

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

5:30 P.M.

AGENDA

Tuesday, October 20, 2015

REGULAR MEETING

CALL TO ORDER AND ROLL CALL --- ALL COUNCILMEMBERS WERE PRESENT.

INVOCATION

The invocation will be given by John Pool of Praise Chapel.

PLEDGE OF ALLEGIANCE

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

1. APPROVAL OF MINUTES

- a. The Regular Meeting minutes of October 6, 2015. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**
- b. The Work Session minutes of October 16, 2015. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

2. APPOINTMENTS

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

A vacancy has been created on the Local Public Safety Personnel Retirement System (PSPRS) Board due to the resignation of another member. Captain Joe Cowin has been selected by his fellow firefighters to represent the fire personnel with the City of Kingman on this board. At their meeting of October 8, 2015, the Local PSPRS Board voted 5-0 to recommend appointment of Captain Cowin to fill this vacancy. **Staff recommends approval. MOTION TO APPOINT JOE COWIN TO THE LOCAL PSPRS BOARD WAS PASSED BY A VOTE OF 6-0.**

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

The EDMC currently has three vacancies due to resignations. One term expires December, 2015 and two terms expire December, 2017. On October 14, 2015 the EDMC voted 4-0 to appoint Yvonne Woytovich to one of the terms expiring December, 2017. **Staff recommends appointing Yvonne Woytovich to fill one of the terms expiring in December, 2017. MOTION TO APPOINT YVONNE WOYTOVICH TO THE EDMC WAS PASSED BY A VOTE OF 6-0.**

3. AWARDS/RECOGNITION

a. Recognition of Explorer Post #47

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

4. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

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

5. CONSENT AGENDA

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

a. Liquor License Application

Applicant Michele Lyn Lin of Lin's Little China II, Inc has applied for a Series 12 Liquor License at 4120 Stockton Hill Road. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

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

On October 21, 2014 the Council approved a water payback agreement with Cottonwood Industrial LLC; however, the name of the business was recorded incorrectly as Cottonwood Industries LLC. Resolution 4914-R will correct this. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

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

The property is identified as tax parcel 311-14-324, is 5,000 square feet in area and a natural low point which ponds with storm runoff. The City has recently acquired adjacent property on Gates Avenue at an appraised value of \$12,000. The owner has indicated that \$12,000 is the minimum she will accept for the property. **Staff recommends proceeding with the Gates property acquisition. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

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

The City of Kingman is the owner of a 168.46 acre parcel of vacant land (Parcel 322-06-010) located directly south of Interstate 40 between the projected street alignments for Castle Rock Road and Prospector Street. UniSource Electric, Inc. discovered their existing overhead power lines and anchor poles along the western boundary of this parcel are outside of an existing 10 feet wide State utility permit granted for these power lines when this parcel was owned by the State. The proposed easement is for existing utility lines so there are no anticipated conflicts with current site access, functions and improvements. The easement agreement has a provision to remove or relocate these items at no costs to the City if they are required by the City to accommodate improvements within this parcel for the public benefit. **Staff recommends granting the utility easement for UniSource Electric, Inc. MOTION TO TABLE WAS PASSED BY A VOTE OF 6-0.**

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

This subdivision is located along the north side of Detroit Avenue, east of Western Avenue and consists of five commercial lots on 10.74 acres. The project engineer has requested the approval of the release of a \$50,000.00 portion of the cash escrow assurance for the completion of rock excavation during grading. The City Engineer and Public Works inspectors have inspected the site and determined that the completed grading is in compliance with the terms of the final plat and requirements of the City of Kingman Subdivision Ordinance. **Staff recommends approving Resolution 4977. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

f. Reclaimed Water User Agreement

The Lingenfelter Group would like to renew their agreement with the City of Kingman to purchase A+ reclaimed water from the Hilltop Treatment Plant. The water would be used for dust control during the upcoming SNORE race event on October 23-25, 2015. The extension would run through the end of October, 2015. **Staff recommends approval of the Reclaimed Water User Agreement. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

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

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

non-cash payment street deferral be granted. **Staff recommends approval of Resolution 4971-R. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

6. OLD BUSINESS

a. Entertainment District

On August 4, 2015, the Council discussed a proposal from the Downtown Merchants Association for the establishment of an Entertainment District. The establishment of an Entertainment District allows a license for an establishment to serve or sell beer, wine, or spirituous liquor to be issued within 300-feet of a church a public or private school with programs. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

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

On July 7, 2015 the City Council approved a substantial encroachment permit for the Rutherford's 66 Diner at 2011 Andy Devine Avenue. The encroachment consists of a block wall patio which extends approximately three feet into the Andy Devine right of way. The encroachment permit includes a condition that the block wall meet the site triangle ordinance which allows for a maximum height of 36 inches. On October 9, 2015 staff received a request to modify the encroachment permit to allow for a wall height up to 44 inches. The request also includes the addition of ornamental cars and decorative lighting on top of the wall, and benches between the wall and sidewalk. The work is presently unfinished and a portion of the wall does exceed the 36 inch height limit. **Staff recommends modifying the existing encroachment permit to allow a new wall height of up to 44 inches and allowing the addition of ornamental cars, lighting and benches. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.**

c. Consideration of Sending a Ballot Measure to the Voters Regarding the Implementation of a Primary Property Tax

At the October 6th Regular Meeting the City Council approved Ordinance 1799 extending the sunset of the additional 0.5% Transaction Privilege Tax increase through December 31, 2017, with the intent of seeking a primary property tax. This would require a ballot measure and stand alone election to occur in May, 2016, for voter approval. Staff will present information regarding the timeline required for this election and the approximate cost. This will include and update of the timeline to collection of levy revenue. **Council discretion. MOTION TO PROCEED WITH SENDING A BALLOT MEASURE TO THE VOTERS REGARDING THE IMPLEMENTATION OF A PRIMARY PROPERTY TAX WAS PASSED BY A VOTE OF 6-0.**

7. NEW BUSINESS

a. Discussion of idea on remodel of Powerhouse

A short time ago the Chamber of Commerce vacated space in the Powerhouse. The City Manager would like to discuss with the Council an idea to remodel the area into

a multi-purpose room, conference room, office space, or other such use. The City Manager would like to discuss the many options and ideas and receive feedback from the Council. Public Works Director Rob Owen will present a slideshow overview of the proposed idea at the meeting. **Council discretion. DIRECTION WAS PROVIDED TO STAFF TO COMPLETE A DETAILED PLAN FOR THIS PROPOSAL.**

b. Kingman Rotary donation of bleacher shade structure

On Wednesday the Kingman Rotary presented a check for a donation of \$3,200 for a bleacher shade structure to be placed at South Side Park. Maintenance is minimal and these are a great addition to City ball field facilities. **Staff recommends accepting the donation. MOTION TO ACCEPT THE DONATION WAS APPROVED BY A VOTE OF 6-0.**

c. Art sculpture donations

Greg Arnold, the creator of Giganticus Headicus, would like to donate two scrap metal sculptures for placement on City property at the Powerhouse and the corner of US 93 and Fort Beale Road. These sculptures would enhance the City and attract visitors. **The Parks & Recreation Commission voted unanimously to support placement of the art sculpture donations. MOTION TO ACCEPT THE DONATED SCULPTURES AND ENTER INTO AN AGREEMENT WITH GREG ARNOLD THAT GUARANTEED THE RETURN OF THE SCULPTURES IF THE CITY EVER DECIDES TO GET RID OF THEM WAS PASSED BY A VOTE OF 6-0.**

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

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

TO DENY RESOLUTION 4976 AND REQUIRE A SURETY WAS PASSED BY A VOTE OF 6-0.

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

Since entering into an intergovernmental agreement (IGA) with the State of Arizona Office of Manufactured Housing [OMH], OMH has adjusted their fee schedule for Fiscal Year 2016. Approval of Ordinance 1805 will adjust current City fees to match the OMH Fee Schedule update for 2016, which is required by the IGA. **Staff recommends approving Ordinance 1805. MOTION TO ADOPT WAS PASSED BY A VOTE OF 6-0.**

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

On October 15, 2015, Vice Mayor Mark Wimpee Sr. tendered his resignation from the Common Council of the City of Kingman. Council must formally accept this resignation. **MOTION TO ACCEPT THE RESIGNATION WAS PASSED BY A VOTE OF 6-0.**

g. Council Vacancy Selection Process

The resignation of Vice Mayor Mark Wimpee Sr. has created a vacancy for a seat on the City Council. The vacant seat's term expires the end of November, 2016. According to statute the Council shall fill the vacancy by appointment. There is no process defined in the statutes. Staff recommends that Council direct staff to accept resumes and letters of interest from qualified persons. The Council will review the submitted information to determine the appropriate candidate for selection. **Staff requests Council direction. MOTION TO ACCEPT RESUMES AND LETTERS OF INTEREST FROM QUALIFIED PERSONS UNTIL 5:00 P.M. ON NOVEMBER 3, 2015, SUBMIT A PRESS RELEASE CONTAINING CANDIDATE NAMES, AND APPOINT A NEW COUNCILMEMBER AT THE REGULAR MEETING ON NOVEMBER 17, 2015, WAS PASSED BY A VOTE OF 6-0.**

h. Discussion and Appointment of Vice Mayor

With the resignation of Vice Mayor Wimpee Sr. the position of Vice Mayor is now vacant. Council will discuss and possibly appoint a new Vice Mayor. **MOTION TO TABLE WAS PASSED BY A VOTE OF 6-0.**

8. REPORTS

Board, Commission and Committee Reports by Council Liaisons

9. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

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

ADJOURNMENT --- MOTION TO ADJOURN WAS PASSED BY A VOTE OF 6-0.