

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

**5:30 P.M.**

**MINUTES**

**Tuesday, May 19, 2015**

**REGULAR MEETING**

<b>Members</b>	<b>Officers</b>	<b>Visitors Signing in</b>
<b>Richard Anderson – Mayor</b>	<b>John Dougherty, City Manager</b>	<b>See attached list</b>
<b>Mark Wimpee, Sr. – Vice-Mayor</b>	<b>Jackie Walker, Human Resources Director</b>	
<b>Mark Abram</b>	<b>Carl Cooper, City Attorney</b>	
<b>Larry Carver</b>	<b>Jake Rhoades, Fire Chief</b>	
<b>Jen Miles</b>	<b>Greg Henry, City Engineer</b>	
<b>Stuart Yocum</b>	<b>Robert DeVries, Chief of Police</b>	
<b>Carole Young</b>	<b>Mike Meersman, Parks and Recreation Director</b>	
	<b>Tina Moline, Finance Director</b>	
	<b>Diane Richards, Budget Analyst</b>	
	<b>Gary Jeppson, Development Services Director</b>	
	<b>Burley Hambrick, Public Works Project Manager</b>	
	<b>Joe Clos, Information Services Director</b>	
	<b>Lee Hocking, Assistant City Attorney</b>	
	<b>Sheri Furr, Public Transit Superintendent</b>	
	<b>Sydney Muhle, City Clerk</b>	
	<b>Jim McErlean, Building Official and Plans Examiner</b>	
	<b>Erin Roper, Deputy City Clerk and Recording Secretary</b>	

**CALL TO ORDER & ROLL CALL**

Mayor Anderson called the meeting to order at 5:39 P.M. and roll call was taken. All councilmembers were present. The invocation was given by Phillip Shaw of Trinity Episcopal 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**

**The Regular Meeting and Executive Session minutes of May 5, 2015**

Vice-Mayor Wimpee, Sr. made a MOTION to APPROVE the Regular Meeting and Executive Session minutes of May 5, 2015. Councilmember Miles SECONDED and it was APPROVED by a vote of 7-0.

2. **APPOINTMENTS**

**a. Appointment or reappointment of Board of Appeals members**

Three of the seven members of the Building Board of Appeals have expired terms of service, namely Tom Franks, Mike Van Zandt and Ronald Durgin. All three men have offered themselves for continued service. Three board members are needed. **Staff recommends reappointing Tom Franks for one additional term of two years and appointing Paul Selberg and Crandall Aaron to serve on the Board of Appeals for one term of two years.**

Paul Selberg addressed the Council and provided a handout to the Council that contained his resume and photos of buildings he designed. Mr. Selberg stated he was an architect and had worked in Mohave County since 1988. Mr. Selberg stated he had owned a practice since 1981 and was currently a plans examiner with the proper certifications to review plans for cities.

Crandall Aaron addressed the Council and stated he was a licensed general contractor and was employed by Angle Homes. Mr. Aaron stated he wanted to ensure Kingman had quality construction.

Councilmember Abram asked why Mike Van Zandt and Ronald Durgin were not recommended for reappointment.

Building Official and Plans Examiner Jim McErlean stated Mr. Durgin was suffering from health issues and was not always available to serve. Mr. McErlean stated the board would need to replace two more members in December. Mr. McErlean stated Mr. Durgin and Mr. Van Zandt may be reappointed at that time in order to have a full Board to review new building codes.

Councilmember Carver asked if there was a residency requirement to serve on the board since some of the applicants did not reside within City limits.

City Attorney Carl Cooper stated the board was created as a part of the building and fire codes and was outside of the City's general commissions and committees. Mr. Cooper stated exceptions could also be made due to an applicant's qualifications and/or expertise.

Councilmember Abram made a MOTION to REAPPOINT Tom Franks for one additional term of two years and to APPOINT Paul Selberg and Crandall Aaron for one term of two years. Vice-Mayor Wimpee, Sr. SECONDED and it was APPROVED by a vote of 7-0.

**b. Appointment of Commissioners to Transit Advisory Commission for KART**

Commission member Michele Walker is relocating outside of Arizona and therefore has resigned from the Transit Advisory Commission. Ms. Walker's resignation leaves the commission with just two active members, which is insufficient for a quorum. There are now two active

commission members and three vacant positions. Ms. Walker's term was due to expire in October 2016. The other two vacancies are for terms that will expire in October 2017. KART has received applications from the following three interested members of the Kingman community. They include Jed Noble and Charles E. Hupp both of whom reside within Kingman city limits, and Fred D. Gilbert, Jr., who resides in an unincorporated area of Kingman. In addition, former commission member Bill Laity, a resident of the unincorporated area of Kingman, whose 2nd term expired in October, 2014 has requested that he be reappointed to a third term. Mr. Laity's appointment will require a Super Majority vote from Council. **Staff recommends Council appoint up to three members to fill vacant positions; one (1) to expire in 2016 and two (2) to expire in 2017.**

Mayor Anderson asked who the remaining members of the commission were.

Public Transit Superintendent Sheri Furr stated Margaret Daw and Cere Tabbert were the remaining members and they resided within City limits.

Charles Hupp addressed the Council and stated he lived in Kingman for 15 years and helped the commission select buses eight to 10 years ago. Mr. Hupp stated he wanted to serve Kingman.

Jed Noble addressed the Council and stated he was a lifelong resident of Kingman. Mr. Noble stated he was an engineer for Mohave County and currently served on the Mohave County Public Works Traffic Safety Committee and the Mohave County Transportation Commission. Mr. Noble stated he understood the issues surrounding transportation and traffic and wanted to assist Kingman.

Councilmember Miles asked if the applicants met the commission's residency requirements.

Mayor Anderson asked if the Kingman Area Regional Transit (KART) system served unincorporated areas.

Ms. Furr stated KART served unincorporated areas. Ms. Furr stated a maximum of two commissioners could reside outside of City limits.

Vice-Mayor Wimpee, Sr. stated he believed Bill Laity recently moved into City limits from the Butler area.

Ms. Furr stated she spoke with all four applicants and they said they would be at the meeting. Ms. Furr stated Mr. Laity's term lapsed.

Councilmember Young asked for Mr. Laity's attendance record.

Ms. Furr stated Mr. Laity was reliable and attended every meeting except one, which was due to a miscommunication on the time.

Mayor Anderson stated the Council traditionally favored applicants who appeared at Council meetings.

Councilmember Abram made a MOTION to APPOINT Jed Noble and Charles Hupp for terms to expire in 2017. Councilmember Young SECONDED and it was APPROVED by a vote of 7-0.

Councilmember Young requested the commission return with a recommendation for the final vacancy.

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.

Kingman resident Maryann van Hasselt stated she was present for the May 5, 2015 Council meeting and she commended the Council for their vote to approve the amendment to the City's general plan. Ms. Van Hasselt stated Kingman needed to be a part of the Interstate 11 (I-11) project in order to secure future growth. Ms. Van Hasselt stated she attended the Arizona Department of Transportation (ADOT) five year planning meeting in Chino Valley. Ms. Van Hasselt stated she would have liked to see councilmembers in attendance in order to represent the people of Kingman. Ms. Van Hasselt stated the money was set aside to use and if it was not used the City would lose it.

Travis Lingenfelter stated the City had an economic development strategic plan in the past, but has been operating without one for several years. Mr. Lingenfelter stated the plan should be updated and the Council should begin with revising the Kingman Airport lease. Mr. Lingenfelter stated there were no performance benchmarks in place and the first benchmark should be the completion of phase two of the Industrial Park. Mr. Lingenfelter stated the second issue to examine in the strategic plan was the interchanges. Mr. Lingenfelter stated the City should look at combining the two interchanges into one with routes to retail and to the industrial park in order to save money.

John Hansen, a Kingman resident, chief operating officer (COO) of Laron Incorporated and president of the Kingman and Mohave Manufacturing Association (KAMMA), stated he was speaking on behalf of KAMMA and other business friendly entities in Kingman. Mr. Hansen stated these entities supported the Rancho Santa Fe interchange. Mr. Hansen stated KAMMA was concerned about the City's position on Kingman Crossing, particularly the belief that Kingman Crossing would benefit the development of Kingman as an inland port by providing a second route to the Kingman Airport for large truck traffic and removing industrial traffic from Andy Devine Avenue. Mr. Hansen stated this was untrue as Kingman Crossing would be unsafe for freight movement between Interstate 40 (I-40) and the Kingman Airport and it would not help manufacturing growth at the Kingman Airport Industrial Park. Mr. Hansen stated Kingman would have to choose between the two interchanges due to lack of funding. Mr. Hansen stated in order to build Kingman into a leading manufacturing town a safe, high capacity freight route between I-40 and the Industrial Park would need to be built. Mr. Hansen stated the Kingman Crossing interchange could not provide the necessary qualities for an effective freight route.

Ed Jones presented a certificate of completion to Mayor Anderson for a civil liabilities class he attended in Los Angeles, California.

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. Liquor License Application**

Applicant Joseph C. Fellers of Black Bridge Brewery has submitted a temporary Application for Extension of Premises/Patio Permit for an event on June 13, 2015. **Staff recommends approval.**

**b. Liquor License Application**

Applicant Paul A Allen Sr. of El Potrillo has applied for a Series 12 Liquor License for a restaurant at 2535 Hualapai Mtn. Rd. #A. **Staff recommends approval.**

**c. City of Kingman Letter of Support of Mohave County TIGER grants Application**

On April 27, 2015 the City of Kingman Public Works staff received a correspondence from Mr. Steve Latoski, Director of Mohave County Public Works, requesting a "letter of support" from the City of Kingman for a TIGER Grant application to resurface and provide Shoulder Betterments to 36 miles of Stockton Hill Road. The proposed project would include the resurfacing as well as installing concrete-capped gabion basket aprons to reduce shoulder erosion and road damage from the Kingman City limits on North Stockton Hill Road to Pierce Ferry Road. Mohave County staff has written the letter and addressed it to Mr. Anthony R. Foxx, Secretary of the US Department of Transportation. **Staff recommends authorizing the Mayor to sign the Letter of Support.**

**d. Special Event Liquor License Application**

Applicant Cynthia J. Levesque of Cornerstone Mission has applied for a Series 15 Special Event Liquor License for an event to take place Saturday, July 11, 2015 from 6:00 P.M. to 11:00 P.M., at 201 N Fourth Street in Kingman. **Staff recommends approval.**

**e. Dispatch Intergovernmental Agreement - Resolution 4952**

The Intergovernmental Agreement between the City Of Kingman and Northern Arizona Consolidated Fire District, Golden Valley Fire District, Pinon Pines Fire District, Pine Lakes Fire District, Lake Mohave Ranchos Fire District for dispatch services has been revised after review with the current user group. This revision accounts for all costs to be shared for the services rendered. The original Intergovernmental Agreement was entered into in 2012 and is due to expire June 30, 2015. Resolution 4952 has been completed in order to allow the city to enter into this agreement. Operating costs will be allocated to each entity based on the estimated budget and prorated to each entity based on the percentage of 2014 call volumes associated with each entity. The City Attorney and Finance Director have reviewed this agreement for compliance with current city policy. **Staff recommends approval.**

**f. Consideration of Amendment No. 1 to Engineering Contract ENG14-084 to include Phase Two projects**

On March 17, 2015, Council approved construction contract ENG14-084 with Freiday Construction, Inc. for Phase One projects which included five water and sewer projects and one water tank rehabilitation project. Staff has previously recommended that the CMAR project be broken into separate construction phases. This amendment to the contract will add Phase Two

projects to the construction contract. The second phase will include the following projects: ENG14-097: Water Line Replacement in Evans Street and Melody Street; 05-S-0030: Sewer Line Realignment in Maple Street and Walnut Street; ENG12-021: Sewer Line Extension in Southern Avenue, Jackson to Monroe; ENG14-088: Sewer Line Extension in Southern Avenue, Monroe to Adams; ENG14-098: Sewer Line Extension in Jerome Street; ENG14-099: Sewer Line Extension in Prescott Street. Staff has requested a Guaranteed Maximum Price (GMP) for the second phase of this project from Freiday Construction, Inc. The negotiated GMP for phase two is \$620,414.17. Phase Two will add an additional 180 calendar days to the original construction contract time, extending it to March 31, 2016. **Staff recommends approval.**

**g. Resolution #4953 – Revise Exhibit A, B and C – Classification and Compensation Schedule**

Attached Resolution #4953 amends the Classification and Compensation Plan for FY 2015-2016 via Exhibits A, B and C. Adopting the attached resolution will modify the classification and compensation schedule by: 1. Attached Exhibit A reflects an increase of 3% to the FTE salary scale and sets the total authorized budgeted full time positions for Fiscal Year 2015/2016 at 334 FTE and 40.5 FTE as authorized but unfunded. This is a net increase of 2 FTE and a decrease of 1 unfunded FTE over the prior year; 2. Attached Exhibits B and C reflect the following changes: a. Fire Department – re-fund 1 unfunded Battalion Chief position resulting in a decrease in the unfunded count and an increase to the funded Battalion Chief count. Also, reclassify 1 Assistant Fire Chief position to Battalion Chief and change the Salary Grade from 224 to a lower Salary Grade of 221. The result of this change decreases the Assistant Fire Chief count by 1 and increases the Battalion Chief count by 1, to a lower level classification; b. Police Department – reclassify 1 Administrative Secretary position to Administrative Assistant and change the Salary Grade from 204 to a higher Salary Grade of 206. The result of this change decreases the Administrative Secretary count by 1 and increases the Administrative Assistant count by 1, to a higher level classification; c. Public Works-Building Maintenance – add and fund 1 new Building Maintenance Technician position at Salary Grade 209. The result of this addition increases the Building Maintenance Technician count by 1. 3. Exhibit D, Certification Pay, will remain unchanged in Fiscal Year 2015/2016. **Staff recommends approval.**

Councilmember Miles requested the removal of item “G” from the Consent Agenda.

Councilmember Miles made a MOTION to APPROVE the Consent Agenda with the exception of item “G.” Councilmember Young SECONDED and it was APPROVED by a vote of 7-0.

Councilmember Miles asked why item “G” was separate from the budget for Fiscal Year (FY) 2016.

Human Resources and Risk Management Director Jackie Walker stated item “G” was separate from the budget because it required a separate resolution for the required modifications.

Councilmember Abram asked if item “G” was strictly a reclassification of job descriptions.

Ms. Walker stated the resolution would modify some job classifications as well as the salary scales.

Councilmember Miles asked if the resolution authorized the 3% raise.

Ms. Walker stated the resolution changed the scale and adopted the raise.

Councilmember Miles asked if it was possible to provide a raise without adjusting the salary scales.

Ms. Walker stated awarding the 3% raise without changing the salary scales would affect recruitment and move employees off the salary scale.

Councilmember Miles asked if it was possible to move all the employees up one step instead of awarding the 3% and changing the salary scales.

Ms. Walker stated there were different percentages between the steps based on the market, which prevented moving all employees up the scale by 3%.

Councilmember Young asked if awarding the raise would change entry level salaries.

Ms. Walker stated it would.

Councilmember Carver made a MOTION to APPROVE item "G." Vice-Mayor Wimpee, Sr. SECONDED and it was APPROVED by a vote of 6-1 with Councilmember Miles voting NAY.

## 5. OLD BUSINESS

### a. **Smoking in Vehicle Ordinance 1797**

Following direction from City Council, staff has prepared an ordinance to address smoking in motor vehicles with a minor. The ordinance is a secondary violation and offers a diversionary program on smoking education for first time offenders. **Staff recommends approval.**

Chief of Police Robert DeVries stated the proposed ordinance was a secondary offense, which meant drivers could not be pulled over for it.

Councilmember Young asked if there was a limit to the number of fines a violator could receive.

Chief DeVries stated there was no limit.

Councilmember Abram asked if there was a transition period.

Mr. Cooper stated ordinances went into effect 30 days after approval unless the Council changed the timeframe.

Councilmember Carver asked if it was a zero-tolerance offense and how travelers who violated the law would be handled.

Chief DeVries stated it was not a zero-tolerance offense and it would be the officer's discretion on whether a violator was cited.

Victoria Davis, a member of the Kingman Youth Coalition Beating Up Teen Tobacco (KYC-

BUTT), thanked the Council for their time, attention and feedback during the ordinance drafting and proposal process. Tatum Newell, a member of KYC-BUTT, stated the proposed ordinance was not about taking smokers' rights, but about helping to protect those who could not protect themselves. Stefani Merrett, a member of KYC-BUTT, stated the ordinance would help the 320,000 Arizona children who were exposed to secondhand smoke in vehicles every week. Madison McKowan, a member of KYC-BUTT, stated there was no safe level of exposure to secondhand smoke and the ordinance would help improve the lives of children.

Caius McNaughton, an Arizona vapor business owner and board member of the National Association of Vaping Businesses (NAVB), stated he supported the idea of protecting children from secondhand smoke, but including vapor products in the ordinance was a misclassification. Mr. McNaughton stated vaping products were not combustible and did not contain tobacco. Mr. McNaughton stated the combustion of tobacco was what caused harm. Mr. McNaughton stated the industry worked hard to move away from tobacco and the proposed ordinance was not fair to the vaping industry. Mr. McNaughton stated including vaping products with combustible tobacco was a misclassification.

Councilmember Carver asked if Mr. McNaughton was referring to electronic cigarettes (e-cigs).

Mr. McNaughton stated that was correct.

Councilmember Carver asked if there was any indication that e-cigs contained more nicotine than combustible cigarettes.

Mr. McNaughton stated the vapor the user inhaled did contain more nicotine; however, the smoke that was exhaled did not contain enough nicotine to cause a pharmaceutical effect in the human body.

Matt Morales, the executive director of NAVB, stated the industry was against smoking and worked to reduce the tobacco market. Mr. Morales stated e-cigs and vaping products were not the same as combustible products. Mr. Morales stated cigarettes were responsible for causing cancer and contained over 400 ingredients. Mr. Morales stated vaping products only contained four ingredients. Mr. Morales stated the Council was emailed information from the Legacy Project that showed the exhalation from a vaping product only contained 1/1,000 of the originally inhaled components. Mr. Morales stated 40% of the originally inhaled components of a cigarette were exhaled by a user. Mr. Morales stated vaping should not be done by children and parents should not vape in front of children, but to include vaping products in the same ordinance with combustible tobacco was incorrect. Mr. Morales stated each should have its own ordinance as combining them led the public to view them as the same, which was untrue.

Councilmember Carver asked if the City of Tempe's proposed ordinance included e-cigs.

Mr. Cooper stated the proposed ordinance from the City of Tempe had not been altered. Mr. Cooper stated the City of Tempe had their first or second reading of the ordinance.

Steve Johnson, a vapor business owner, stated it was impressive to see young people involved in their community and government, but he disagreed with including electronic nicotine delivery

systems in the ordinance. Mr. Johnson stated he agreed with the points made by Mr. McNaughton and Mr. Morales.

Aaron Cericola, a vapor business owner, stated the intent of the proposed ordinance was excellent, but the inclusion of vaping products was inaccurate. Mr. Cericola stated exhalation from vaping products was shown to pose less risk than secondhand smoke. Mr. Cericola asked the Council to remove vaping products from the proposed ordinance.

Councilmember Abram asked who commissioned the studies that were emailed to the Council.

Mr. Morales stated the studies were commissioned by the Legacy Foundation of Cambridge, United Kingdom and the World Health Organization, which were working on tobacco harm reduction and were not part of the vaping industry. Mr. Morales stated the study showed a person who used e-cigs instead of other tobacco cessation products were 60% more likely to never smoke again.

Ms. Newell stated the Food & Drug Administration (FDA) did not regulate e-cigs and no one knew how harmful e-cigs may turn out to be.

Stephanie McKowan stated she grew up in a time period when people believed cigarettes were not as harmful as society now knew them to be. Ms. McKowan stated e-cigs have not been around long enough to know the potential harm. Ms. McKowan stated today's youth should not be the ones to find out later on that e-cigs were harmful. Ms. McKowan stated she was a former smoker and the proposed ordinance would have made her think twice about smoking in the car with minors. Ms. Walker stated addiction clouds parents' judgement and if the ordinance could stop one person a day from smoking in a car with children it would be worth it. Ms. McKowan stated e-cigs and vaping should be included in the ordinance.

Councilmember Young asked how the ordinance would address a parent who was smoking in a parked car.

Chief DeVries stated the ordinance would not apply to parked cars since it was a secondary offense.

Ms. Davis stated KYC-BUTT understood that e-cigs and vapor products were different than traditional tobacco products, but the proposed ordinance addressed secondhand smoke in general and vaping products did emit secondhand smoke.

Councilmember Abram stated he was conflicted on the proposed ordinance because he did not want to over legislate.

Councilmember Young stated a lot of parents do not think about the dangers of secondhand smoke in a vehicle because they grew up with family members who smoked in front of them.

Councilmember Abram stated it was unfortunate that people chose addiction over the health and safety of their children.

Councilmember Miles stated the benefit of ordinances such as Ordinance 1797 was they raised awareness. Councilmember Miles stated she knew people who would think twice about an action if it was a law, such as wearing a seat belt.

Councilmember Carver stated he was also conflicted because he believed the government should stay out of child rearing. Councilmember Carver stated the proposed ordinance could hurt a growing industry. Councilmember Carver stated until there was clear data that secondhand smoke from e-cigs were harmful the devices should not be included in the proposed ordinance. Councilmember Carver stated he disagreed with ticketing for each offense. Councilmember Carver stated Ordinance 1797 should be sent back to staff for revision.

Mayor Anderson stated he appreciated the vapor industry's efforts and agreed with Councilmember Carver.

Councilmember Young stated she was also conflicted over the balance between personal rights and child welfare. Councilmember Young stated fines may not have that much of an impact on a dedicated smoker.

Councilmember Yocum made a MOTION to ADOPT Ordinance 1797 as presented. Vice-Mayor Wimpee, Sr. SECONDED.

Councilmember Carver stated the officer would have to observe a person smoking in order to issue a citation. Councilmember Carver stated a cigarette in an ash tray or unlit cigarettes would not be a violation.

Mayor Anderson called for a roll call vote.

The MOTION was PASSED by a VOTE of 4-3 with Councilmember Abram, Councilmember Miles, Councilmember Yocum and Vice-Mayor Wimpee, Sr. voting AYE and Councilmember Carver, Councilmember Young and Mayor Anderson voting NAY.

**b. Consideration of Resolution No. 4947 approving a preliminary plat for Airway Plaza, Tract 1984, a subdivision of airspace**

A request from Mohave Engineering Associates, Inc., applicant and project engineer, and Airway Plaza Association, LLC, property owner, for the approval of preliminary plat for Airway Plaza, Tract 1984. The subject property is located at the southeast corner of Airway Avenue and N. Burbank Street and is 3.62 acres. This will be a subdivision of airspace otherwise known as a condominium. The intent is to subdivide eight suites in an existing commercial building into eight separate condominium units. Each unit will be bounded and contained within the interior finished surfaces of the perimeter walls, floors and ceilings of the unit. The area of each unit is 56 to 64 feet wide and 130 feet long. A property owner's association will be established to maintain areas held in common including the exterior parking lot and landscaping, utilities not within the units, bearing walls, and other walls and ceilings not contained within the units. The building was inspected by the Fire and Building Departments as required and no significant problems were identified that would need to be corrected before the approval of the final plat. The City Engineer, however, indicated that three existing driveways and sidewalk ramps at Burbank and Airway do not appear to meet current ADA standards. These areas should be revised. The project engineer

indicated that the property owner did not want to make those revisions. There are several additional conditions that were recommended by staff as a result of department and agency comments. **The Planning & Zoning Commission voted 6-1 on April 14, 2015 to recommended approval of the preliminary plat with the recommended conditions in the commission report. Commission Kirkham voted no. Staff recommends approval.**

Mayor Anderson stated the item was removed at the request of the applicant.

**c. Consideration of Resolution No. 4945 authorizing the Mayor to sign any and all documents to submit applications for funding of the Kingman Crossing Traffic Interchange and Rancho Santa Fe Parkway Traffic Interchange projects through the FY2015 TIGER Discretionary Grant Program.**

Upon direction of Council, Staff has prepared the application packages for this year's round of TIGER grants. If the City desires to submit applications for funding of the Kingman Crossing Traffic Interchange and Rancho Santa Fe Parkway Traffic Interchange projects through the FY 2015 TIGER Discretionary Grant program, Council will need to authorize the Mayor to sign any and all documents and certifications necessary to submit these applications, including the Federal Wage Certification stating that the City of Kingman will comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code (Federal wage rate requirements), as required by the FY 2015 Consolidated and Further Continuing Appropriations Act. Applications are to be submitted by 5:00 p.m. EDT on June 5th, 2015. **Staff recommends approval.**

Vice-Mayor Wimpee, Sr. made a MOTION to APPROVE Resolution 4945. Councilmember Abram SECONDED and it was APPROVED by a vote of 7-0.

**d. Update, discussion and possible action concerning City funded events to celebrate the 4<sup>th</sup> of July.**

The Council will discuss options for a City sponsored 4<sup>th</sup> of July celebration and may take action and/or provide direction to staff accordingly. **Council discretion.**

Mr. Dougherty stated the Parks & Recreation Department would not be able to staff an event due to personnel shortages and previously scheduled events. Mr. Dougherty stated closing a street down, such as Beale Street, and hosting a block party would be possible due to minimal staffing requirements. Mr. Dougherty stated the Kingman Fire Department would not participate in an event held outside of City limits, which meant they could not assist with the fireworks display on private land proposed at the May 5, 2015 Regular Meeting. Mr. Dougherty stated he was concerned about a fireworks company trying to accomplish a large show in a short amount of time.

Shawn Walsh stated he understood staff's concerns and the reason Acme Fireworks had not originally bid on the show was they were unaware of the bid. Mr. Walsh stated Acme Fireworks was a large enough company to execute the show and they had more than 20 years of experience.

Councilmember Abram asked if Mr. Walsh had contacted the Northern Arizona Consolidated Fire District (NACFD).

Mr. Walsh stated he would contact them once he had the funding. Mr. Walsh stated it seemed

counterproductive to contact the fire department before funding was secured.

Councilmember Abram asked Mr. Walsh if he received a cost estimate from Acme Fireworks.

Mr. Walsh stated he forwarded the City's bids from the other companies and Acme Fireworks stated they could do a show for \$25,000. Mr. Walsh stated he understood the City did not want to take on unnecessary liability, but the money was already budgeted for the fireworks.

Denise Walsh stated Mr. Walsh had done an admirable job trying to pull the show together. Ms. Walsh stated she had lived in Kingman since 1965 and there was only one year the City did not have a fireworks show due to rain. Ms. Walsh stated the 4<sup>th</sup> of July would not be the same without the fireworks. Ms. Walsh stated the City had insurance policies to cover the costs from lawsuits.

Mr. Cooper stated the City generally awarded money to applicants after evaluating their comprehensive proposals. Mr. Cooper stated Mr. Walsh had not spoken to NACFD and they may not be available. Mr. Cooper stated the City also had to consider the gift clause and the procurement process. Mr. Cooper stated it could appear the City was going around the procurement process if it cancelled a bid with one company and gave money to another. Mr. Cooper stated there was high risk and liability involved in the proposed fireworks display.

Councilmember Miles asked about the block party option.

Mr. Dougherty stated closing down a street with barricades in Downtown Kingman would be possible.

Councilmember Miles asked if there were activities that could be planned using the \$25,000.

Mr. Dougherty stated it was late in the process and he was not sure the City could get vendors.

Councilmember Young asked if staff had discussed any plans for the 4<sup>th</sup> of July.

Mr. Dougherty stated the committee had not been able to meet due to other obligations.

Councilmember Carver asked if the fireworks money could be moved.

Budget Analyst Diane Richards stated the money was in the Tourism Development Commission's (TDC) budget.

Councilmember Young stated the money had to be used for tourism of some kind and could not be moved.

Mr. Dougherty stated the money could be used for another tourism-related activity and if it was not used it would roll over into next year's budget.

Mayor Anderson stated there was a lot of frustration at the possibility of a 4<sup>th</sup> of July without fireworks or a celebration, but he understood the issues with the fireworks and he was not confident the City could arrange a large event in six weeks. Mayor Anderson stated he hoped the

City could plan something for next year.

Kingman resident Deborah Adler suggested approaching the radio stations of Kingman as they sometimes sponsored block parties and conducted on-location broadcasts.

Mr. Cooper stated the City had a special event permit process and any group could step forward and apply.

Vice-Mayor Wimpee, Sr. asked Mr. Walsh if he could have a business plan with the appropriate liability insurance ready for review by the TDC.

Mr. Walsh stated he could.

Vice-Mayor Wimpee, Sr. directed staff to call a Special Meeting of the TDC in one week to review Mr. Walsh's plan.

Mayor Anderson directed staff and Mr. Walsh to return to the Regular Meeting of the Common Council on June 2, 2015 with the TDC's recommendation.

6. **NEW BUSINESS**

**None.**

7. **REPORTS**

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

Councilmember Carver stated he attended the TDC meeting on May 7, 2015. Councilmember Carver stated the commission discussed items related to room tax and the possible disbanding of the TDC. Councilmember Carver stated the Council would receive a recommendation from the commission soon.

Councilmember Abram stated he attended the Planning & Zoning Commission meeting and the group revised the rejected landscape ordinance. Councilmember Abram stated the commission would create a subcommittee that contained builders and retailers in order to receive well-rounded feedback.

Councilmember Yocum stated he attended the Clean City Commission meeting and the group discussed starting a reusable bags campaign in the City.

8. **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.**

Mr. Dougherty stated he attended the International Council of Shopping Centers (ICSC) conference in Las Vegas, Nevada. Mr. Dougherty stated he made contact with approximately 12 developers and they all expressed interest in Kingman Crossing. Mr. Dougherty stated he also talked about the City as a whole and there was interest for developing other properties in Kingman. Mr. Dougherty stated he would follow up with the developers and keep them informed on available properties.

Councilmember Miles requested an agenda item for a presentation from ADOT relating to the I-11 planning process.

Councilmember Young stated she also attended the ICSC conference. Councilmember Young requested an agenda item to discuss strategic planning for Kingman Crossing.

Councilmember Carver requested an agenda item for an update on the State law forbidding plastic bag bans.

Mayor Anderson stated he also attended the ICSC conference.

**9. EXECUTIVE SESSION**

THE COUNCIL MAY GO INTO EXECUTIVE SESSION 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:

**Follow up – City Magistrate Recruitment**

The Council will review the City Magistrate finalist selection and discuss the next phase of the recruitment process.

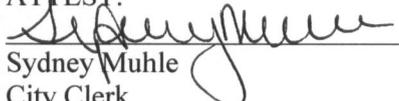
Vice-Mayor Wimpee, Sr. made a MOTION to enter into EXECUTIVE SESSION. Councilmember Abram SECONDED and it was APPROVED by a vote of 7-0.

The Council entered Executive Session at 7:41 P.M. The Council returned from Executive Session at 8:05 P.M.

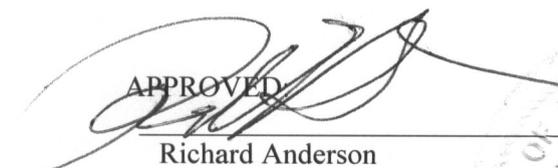
Councilmember Abram made a MOTION to ADJOURN. Councilmember Young SECONDED and it was APPROVED by a vote of 7-0.

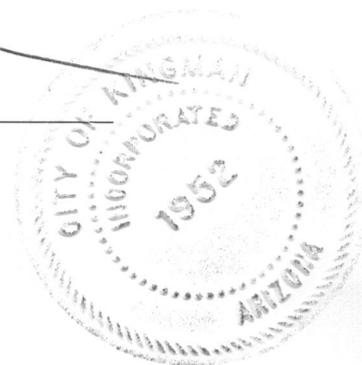
**ADJOURNMENT 8:05 P.M.**

ATTEST:

  
Sydney Muhle  
City Clerk

APPROVED

  
Richard Anderson  
Mayor

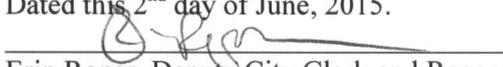


STATE OF ARIZONA)  
COUNTY OF MOHAVE)ss:  
CITY OF KINGMAN)

**CERTIFICATE OF COUNCIL MINUTES**

I, Erin Roper, Deputy City Clerk and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on May 19, 2015.

Dated this 2<sup>nd</sup> day of June, 2015.

  
Erin Roper, Deputy City Clerk and Recording Secretary

# VISITORS IN ATTENDANCE

City of Kingman

## Meeting of the Common Council

Council Chambers - 310 N. 4<sup>th</sup> Street - Kingman, Arizona

Meeting Date: 05/19/2015

	NAME - PLEASE PRINT	EMAIL ADDRESS AND PHONE NUMBER
1	John Russell	John.russells@live.com
2	Melba Kirkham	928-565-1631
3	Gene Kirkham	ATZ
4	Annie Meredith	480-203-3087
5	Tatum Newell	928-727-7305
6	Victoria Davis	951-214-2527
7	Madison Mckowan	928) 377-9862
8	Stephanie Mckowan	(928) 377-9862
9	John Hansen	928 279 5740
10	Martha Sperry	928) 363-9446
11	Sarah Herero	smherero@yahoo.com
12	Joyce Mollenhauer	
13	Dolly Moore KANMA	dmoore@lanon.com
14	Deborah Adler	debadler.sales@gmail.com 614-783-5784
15	Shawn Walsh	smwalsh31@gmail.com 928-279-3512
16	Denise Walsh	twalsh@atlink.net 928-753-5158
17	Marianne van Hasselt	m_leach_2011@hotmail.com 928-897-0246
18	Steve Johnson	steve@sonoranmugs.com 701-710-7737
19	Conrad Kent	708-1550
20	Arlene Potash	928 897 0841
21	Stefeni Merrett	
22	Jim Tabbert	ceretabbert@gmail.com
23	Anthony Taylor	tony@dti4Cat.com
24	Aaron Cerisola	aaron@parrotvapors.com
25	Kenneth Dean	kidean@romance.com

29 Go to see Ed Jones at live.com

26 Robbi Gunter

27. Matt Morales

rghyperspaceit@gmail.com  
matt@nationalvope.org

# Visitors in Attendance

29.) Christopher Fisher

Sora\_787@gmail.com

928 514 9450