, professional, medical and business office and facilities incidental to permitted industrial uses on the premises.
4. Cafeterias, cafes, restaurants, auditoriums or recreational facilities incidental to permitted industrial uses on the premises.
5. Gasoline service stations and other truck or automobile service facilities for vehicles used in conjunction with permitted industrial activities on the premises.

16.230 USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT

The following uses may be permitted in the Industrial District subject to obtaining a Conditional Use Permit as specified in Section 29.000: CONDITIONAL USE PERMITS:

Air ambulance service

Animal hospital, shelter or kennel

Animal slaughter and meat processing facilities

Antennas, antenna support structures, and communication towers: maximum height two-hundred-fifty (250) feet. (See also Subsection 26.1000: WIRELESS COMMUNICATION FACILITIES in Section 26.000: GENERAL DEVELOPMENT STANDARDS.)

Automobile and truck service stations

Automobile sales, new and used

BMX racetrack

Industrial hospitals and clinics

Industrial training centers

Mining, sand and gravel operations, smelting and similar related extractive and processing activities:

1. The Planning and Zoning Commission shall use the criteria found in Section 29.000 of the Zoning Ordinance, "CONDITIONAL USE PERMITS, REQUIRED FINDINGS" to determine whether the particular location for a specific mining, sand and gravel operation or smelter is appropriate.
2. In addition, the proponent shall be required to present a plan for the reclamation and restoration of the property prior to the utilization of the conditional use.

Mixing and/or preparation of concrete and asphalt

Mobile homes as caretaker's residences

Motels

Motocross racetrack

Prefabricated units used as offices only

Recreational and fitness centers including, health clubs, gymnasiums, martial arts and dance studios

Restaurants, coffee shops and taverns

Sexually Oriented Businesses:

1. No person shall operate or cause to be operated a sexually oriented business within five hundred (500) feet of:
 - a. A church; or

- b. A public or private preschool, elementary school, or secondary school; or
 - c. A boundary of a residential zoning district or residential use; or
 - d. A public park.
2. No person shall operate, cause to be operated, establish or enlarge a sexually oriented business within one-thousand (1,000) feet of any other sexually oriented business.
 3. No person shall operate, cause to be operated or establish more than one (1) sexually oriented business in the same building, structure or portion thereof.
 4. For the purposes of subsection (2.) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a church, school, park, residential district or residential use, as the case may be.
 5. For the purposes of subsection (3.) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
 6. Signs visible from the exterior of the structure may state there is adult material inside but no pictures or other advertising that indicates a nude person is available for viewing may be displayed.

Storage of flammable or explosive materials or flammable or explosive liquids

Swap meet, Indoor; also, by Conditional Use Permit in C-3 (Commercial, Service Business).

1. Permanent restroom facilities shall be available on site prior to opening to the public.
2. All uses associated with the operation of a swap meet other than parking, including but not limited to concession stands shall take place indoors.
3. Parking shall be improved in the manner prescribed under Section 22.000 of this code that is with improved surfaces. The number of parking spaces shall be one (1) space for each vendor space and one (1) space for each one-hundred (100) feet of vendor area.

Swap meet, Outdoor; also, by Conditional Use Permit in C-3 (Commercial, Service Business).

1. This activity or any accessory use, including concession stands, shall take place no closer than two-hundred-fifty (250) lineal feet from a residentially zoned area.
2. Parking is permitted within the two-hundred-fifty (250) foot buffer and shall be improved in the manner prescribed under Section 22.000 of this code that is with improved surfaces.
3. The number of improved parking spaces shall be one (1) space for every three-hundred (300) square feet of lot area where the swap meet exists plus one (1) parking space for each vendor space.
4. Site obstruction fences may be required based on the circumstances of the site, intensity of use, and adjacent uses.
5. Permanent restroom facilities shall be provided on site prior to opening to the public.
6. Operation of the swap meet shall be limited to the hours of 6:00 A.M. to 9:00 P.M. The site shall be cleared of all storage containers, merchandise and tables between the hours of 9:30 P.M. and 5:30 A.M.
7. No vendor storage will be allowed unless the swap meet site has specific permanent indoor storage facilities in place.

Television sales and rentals

Trailers

16.300 PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to land and buildings within this district.

16.310 LOT AREA

All lots hereafter created in this district shall contain a minimum of twenty-thousand (20,000) square feet and no lot in this district shall be reduced below this standard. The specified lot area is not intended to prohibit two (2) or more separate uses on a lot where the lot is in undivided ownership.

16.320 LOT DIMENSIONS

None, provided yard requirements are complied with.

16.330 YARD SPACES

Yard Abutting Street: Minimum of twenty (20) feet. Such yard may be used for off-street parking purposes.

Interior Side and Rear Yards: None shall be required, except where an industrial zone abuts a residential district, where a thirty (30) foot yard shall be provided. Such yards may be used for off-street parking purposes.

16.340 PERMITTED HEIGHTS

The maximum heights of any building or structure shall be fifty (50) feet, provided, however, that the maximum height of any building within fifty (50) feet of a lot zoned for residential purposes shall be two (2) stories or fifty (50) feet, whichever is less.

16.350 PERMITTED COVERAGE

Sixty (60) percent of the lot may be covered with buildings or structures.

16.360 DISTANCE BETWEEN BUILDINGS

No requirements, except that buildings not actually adjoining shall be provided with a minimum eight (8) foot separation.

16.370 CONDUCT OF USES

1. When a lot is used for industrial purposes and abuts a lot within any developed residential district, a masonry wall of not less than six (6) feet or more than eight (8) feet in height shall be erected and maintained along the abutting side and/or rear yard line prior to occupancy of the building. Said wall shall be reduced to thirty-six (36) inches in height within a required front yard of the adjacent residential property. In the case where the developed industrial lot abuts an undeveloped residential district, which has been identified as having industrial/commercial potential by an approved land use plan, the masonry wall requirement may be deferred until such time as the abutting lot is developed in a residential manner. At this point in time, the owner of the abutting industrial property shall have six (6) months, from the date of the Certificate of Occupancy for the residence is issued, to construct the required masonry wall. If there is a dedicated alley or public roadway separating the industrial property from the residential property, the alley or public roadway shall serve as the buffer and the masonry wall shall

not be required unless so specified by ordinance relating to the rezoning of the subject property.

2. When the property in an industrial district is used for operations incidental to a primary permitted use, such as a storage yard, or where material necessary to the conduct of a permitted use is outside, there shall be provided a solid opaque fence or wall, not less than six (6) feet, nor more than eight (8) feet in height. Said wall shall be properly maintained and screen storage areas from adjacent public streets and from adjacent residential, and/or commercial districts.

16.380 OFF-STREET PARKING AND LOADING

Off-street parking and loading facilities shall be provided in accordance with the provisions of Section 22.000: OFF-STREET PARKING AND LOADING REQUIREMENTS.

16.400 OTHER PROPERTY DEVELOPMENT STANDARDS

1. No structure originally designed or intended for residential purposes shall be occupied by uses permitted in this district, except when used as a dwelling by a proprietor, manager or custodian of a permitted use.
2. No use shall be established in any industrial district which causes or emits any dust, gas, smoke, fumes, odors, noises, vibrations, electromagnetic disturbance, radiation, or other similar effects which is or may be detrimental to the public health, safety or general welfare. All uses shall be continuously maintained so that they are neither obnoxious nor offensive by reason of the above emissions.
3. All lot areas not in use by buildings shall be paved, planted or otherwise surfaced to eliminate dust. Use of gravel, decomposed granite and similar materials is permitted, subject to continuous maintenance in a neat and sightly manner. Use of oil is permitted only where adjacent areas will not be visible from public streets or adjacent non-industrial properties.
4. No building or structure having exterior walls of corrugated sheet metal shall be erected in this zone. This provision is not intended to prevent the erection of buildings of sheet metal or steel with baked-on decorative finishes.

16.500 ENFORCEMENT; VIOLATIONS; OFFENSES

Any person who violates any provision of this chapter or who establishes any sexually oriented business without first making application for and receiving a Zoning Use Permit shall be guilty of a criminal violation of the Zoning Ordinance, punishable as set for by law.

Revised 2/05/03 per Ord. No. 1362
Revised 4/07/03 per Ord. No. 1370
Revised 11/03/08 per Ord. No. 1719-A



**Text Amendment Case
2015-003
Amend Section 16.000,
Light Industry, I-1, to
allow for Air Ambulance
Services**

**City Council Meeting
October 6, 2015**

General Information

- **Applicant: Ross and Marcy Reinoso**
- **Requested Action: A request to amend Section 16.000: Light Industry (I-1) of the Zoning Ordinance to allow for an air ambulance service as a permitted use upon approval of a Conditional Use Permit.**
- **The applicant is working with a client who wants to relocate their air ambulance service company within the City of Kingman.**
- **A public notice was advertised in the Kingman Daily Miner on August 23, 2015 and September 20, 2015.**

General Information

- If this request is approved, a conditional use permit will be required to be submitted by the applicant for the air ambulance service.
- A more detailed review of the air ambulance service will occur at the conditional use permit stage of processing.
- This amendment request is to review whether or not an “air ambulance service” should be added to the uses allowed within Light Industry Zoning (I-1) district upon approval of a Conditional Use Permit.

Analysis & Recommendation

- The Light Industry zoning district appears to be the most suitable district to allow for an air ambulance service company as an allowed use with a conditional use permit.
- The requirement for the applicant to apply for a conditional use permit will allow the reviewing entities and the public to complete a more detailed review of the air ambulance service proposal before it is constructed.
- The staff and Planning and Zoning Commission recommend adoption of Ordinance #1803, which will amend Section 16.000 LIGHT INDUSTRY (I-1) of the City of Kingman Zoning Ordinance to may allow an air ambulance service facility by conditional use permit in the I-1 Zoning District.



**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council
FROM: James Hinckley
MEETING DATE: October 6, 2015
AGENDA SUBJECT: Presentation on Kingman's tourism potential

SUMMARY:

James Hinckley, an author, promoter, and lecturer on Route 66, will provide information on Kingman's tourism potential.

FISCAL IMPACT:

STAFF RECOMMENDATION:

ATTACHMENTS:

Description

Tourism overview presentation

Kingman tourism presentation

REVIEWERS:

Department	Reviewer	Action	Date
City Manager	Dougherty, John	Approved	9/30/2015 - 12:58 PM
City Attorney	Cooper, Carl	Approved	9/30/2015 - 1:17 PM
City Manager	Dougherty, John	Approved	9/30/2015 - 12:58 PM

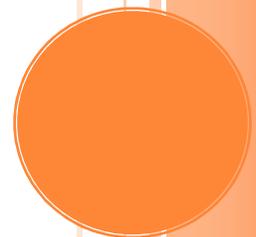
TOURISM OVERVIEW

A report on tourism potential through 2016

This report is based solely upon observations made during service on the Route 66 Economic Development Committee that is a part of the Route 66: The Road Ahead Initiative facilitated by the National Park Service Route 66 Corridor Preservation Program, work as a consultant for businesses developing Route 66 linked brand recognition, performing special services for tour companies, the publication of Route 66 and southwest travel books, and the response to presentations made internationally about Route 66.

Jim Hinckley

9/28/2015



TOURISM OVERVIEW

A report on tourism potential through 2016

Tourism on its own merits is a poor foundation for the building of a healthy economy. However, a diversified economic development plan that includes tourism provides a community with a degree of immunity to economic fluctuations. Additionally, the process of transforming a community into a destination makes it a community where people want to live, to raise families, and to open businesses.

For communities such as Kingman, the Route 66 renaissance provides unprecedented opportunity for the harnessing of tourism as a catalyst for economic development. When coupled with the international interest in heritage tourism that centers on the “Grand Circle” of national parks and cultural sites, the City of Kingman has a potential for development as a destination that surpasses any other community along the Route 66 corridor.

Over the course of the previous eighteen months the creation of a multifaceted framework for promotion, event development, and international marketing ensures that the closing months of 2015, and 2016, the 90th anniversary of Route 66 certification will provide the City of Kingman with numerous opportunities. This in turn will provide an array of opportunities for the fostering of a sense of community and community purpose.

The 2014 Route 66 International Festival was the foundation for this framework. Planning for this event highlighted shortcomings in regards to aggressive and coordinated tourism development. It also served as a catalyst for community involvement in tourism development at numerous levels, and it provided ample evidence that the “heads in beds” criteria which currently dictates the course of tourism development is flawed.

The Route 66 Walk of Fame and the Route 66 Electric Vehicle Museum established for this festival are rapidly becoming attractions that provide opportunity for international marketing of the city. They also have the potential to evolve into destinations for individuals as well as tour groups.

In recent months the Route 66 Electric Vehicle Museum has been the subject of feature articles in Spanish, Korean, and Croatian magazines. It has also served as a focal point for the recent Great Race during their stop in Kingman, and the forthcoming 2nd Annual Route 66 Motor Tour.

Inclusion of foreign nationals who make tremendous contributions to the Route 66 community in the Route 66 Walk of Fame has generated internationally publicity. It has also transformed this embryonic attraction into a destination.

A Dutch company is including the walk of fame in their 2016 tour plans. Photographs of the recent reception and induction ceremony for Dries Bessels, president of the Dutch Route 66 Association hosted by Ramada Kingman, and the video made of the event, were shared widely on social media sites, and was also featured in a story posted by Route 66 News.

Additionally, this event served as a template for development of future promotional opportunities that include community involvement. Local car clubs provided transportation for the tour group, representatives from the city of Kingman provided guests with a sense of appreciation, and local businesses garnered international exposure while providing a display of hospitality.

An overview of tourism and related developments in 2015

- Promotional materials were distributed at Vakantiebeurs (a tourism and holiday fair) in Utrecht Netherlands. A presentation about Kingman and its association with Route 66 was also made.
- Materials were also distributed at a special open house at de Prael in Amsterdam. In attendance were members of the Dutch, Belgian, and German Route 66 associations.
- Special receptions in Kingman were arranged for two tours from Australia, two tours from Norway, one from New Zealand, two from the Czech Republic, three from the Netherlands, and one from Germany. It should be noted that the first Norwegian tour included forty-six visitors, the second scheduled for November 6 has 136 participants.
- The president of the Japanese Route 66 Association was provided a tour of the Kingman area in preparation for an association tour being developed for 2016, and a Route 66 festival in Tokyo in December.
- Special events and a reception have been arranged for Adventure Caravans, a company that has two separate RV tours spending a weekend in Kingman this October.
- A special reception hosted through a partnership with Kingman Cruizers, Kingman Area Tourism, Arizona Route 66 Association, and Route 66 Association of Kingman for the 2nd Annual National Route 66 Motor Tour is scheduled for October 16. The Route 66 Electric Vehicle Museum is a primary attraction noted in the materials provided to participants.
- A visit and interview with William Shatner was facilitated during his Route 66 trip.
- Promotional materials for Kingman will be distributed at the Miles of Possibilities Conference, a Route 66 convention, in Edwardsville, Illinois this October. In addition, a presentation will be made about recent developments in Kingman, the 160-Miles of Smiles marketing campaign, and the Celebrate 90 initiative.
- Kingman has representation on the Route 66 Economic Development Committee that is a part of the Route 66” The Road Ahead initiative facilitated by the National Park Service Route 66 Corridor Preservation Program.
- The cleanup of the corner of the Fourth Street and Andy Devine Avenue, the addition of murals as well as sculpture, and during Chillin’ on Beale, the use of the corner for Cinema under the Stars hosted by the Route 66 Association of Kingman represents a major accomplishment.
- Provided assistance to Akio Takeuchi of Japan who is working on a Japanese guide book to Route 66.
- Assistance provided to Historic Vehicle Association during the recreation of Edsel Ford’s 1915 trip. Two magazines will publish articles about the trip with photos from Kingman and the surrounding area.

- The refurbishment of two historic neon signs in the historic district has created another attraction for visitors as evidenced by photos posted on social media pages.
- Visitors from several states, Europe and China, and phoenix, Flagstaff, and Las Vegas, attended Best of the West on 66. Notification has been received that the president of the Dutch Route 66 Association plans on attending in 2016.

An overview of tourism and related items under development for 2016

- April 29, Route 66 Road Show overnights in Kingman for special events.
- Route 66 Fun Run.
- Cinema under the Stars, facilitated by the Route 66 Association of Kingman will be incorporated into Chillin' on Beale.
- Expansion of Best of the West on 66.
- 3rd annual National Route 66 Motor Tour will overnight in Kingman for special events.
- Ramada Kingman is developing and marketing special packages linked with Chillin' on Beale.
- The Celebrate 90 initiative will facilitate development of Chillin' on Beale as monthly major events, and work to develop the Route 66 Walk of Fame as a multifaceted attraction with the addition of neon signage and historic photograph kiosks.
- Route 66 Tours of Brisbane Australia will participate in the Route 66 Fun Run.
- The Route 66 Association of Kingman plans on adding two refurbished neon signs by Best of the West on 66
- Special receptions are being developed for two Norwegian tour groups, the Adventure Caravans tours, two Australian tours, one Japanese tour, two Czech tours, one New Zealand tour, two German tours, and three Dutch tours.
- A display of promotional materials and a series of presentations about Kingman at the European Route 66 Festival in Germany is under development.
- Plans are being developed for expansion and promotion of the Route 66 Walk of Fame.
- Plans for the expansion and promotion of the Route 66 Electric Vehicle Museum are under development.
- Plans are being developed for the distribution of materials, and a presentation about Kingman, at the annual Birthplace of Route 66 Festival in Springfield, Missouri. In 2015, the event drew an estimated crowd of 20,000 people.
- Plans are under development for the distribution of materials, and a presentation about Kingman, at the 90th anniversary celebration and international festival in Los Angeles.
- Plans are being developed with the organizers of the event in Los Angeles and the owners of Open Road Productions for a Route 66 rally to coincide with the anniversary celebration. Tentative plans call for Kingman to serve as the staging area for the rally before the final drive into Los Angeles.



Destination Kingman

A destination for visitors is a destination for families, for new business, and for retirees

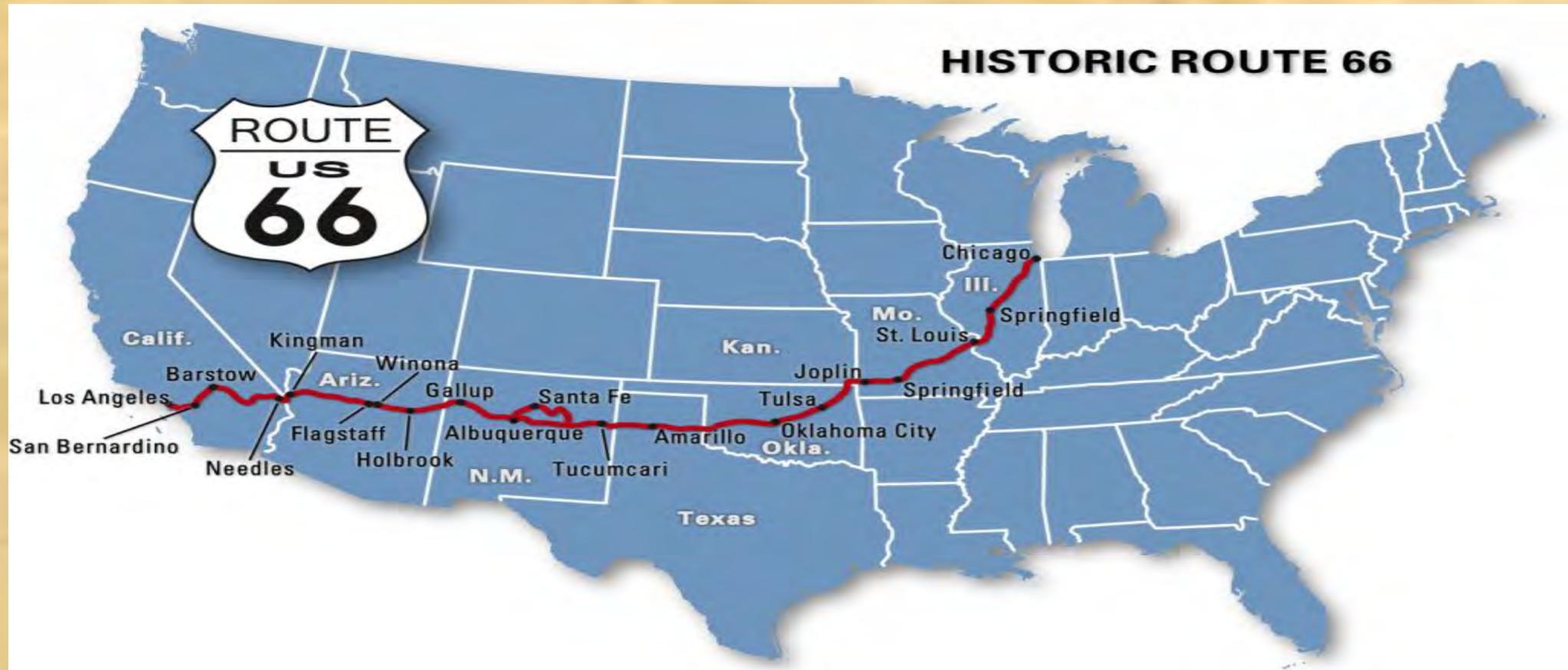
Destination Kingman

- According to a Rutgers University Route 66 Economic Impact Study it is estimated that Route 66 specific tourism generates \$38 million dollars a year in revenue for communities along that highway corridor
- This report is several years old and conservative estimates are that Route 66 specific tourism has increased on an annual average of 10%
- Cultural heritage travel defined as “traveling to experience the places and activities that authentically represent the stories and people of the past and present. It includes historic, cultural and natural resources” by the National Trust for Historic Preservation dominates the international tourism industry
- Internationally, Route 66 and the American southwest consistently rate as primary cultural heritage destinations

The Grand Circle



The Main Street of America





**CITY OF KINGMAN
COMMUNICATION TO COUNCIL**

TO: Honorable Mayor and Common Council

FROM: Gary Jeppson

MEETING DATE: October 6, 2015

AGENDA SUBJECT: James Hinckley funding request

SUMMARY:

Mr. James Hinckley, an author, promoter, lecturer on Route 66, is seeking monies through the Tourism Development monies to promote Kingman. Mr. Hinckley is seeking funding to finance his travels to the Miles of Possibilities Conference in Edwardsville, Illinois, and other Route 66 conventions in Missouri, Los Angeles and Germany.

FISCAL IMPACT:

\$14,090

STAFF RECOMMENDATION:

The Tourism Development Commission met on September 17, 2015 and recommended denial of this request and believed that funding for these activities should come from the Kingman Powerhouse Visitor Center budget.

ATTACHMENTS:

Description
Application
Hinckley Budget
City Attorney Comment

REVIEWERS:

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	9/23/2015 - 11:07 AM
City Attorney	Cooper, Carl	Approved	9/29/2015 - 11:34 AM
City Manager	Dougherty, John	Approved	9/30/2015 - 12:56 PM

James A. Hinckley
1308 Stockton Hill Road
Suite A, PMB 228
Kingman, AZ 86401-5190
(928)897-7766 or (928)530-7899
jimhinckley@yahoo.com
www.route66chronicles.blogspot.com

Organization Name: Personal promotional initiative

Contact Person: Jim Hinckley **Amount Requested:** \$15,000

Address: 1308 Stockton Hill Road, Suite A, PMB 228, Kingman, AZ 86401-5190

Phone: (928)897-7766 or (928)530-7899

Date When Funds Needed: Before October 1

1. **What specific T.D.C. goal will your project address?** The intent is to utilize my international reputation as an author and lecturer to foster development of tourism in the City of Kingman as well as the surrounding area.
2. **How will your project meet these needs? What positive community outcome do you anticipate will occur as a result of this project?** Through appearances and speaking engagements I am able to promote Kingman to an interested audience. Historically this has resulted in tour groups and individuals stopping in Kingman during their travels along Route 66 and in the southwest.
To further capitalize on this I have initiated development of a multifaceted promotional campaign entitled 160-Miles of Smiles that highlights Kingman's central location on the 160 mile Route 66 corridor. To date I have garnered support or endorsement for this project from the Ramada Kingman and from the Route 66 Association of Kingman.
3. **How will you evaluate the success of your project? Can the success be measured?** It will be quite difficult to accurately quantify the success of these initiatives. However, there is ample historic evidence to indicate that with adequate funding which will allow for expansion of current endeavors, I can contribute to an increase in tourism. In the past thirty six months I was able to facilitate arrangements for Kingman to serve as the host city for the Route 66

International Festival and establishment of the Route 66 Electric Vehicle Museum. In addition, in each of the previous three calendar years there has been a marked increase in requests to address tour groups, meet with individuals, and to provide area tourism information.

4. **What other groups or programs in the community are involved in similar efforts? How does your project differ from, compliment, or otherwise relate to these efforts?** Numerous organizations work to foster tourism in the area including the tourism office, the Arizona Route 66 Association, and the newly reorganized Route 66 Association of Kingman. My role would be to assist these and other organizations, to utilize my contacts and international recognition to facilitate coordinated tourism initiatives, and to promote the city as a destination for tourists.
5. **Describe your work plan for achieving project objectives.** A primary reason for this funding request is to allow for expansion of current promotional initiatives including the distribution of Kingman promotional materials at events and along the Route 66 corridor. Specifically, there is an array of promotional opportunities that I am currently unable to develop resultant of the fact that travel is required and at this time it is cost prohibitive.

Linked with this are plans to expand the facilitation of special arrangements with tour groups. An example of a successful initiative in this category would be the inclusion of the Route 66 Fun Run in the spring tour package offered by Route 66 Tours, a Brisbane, Australia based tour company.

In October 2015, I will be addressing the Miles of Possibilities Conference that is a part of a Route 66 convention in Edwardsville, Illinois. This presentation will center on developments along the 160-mile Route 66 corridor in western Arizona. In addition, I will distribute promotional materials at the event, and at select locations along Route 66.

A request that I make several similar presentations at the European Route 66 Festival in Germany scheduled for July 2016 has been received. In addition, I have been asked to assist with development of a Route 66 information center at this event.

Scheduled for August of 2016 is the Birthplace of Route 66 Festival in Springfield, Missouri. Attendance this year exceeded 20,000 people but resultant of a lack of funds, I respectfully declined an invitation to make a presentation and man a Route 66 Arizona information booth. A request was made that I attend and provide a similar service next year.

The 2016 Route 66 International Festival is being linked with a 90th anniversary celebration at the highways original western terminus in the Los Angeles theater district. In addition to festival activities, there will be a series of workshops and a conference. I have been asked to make a presentation as well as assist with development of a Route 66 information center.

6. **Describe the capability of your organization to conduct this project.** I have an extensive history of linking promotion for my work with the promotion of Kingman. As an example, in January when attending the holiday fair in Utrecht, Netherlands three presentations were made on the main stage; two pertaining to Route 66 and one to Route 66 in the Kingman area. In addition, I had made arrangement for the distribution of promotional materials supplied by the tourism office.

Last year the release of my latest book, *Travel Route 66*, provided an array of opportunities. During radio interviews on Coast Radio in Auckland, New Zealand, Frommer's, and Rudy Maxa's Travel World, I had ample opportunity to promote the Route 66 International Festival in Kingman.

Additional examples include providing Jay Leno with information about the embryonic Route 66 Electric Vehicle Museum during a book signing in Burbank, California and distributing Kingman promotional materials along the Route 66 corridor during travel to Missouri.

Another valuable asset that I can utilize is my recent acceptance of a position on the Route 66 economic development committee that is a part of the Route 66: The Road Ahead initiative. This project was facilitated by the national Park Service Route 66 Corridor Preservation Program and World Monuments Fund. However, this is a volunteer position that will require travel.

7. **Attach a detailed project budget for this request.** This would be rather difficult as the budget will depend on the possibility of future travel and attendance of events yet scheduled. However, I have compiled a summary of projected travel expenses associated with attendance of four key events.
8. **What other funding sources have you approached or received commitments from this project?** To date I have solicited support from area business owners and a few local organizations. Currently the Ramada Kingman has retained my services to develop promotional venues and opportunities for the City of Kingman which in turn are of benefit to the hotel. The Route 66 Association of Kingman has offered office space as well as equipment.
9. **Do you have future plans for self-sufficiency of this project?** That is difficult to answer in the affirmative. Wide arrays of promotional opportunities that arise do not offer any opportunity to generate income and as a result, they would be cost prohibitive to capitalize on without financial subsidy to offset expenses.
10. **How will this project be funded in the future?** I will continue striving to fund most endeavors through donations, fees paid for consultation services, speaking engagements, and similar means. However, as noted, some of the opportunities for promotion of the City of Kingman do not offer opportunity for generating income.
11. **How do you propose to acknowledge the city's grant?** Acknowledgement would be given on my website and promotional materials associated with appearances.
12. **Would you be willing to have an audit conducted at your own expense, when the project is completed?** Yes.
- 13.
14. **Your mission statement is (one paragraph of 100-words or less):** My mission is to expand on initiatives for facilitating and developing tourism opportunities. The guiding precept is a belief that in the process of transforming Kingman into a destination, we make it a place people will want to live, to open businesses, and to raise families.

To: Mayor and Common Council
From: Carl Cooper, City Attorney
Date: September 29, 2015
Re: Gift Clause and Tourism: James Hinckley Funding Request

According to ARS 9-500.06 a city may spend bed tax dollars on:

- Direct expenditures by the city or town to promote tourism, including but not limited to sporting events or cultural exhibits.
- Contracts between the city or town and nonprofit organizations or associations for the promotion of tourism by the nonprofit organization or association.
- Expenditures by the city or town to develop, improve or operate tourism related attractions or facilities or to assist in the planning and promotion of such attractions and facilities.

In addition, as you have frequently heard from me, the City must be cognizant of the Arizona Constitution Gift Clause:

Neither the state, nor any county, city, town, municipality, or other subdivision of the state shall ever give or loan its credit in the aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation, or become a subscriber to, or a shareholder in, any company or corporation, or become a joint owner with any person, company, or corporation, except as to such ownerships as may accrue to the state by operation or provision of law or as authorized by law solely for investment of the monies in the various funds of the state.

When read together and in conjunction with Court interpretations, the City is able to pay bed tax monies for the promotion of tourism activities as long as the amount paid is not grossly disproportionate to what the City receives.

In the case of Mr. Hinckley, it appears that if the City were to enter into an agreement where he promotes Kingman as his primary role; it could be a legal endeavor. I would argue that a scripted presentation approved by the City must be required, a contract explaining his role with the City's expectations of responsibilities and behaviors, reporting requirements, etc.



CITY OF KINGMAN COMMUNICATION TO COUNCIL

TO: Honorable Mayor and Common Council

FROM: Mayor Anderson

MEETING DATE: October 6, 2015

AGENDA SUBJECT: Discussion and possible action concerning the Kingman City Council Values and Code of Ethics

SUMMARY:

The original Values and Code of Ethics was completed in 2012 and updated in 2014. Since the election of new members it has never been discussed or signed by the current Council Members. Staff has provided the previous editions of the Values and Code of Ethics for review and comment.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

Council discretion.

ATTACHMENTS:

Description

Code of Ethics

Core Values

REVIEWERS:

Department	Reviewer	Action	Date
City Manager	Dougherty, John	Approved	9/30/2015 - 12:54 PM
City Attorney	Cooper, Carl	Approved	9/30/2015 - 2:07 PM
City Manager	Dougherty, John	Approved	9/30/2015 - 12:55 PM



City of Kingman

Code of Ethics for Council Members

1. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public official.
2. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of each other, other public officials, City employees, and members of the public.
3. Recognize that the chief function of local government at all times is to serve the best interests of all the people, assure fair and equal treatment of all persons and issues coming before the City Council.
4. Keep the Community informed on local government affairs; encourage communication between the citizens and local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
5. Members shall not take special advantage of services or opportunities for personal gain that are not available to the public in general. They shall refrain from accepting gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
6. Members shall comply with the laws and constitution of our nation, the State of Arizona and the City of Kingman in the performance of their public duties.
7. All members should feel free to assert policy positions and opinions without fear of reprisal from fellow Council members. Members shall refrain from abusive conduct, from interrupting others while they are speaking, from personal charges or verbal attacks upon the character or motives of other members of council, boards and commissions, City staff or members of the public.
8. Conduct the affairs of local government in an open and public manner. Comply with all applicable laws governing open meeting and public records, recognizing that doing so is an important way to be worthy of the public's trust.
9. In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest.
10. Members shall respect and adhere to the council-manager form of government as established by the City Code. Members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement council policy decisions.

Janet Watson, Mayor Date

Richard Anderson, Councilmember Date

Erin Cochran, Councilmember Date

Mark Wimpee Sr., Councilmember Date

Carole Young, Vice Mayor Date

Lawrence Carver, Councilmember Date

Jennee Miles, Councilmember Date

