

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

5:30 PM

**MINUTES
REGULAR MEETING**

Tuesday, September 6, 2016

CALL TO ORDER AND ROLL CALL

Members	Officers	Visitors Signing in
Richard Anderson – Mayor	John Dougherty, City Manager	See attached list
Carole Young -Vice-Mayor	Carl Cooper, City Attorney	
Mark Abram-EXCUSED	Jackie Walker, Human Resources Director	
Larry Carver	Keith Eaton, Assistant Fire Chief	
Kenneth Dean	Greg Henry, City Engineer	
Jen Miles—VIA TELEPHONE	Robert DeVries, Chief of Police	
Stuart Yocum	Mike Meersman, Parks and Recreation Director	
	Tina Moline, Finance Director	
	Gary Jeppson, Development Services Director	
	Rob Owen, Public Works Director	
	Joe Clos, Information Services Director	
	Sydney Muhle, City Clerk	
	Annie Meredith, Deputy City Clerk and Recording Secretary	

Mayor Anderson called the meeting to order at 5:33 P.M. and roll call was taken. All council members were present. Councilmember Miles attended the meeting via telephone. Councilmember Abram attended the meeting via telephone for executive session items only.

Invocation was given by Drew Patterson of Family Bible Church.

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 Work Session Minutes of August 2, 2016

Councilmember Yocum made a MOTION to APPROVE the Work Session Minutes of August 2, 2016. Vice Mayor Young SECONDED and it was APPROVED by a vote of 6-0.

b. Regular Meeting Minutes of August 16, 2016

Councilmember Yocum made a MOTION to APPROVE the Regular Meeting minutes of August 16, 2016. Vice Mayor Young SECONDED and it was APPROVED by a vote of 5-0. Councilmember Miles ABSTAINED from the vote.

2. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

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

Resident Gary Rucker addressed the Council. Mr. Rucker thanked the Council for the hard work they do for Kingman. He said that what he has for Council today is clarity and valuable information. He said that he is speaking as an individual that has property at the Kingman Airport. He said that his statements are his own and not the views or position of his employer. He said that his attorney said that he was unable to speak at the last council meeting. He said that he is in support of the efforts of the Kingman Airport Users and needs to emphasize the petitions that were given to Council at the last meeting. Mr. Rucker asked Council to please not ask again if they have worked with Kingman Airport Authority to resolve the problems. He said that the petition signers are the authority on the airport. He said that the petitioners hired legal council and he had a short list of findings that he handed out to Council and City Attorney Carl Cooper that he would like Council to look at. He said that the attorney strongly advised items concerning the contract. He said that this issue will be taken up with new council in a few months. He said that on item number 3 their attorney strongly urged them to address getting an independent forensic audit and also item 1 to look at the performances of the city attorney.

Resident Travis Lingenfelter addressed Council. He said that he was here to speak on item 8a

the Kingman Airport Authority lease which will be discussed in executive session this evening and transparency. He said that two months ago Council discussed hiring outside council to look at the Kingman Airport Authority lease and voted not to. He said that Mayor Anderson and Bob Riley held a meeting at Calico's recently and now the Kingman Airport Authority lease is back on council agenda to be discussed in executive session and unlike last time no one knows what it is. He said that the executive session is typically used sparingly with human resource issues and contract reviews. He said that this gives the image of impropriety. He said that Council should use it judicially and wisely, that they should not give the appearance of doing something behind the back of citizens. He said that it should be discussed in open session.

Mayor Anderson asked for anyone else wishing to address Council in call to public.

Resident Bill Abbott addressed the Council. He said that Travis covered the basic things of concern. He said that several people feel there are lots of things going on between the Kingman Airport Authority and at Kingman Airport. he said that he hopes as Council goes into executive session that council makes an effort to make these items regarding the airport and how it is being run transparent to the public.

Mayor Anderson asked if anyone else wished to address council. No one came forward.

3. CONSENT AGENDA

Councilmember Miles requested to pull items K and L off of the consent agenda for discussion.

Councilmember Yocum made a MOTION to APPROVE consent agenda items A through J and M. Councilmember Dean SECONDED and it was APPROVED by a vote of 6-0.

Councilmember Miles asked to have item K removed for discussion because it involves getting travel cards for staff. She said that as she read it that it seemed there was no constraint on limits for per diem. She said that she is wondering if they will be paid on per diem or just from receipts and that there are no restrictions for alcohol in the guidelines and policies. She said that she believes that we need those restrictions on these cards. She said that in her most recent experience you would use the card for hotel and get an advance for per diem. She asked what are the limits.

Finance Director Moline addressed the Council. She said that per diem is issued for any travelers conducting city business in advance but that there are times staff is traveling for the day or for unexpected travel so do not have the notice needed to cut a check. She said that this is to be used as a fuel card. She said that the rates are not in the travel card policy but that they are in the travel policy. She said that the maximum daily limit per card would be \$500 dollars and the maximum spending limit for the month would be \$5000 and that the cards can be issued to multiple staff persons.

Councilmember Miles thanked Mrs. Moline for the clarification. She said that it seems to be extremely liberal and that \$500 a day is a lot. She said that \$500 and \$5000 limits are high.

She said there should be a per diem amount and then exceptions can be made as needed but that it should be defined. She said there also needs to be constraint on what it can be used for, to exclude alcohol.

Mrs. Moline said that it is in the travel policy but not in the travel card policy. She said that per diem rates are also listed in travel card policy.

Councilmember Miles said that that was not in the packet and that we should have established rates. She said that it looks like whatever is paid we will be charged.

Councilmember Yocum said that sections 3,4, & 5 of the travel card policy briefly address this vaguely. He said perhaps the card policy should be sent back to staff with some additions and some tightening or sealing of specific limits put into place.

Councilmember Miles said that she agrees with that.

Councilmember Miles made a MOTION that item K- Resolution 5036 be sent back to staff for tightening of some of the items in regards to expenditures.

Mayor Anderson asked Mrs. Moline if these rates follow GSA guidelines and she said yes they do in the travel policy.

Vice Mayor Young asked Mrs. Moline how often it occurs that staff can not get a per diem check and Mrs. Moline said that it is mostly day trips for Kingman Police Department and not often for overnight trips.

Councilmember Yocum made an official MOTION to send item K- Resolution 5036 back to staff for tightening of language and amounts. Councilmember Miles SECONDED and it was APPROVED by a vote of 6-0.

Director of Public Work Rob Owen is present for questions in regards to Item L.

Councilmember Miles had item L removed. She thanked Mr. Owen for putting it together. She said that she only has a minor comment on the first paragraph of the executive summary where first person is used instead of third person. She said it is a professional document and should be in third person. She asked Mr. Owen to look at that and put it into third person like rest of document.

Councilmember Miles made a MOTION to APPROVE with the small modification. Councilmember Yocum SECONDED and it was APPROVED by a vote of 6-0.

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. Contingency Reserve End of Year Transfer Request

During the months of July 2015 – November 2015, former Budget Analyst Diane Richards misappropriated \$112,557 of City funds. This was an unexpected loss and was not accounted for in the City's FY2015-16 adopted budget. Staff is requesting Council to authorize a general fund contingency transfer of \$112,557 to cover the loss

incurred. **Staff recommends approval.**

b. Award of bid for Ford PI Interceptor Police Package Vehicles

The Kingman Police Department solicited for bids for four (4) 2016 or newer Ford PI Interceptor Police Package vehicles. Three separate bids were received and opened on August 29, 2016. **Staff recommends accepting and awarding the lowest bid, based upon current procurement code, submitted by PFVT Motors LLC of Peoria.**

c. Award of bid for Ford Taurus sedans

The Kingman Police Department solicited for bids for three (3) 2016 or newer Ford Taurus sedans. Three separate bids were received and opened on August 29, 2016. **Staff recommends accepting and awarding the lowest bid, based upon current procurement code submitted by PFVT Motors of Peoria.**

d. Award of bid for Ford Explorer SUV

The Kingman Police Department solicited for bids for one (1) 2016 or newer Ford Explorer SUV. Three separate bids were submitted and opened on August 29, 2016. **Staff recommends accepting and awarding the lowest bid, based upon current procurement code, to PFVT Motors, LLC of Peoria.**

e. Special Event Liquor License- Boys & Girls Club of Kingman

Applicant Billy T. Ward of The Boys & Girls Club of Kingman has applied for a Series 15 Special Event Liquor License for an event to take place on Saturday, November 05, 2016 from 10 AM to 5 PM at Metcalf Park located at 315 W. Beale St. in Kingman. **Staff recommends approval.**

f. Special Event Liquor License- Kingman Route 66 Rotary Foundation

Applicant Rebecca Joan Fawson of Kingman Route 66 Rotary Foundation has applied for a Series 15 Special Event Liquor License for an event to take place on Friday, October 7, 2016 and Saturday, October 8, 2016 from 10 AM to 9 PM at Locomotive Park located at 310 W. Beale St. in Kingman. **Staff recommends approval.**

g. Recapture settlement with AZDOH

In 2014 the City was awarded a \$271,287 CDBG Owner Occupied Housing Rehab and Sewer Hook-up grant administered by Arizona Department of Housing (AZDOH). After AZDOH performed an audit in 2015 the City was informed that they wanted to recapture \$95,046.81 of the grant award primarily due to lack of appropriate documentation. The City appealed AZDOH's findings. Staff went to Phoenix for a settlement conference with AZDOH. The City provided information that remedied most of the issues found in the audit. AZDOH provided staff with additional time to remedy the final issues. AZDOH informed the City that they have accepted the City's remedies and revised their recapture demand to \$20,384. **Staff recommends acceptance of the settlement agreement and pay the recapture demanded by AZDOH.**

h. Authorization for the Mayor to sign a Proposed Development Agreement for the completion of site improvements required for a commercial building at 810 Eastern Street

A commercial building shell was constructed at 810 Eastern Street in 2007. A portion of the northern 11-feet of the parking lot and landscape area was not completed at the

time of development. In addition, a driveway was required around the northern side of the building that extends onto the lot to the north of the subject site. The driveway was also not constructed. A development agreement between the City and the prospective owner has been proposed which outlines the conditions under which the development can move forward. The completion of all required on-site improvements and the paving of the driveway will need to occur prior to the permitting of tenant improvements for Units 3 and/or Unit 4. **Staff recommends approval.**

i. Approval of Professional Services Agreement with Sunrise Engineering for GIS Implementation, ENG16-0030

Last year a Needs Assessment was completed that outlined a 3 year plan to implement Geographic Information System (GIS) technology for the City. The principal focus of the first year is to establish the foundation of how GIS data will be stored, accessed and distributed to City departments. It will also include identifying high-priority data to be converted and used in GIS software and applications. Staff has been negotiating with Sunrise Engineering, Inc. to complete this work and their proposal is attached. Major items include establishing best practices and workflows for GIS data, training city staff on the GIS software, training on data transformations and converting the water distribution system and sewer system into GIS models. Sunrise will also convert easement data, parcel information, zoning information and transportation systems information into GIS features. Online viewers will also be created so that information can be viewed by other departments and in the field by operations personnel. The work is proposed to be completed for a fee not to exceed \$160,760.00. **Staff recommends that the City Council approve the agreement and authorize the mayor to sign the agreement on the City's behalf.**

j. Special Event Liquor License- Kingman Downtown Merchants Association

Applicant, Matthew Wanner of Kingman Downtown Merchants Association has applied for a Special Event Liquor License to take place Wednesday, September 21, 2016 from 6 to 11 p.m. at 221 E Beale Street, Suite B in Kingman. **Staff recommends approval.**

k. Resolution 5036 - Authorization to Implement a Travel Card Policy

The City issues fuel cards to employees who do not possess purchasing cards but incur fuel costs when driving a City-owned vehicle to conduct authorized out-of-town City business. These fuel cards are only acceptable at specific fuel stations, such as Chevron, Shell and Texaco. The City, also, reimburses employees for meals, hotels, and other travel related transactions for authorized out-of-town City business for those employees who do not possess a purchasing card. This can present a financial hardship on the employee. Resolution 5036 authorizes the Finance Department to implement a travel card policy. Prior to the issuance of a City travel card, all designated staff will be required to acknowledge receipt of the policy and sign a cardholder agreement. **Staff recommends approval.**

l. Resolution 5037 to adopt Kingman Area Regional Transit Title VI Implementation Plan

The Federal Transit Administration requires that all grantees have a comprehensive Title VI Plan approved by their governing board. The existing Title VI Implementation Plan has been updated to include all additional information necessary to remain in compliance with federal requirements. **Staff recommends approval.**

m. Special Event Liquor License- Kingman Downtown Merchants Association

Applicant Matthew Ray Wanner, of Kingman Kingman Downtown Merchants Association has applied for a Series 15 Special Event Liquor License for an event to take place on Saturday, October 15, 2016 from 6 AM to 11 PM at The Grand Event Center located at 515 East Beale St. in Kingman. **Staff recommends approval.**

4. OLD BUSINESS

5. NEW BUSINESS

a. Consideration of Resolution No. 5034 approving a preliminary plat for Southern Vista V, Tract 6048

A request from Doug Angle of Mohave Land Holdings, LLC, applicant, and Tim Walsh, P.E. of Bull Mountain Engineering, project engineer for the approval of a preliminary plat for Southern Vista V, Tract 6048. The subject property is located along the south of Karen Avenue, north of Whitehead Avenue and east of N. Central Street. The subdivision is proposed to have 275 residential lots on approximately 72 acres. The property is zoned R-1-6, R-1-8, and R-1-20. The Planning and Zoning Commission voted 7-0 on August 9, 2016, to recommend approval of the preliminary plat with the recommended conditions in the staff report. **Staff recommends approval.**

Director of Development Services Gary Jeppson gave Council a presentation on Resolution No. 5034

Slide 1-This was an introductory slide.

Slide 2- Mr. Jeppson gave a summary of this slide.

Slide 3- Mr. Jeppson gave a summary of this slide.

Slide 4- Mr. Jeppson gave a summary of this slide.

Slide 5- Mr. Jeppson gave a summary of this slide.

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

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

Slide 8- Mr. Jeppson gave a summary of this slide.

Slide 9- Mr. Jeppson gave a summary of this slide.

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

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

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

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

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

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

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

Councilmember Yocum made a MOTION to APPROVE Resolution No. 5024. Vice Mayor Young SECONDED and it was APPROVED by a vote of 6-0.

b. Consideration of Resolution No. 5035, a Street Deferral for H&H Development, 1816 Dawes Street; Case SD16-0003

Richard Hamilton of H&H Development is expanding his building located at 1816 Dawes Street. the existing building is 576 square feet and the proposed addition is 288 square feet, which a 50-percent expansion. Street improvements are required on redeveloped properties when the redevelopment is greater than \$20,000 or more than

25-percent. Mr. Hamilton's basis of requesting the street deferral is because of financial hardship. The lack of street improvements is allowing H&H Development to violate the parking lot design requirements of subsection 22.700 of the Zoning Ordinance that requires the parking lots to be paved and prohibits vehicles from backing into the street. Adjoining properties have curbs. **The Traffic Safety Committee recommends denial of this street deferral request. However, if the City Council finds that this street deferral request meets the criteria of a street deferral, Resolution No. 5035 is attached for the City Council's consideration.**

Development Services Director Gary Jeppson gave Council a presentation on Resolution No. 5035. He said that the applicant is Mr. Hamilton.

Slide 1-This was an introductory slide.

Slide 2- Mr. Jeppson gave a summary of this slide.

Slide 3- Mr. Jeppson gave a summary of this slide.

Slide 4- Mr. Jeppson gave a summary of this slide.

Slide 5- Mr. Jeppson gave a summary of this slide.

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

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

Slide 8- Mr. Jeppson gave a summary of this slide.

Slide 9- Mr. Jeppson gave a summary of this slide.

Mr. Jeppson said that the Traffic Safety Committee recommends denial of this request.

Councilmember Dean asked Mr. Jeppson if other residents back into the street and if so is there a difference.

Mr. Jeppson said that for residential it is allowed but for commercial it is not. He said that for commercial businesses it is designed that vehicles head out forward.

Resident Richard Hamilton addressed the Council. Mr. Hamilton reviewed a photo Mr. Jeppson had shown of other businesses that are backing out into the street. He said the pictures are great and that he loves them. He said that he would like to apologize for having to come to Council and waste their time on this matter. He said that for 2 years he has been trying to get this completed. He said that tonight he is here about a deferral for sidewalks, curbs, and gutters that he sent to Mr. Jeppson in August. He said that Mr. Jeppson said that the reason for denial would be due to backing into the street but his plans call for 5 parking spaces inside of property. He said that he does not know why parking keeps coming up because it has been addressed. He said that he is asking for deferral due to cost to small business owners. He said that it could cost \$50,000 to improve the street. He said that the area is established and the City has no plans to put sidewalks in. He said that he wants to improve his office and make it look even better than it does now. He said that right now the cost is too great to do what the City is asking for. He said that he could put up sheds but would rather add a 280 sq ft addition. He said that he would like council to approve his request.

Vice Mayor Young clarified with Mr. Hamilton that he has 5 parking spaces and he said yes they are inside the fence.

Councilmember Yocum asked Chief DeVries if council were to deny this request, as per staff recommendation, what might the police department do as far as enforcement of

the commercial vehicles parked on this right of way and parking up on the sidewalk as shown in the picture.

Police Chief DeVries said that his volunteers take care of parking enforcement and upon a complaint they can have it reviewed. He said that Chapter 7 is being completely reviewed at this time and they have had discussion of term of parking on streets. He said that it will be coming to council for review.

Councilmember Dean asked Chief DeVries if there have been any parking complaints and Chief DeVries said not that he is aware of.

Councilmember Yocum said that Mr. Hamilton is proposing additional parking for his proposed project and Councilmember Dean said yes off the street.

City Manager John Dougherty said that on the request of Mr. Hamilton we went out and looked at this and that he argued on behalf of him at the Traffic Safety Committee meeting. He said that he does not see the need for sidewalk. He said that whether Council wants to require curb and gutter that is a different story, but would argue that it isn't on a property owner to improve street. He said that this is an improved street so it falls on the City, not the property owner. He said that this is not a building for customers to come in and out. He said that right down the street is a veterinarian office with customers backing out, not saying go after them but this place does not have that situation and wanted to point that out to Council.

Mayor Anderson said that he has also visited the property this last week and about six months ago. He said that he does realize Mr. Hamilton is making a significant improvements to property and that he agrees with Mr. Dougherty that his responsibility is not the street, not the curb and gutters. He said that he thinks that the city is perhaps being too harsh. He said that Council is trying to attract and maintain business and this does not send good signal.

Vice Mayor Young said that she loves when businesses expand. She said that he is accommodating five spaces off street. She said that her concern would be safety along the street but that he is not going to have it.

Councilmember Miles said that she has questions on Resolution No. 5035. She asked what does it accomplish?

Mr. Jeppson said that if Council grants deferral then Mr. Hamilton can put in his addition without putting in the required street improvements.

Councilmember Miles said that this resolution allows him to have a deferral without any consequence but she thought that with this resolution it gave Council the option to seek this improvement at a later date with the Cities discretion.

Councilmember Yocum asked if is it not correct that if the City chose to later undertake this as an improvement district, could put in the necessary curb and sidewalks but levy the owners of that district to do so.

Mr. Jeppson said that this does not obligate Mr. Hamilton to join the improvement district.

Councilmember Yocum said that the City might undertake it later as an improvement district and put those curbs and sidewalks in.

Mr. Jeppson said that is true.

Councilmember Yocum made a MOTION to APPROVE Resolution No. 5035.
Councilmember Dean SECONDED and it was APPROVED by a vote of 6-0.

c. Historic Preservation Commission

At the last Council meeting, representatives of the Historic Preservation Commission requested that they be allowed to meet more frequently than four times per year. There is a City code that says they "shall meet" four times per year. In order to clear up any confusion Staff thought it best to modify the language to allow them to meet on an as needed basis or as directed by Council. **Staff recommends approval.**

City Attorney Carl Cooper said that this item is in response to the last Council meeting when the Historic Preservation Commission had concern about not being able to meet as often as they would like. He said that the city code said that they should meet four times a year and so he changed the language to allow them to meet as needed or directed by Council.

Councilmember Yocum thanked Mr. Cooper and said that was going to be his first question. He asked Mr. Cooper if as needed will permit them to to meet monthly as apposed to they have to meet monthly, but as they wish to.

Mr. Cooper said yes that is what it will do.

Councilmember Miles said that as liaison for this commission that she knows that they feel they need to meet monthly for some of the issues that they are addressing. She said that she think this gives them the full ability to do that.

Councilmember Miles made a MOTION to APPROVE Ordinance 1818.
Councilmember Yocum SECONDED and it was APPROVED by a vote of 6-0.

Mayor Anderson said that several of the Cities commissions are getting involved and this is a good step.

d. Recycling bins located at Pawnee Park

At the last Council Meeting a resident in the neighborhood of Pawnee Park came to the Council Meeting to complain about the recycling bins being placed at the park. All the legitimate complaints from the residents have been dealt with (time of pick up and blocking sidewalks). Greg and Katy Plant circulated a petition in the neighborhood requesting that the recycling bins be removed, which has been attached. Staff observation is not finding the a majority of the complaints to be justified. **Staff recommends that the recycling bins be left in place.**

City Manager John Dougherty asked Council if they wanted to take citizen comments first.

Mayor Anderson said that he believes that the audience should hear what Council has to say and then have the comments.

Mr. Dougherty said that about a month ago recycling bins were placed at Pawnee Park on Southern. He said that this is an area that was underserved for recycling. He said that he has received complaints about the ugly bins. He said that they are newly painted and green. He said that there has not been an increase in traffic, that in the month that they have been there they are the busiest and fullest bins being picked up. He said that there was a complaint about them being picked up too early so he had Eddie and his team address it. He said that he had a complaint that the bins were on sidewalk, so they moved them to the street but after the last rain there was some wash out that had to be cleaned so they were moved back to sidewalk again. He said that the issue is that they can only go so far back due to the trucks reach. He said that the street department has said that they can put up three sided bins to block the view and paint them earth colors to blend with the desert scenery. He said the neighbors that signed the petition do not want them there. He said that there are around 800 homes in Rancho Santa Fe and Hualapai Foothills and that the people appreciate not having to drive across town to deposit recycling.

Councilmember Dean asked Mr. Dougherty about the petition that he said was attached because he did not see one.

Mr. Dougherty said that there should have been one attached with 62 signatures on it.

City Clerk Sydney Muhle said that it might not have attached and she can send it to Council.

Councilmember Dean asked Mr. Dougherty if the 800 homes he is talking about also utilize those bins.

Mr. Dougherty said yes, the Rancho Santa Fe and Hualapai Foothills area.

Mr. Dougherty said that is the only area that the city owns property that we can put recycling bins on. He said that he agrees that the ideal place would be commercial property but none available at this time. He said that maybe when Kingman Crossing is developed we can put them there.

Resident Doug Dickmeyer addressed the Council. He said that he was pleased when the City listened to the residents and removed the trash dumpsters from Southern and Adams but to his disbelief the City placed the eleven dumpsters up the road to another residential neighborhood. He said that he can not believe that the City did this not realizing they would get the same response. He said that eleven or twelve commercial type dumpsters have been placed in front of Pawnee park, residential large homes on one acre lots with unrestricted view of dumpsters. He said that this is not a good look. He said that for the City staff to say complaints are unjustified are arrogant and disrespectful. He said that he would like to know the name of the staff that said these residents concerns are unjustified. He said that although he believes this is a good location for recycling it should not cause detriment to surrounding residents. He said that he believes that there are only a couple options at this point; move the trash

dumpsters until a suitable location is found, work with surrounding residents to find a suitable solution. He said that one solution may be building a cement pad with tan or brown block walls around on three sides. He said that they should be removed until a contained structure is completed. He said that no decision should be made until all council members have visited the site and have discussed solutions one-on-one or at a town hall. He said that he would prefer a town hall. He said he would suggest dumpsters be removed and items tabled until residents and City Manager have a meeting or town hall and new mayor and council sworn in. He said that together we can find a solution and common ground beneficial to all.

Mayor Anderson asked Mr. Dickmeyer about his listed option of finding another location. He said that this is a fair distance from Mr. Dickmeyers residence. He asked where Mr. Dickmeyer would suggest the City look to try and remedy the problems and still have a location where these recyclables could be deposited.

Mr. Dickmeyer said that they are a considerable distance from his house but that he drives that road at least once or twice a day. He said that is why he thinks that there should be meetings or town halls for residents to discuss this. He said that Mr. Dougherty said that there is no place to put the bins but at Southern and Eastern there is a commercial shopping center there with a vacant lot beside it. He said that room could be made at the back end of Fire Station No. 4 by the school. He said it just needs to have a town hall to discuss some of these situations. He said that another good place would be City owned property across from fire station on Andy Devine. He said that unless we have a discussion we will never know. He said that Council has to understand that this is a residential neighborhood. He said that if the city could build containment wall that blocks view then doesn't know if residents would have a problem. He said that he comes here to support them because he believes that all citizens should be supported.

Mayor Anderson said that he realizes that Mr. Dickmeyer participates in a lot of discussions which is why he asked him for his ideas.

Mr. Dickmeyer said that he sat out there the other day and took some pictures but unfortunately forgot them. He said that he talked to man emptying recycling items out of the back of his truck into them and the man said that he really likes them but does not like them being there. He said that he also talked to a gentleman in the second house up and he didn't mind them at all but 90% do. He said that he suggests that the dumpsters be removed and the item tabled.

Councilmember Yocum had a question for staff to address residents concerns in the area, can the dumpsters be placed in a less developed area like Louise and Sage in the city right of way to maximize accessibility and have fewer homes around them but have them accessible.

Public Works Director Rob Owen said that they can go look at some other locations.

Councilmember Yocum asked if they can not be marked as the typical recycling bins are with the navy blue color and white triangular symbol. He said perhaps line them up as we do along Sage and signs that say put your recyclables in these here.

Mr. Owen said that they can look at other locations. He said that the containers are painted green. He said that they have to work with what their trucks and people can get

to. He said that they can look at different locations if that is council's direction.

Councilmember Miles said that she wants to commend the people who are putting all of their recycle materials correctly in each of the bins. She said that there are people in that area dedicated to that process. She said at the same time she has heard complaints and is aware that people are unhappy so with that, she said that recycling is not a mandate it is an opportunity and privilege to have them near you but not if you feel they are an eye sore or that they are intrusive. She said that she thinks the City should move them because she doesn't know if you can create a visual barrier with the playground. She said that she doesn't know if a town hall is necessary but would like staff to come back with options. She said that there is going to have to be a compromise. She said that she would like recommendations on alternative areas. She said that it might not be as close or serve that area as well as this does for convenience but that we need to look at alternatives. She said that some good locations have been mentioned already by Mr. Dickmeyer but she would like to have staff's opinions on what are some options. She said that she hates to see that it isn't working but glad to see people dedicated to recycling.

Councilmember Yocum asked Councilmember Miles if she would like to put that into a formal motion

Councilmember Miles made a MOTION to have staff come back with alternative locations and recommendations for Council.

Vice Mayor Young said that she lives two blocks from there and understand that residents do not want something blocking their view of the mountains. She asked Mr. Owen if the City owns land on Louise and Mr. Owen said yes.

Vice Mayor Young asked if we can put them there.

Mr. Owen said that he can take a look, that he has a map showing all City owned properties.

Vice Mayor Young said that it seems to be away from most of the residential areas there.

Councilmember Yocum SECONDED the MOTION.

Mayor Anderson said that he would like to give an opportunity for the rest of the people that have signed up to speak. He asked that they take into consideration the discussion that has gone on and the motion that is on the floor it would be very helpful.

Resident Sherry Courson addressed the Council. She said thank you to Council for considering their feelings because they do not feel like the dumpsters belong in the neighborhood. She said that someone put out a piece of plastic that did not fit in dumpster and left in road and it is dangerous.

Resident Katy Plant said that she has pictures that they have taken. She said thank you to Council for allowing them to hopefully finalize this. She said that one week ago she came here and that the City Clerk made copies and put them on Mr. Daugherty's desk and the Mayor's desk. She said that there were 69 people at that time that she along got signatures from. She said that she has been very busy and no one wants them at this

point. She said that she and her husband lived there for 14 years and at the time that they built house their house that they lived in a van at the park. She said they knew what parks were like, so they fought to get park not put in but not enough people fought for it. She said that now they feel extra violated because they are blocking their view. She said that a lot of other people said what she was going to, but asked what about bureau of land management land.

Mr. Owen said that they can check on that but the acquisition or permitting of use of BLM property is pretty rare and specific. He said that he thinks they have a program if you are developing park space. He said that he will check into it.

Mrs. Plant said that there are a lot of other businesses like Dollar General and Kentucky Fried Chicken out in nowhere that would love the business. She said on the issue of people putting all trash in trash bins is because it's on their way to Bashas and Louise. She said that she can hear bam bam noise all of the time and she has noticed a lot of extra flies. She said that she was talking with Bob, she didn't know his last name but he has a locksmith business and he lives in Rancho and he was putting stuff in there and he said that he would rather dumpsters were somewhere else but since they are right here he'll use them.

Resident Greg Plant said that he has some pictures he would like to show if someone can help plug them in.

City Clerk Sydney Muhle said that she is not sure if we have a reader but she will try to plug it in.

Mr. Plant said that there are a lot of people who do use these bins and that he applauds the City for trying to do something. He said that they bought their property because no horses are allowed they did not want flies and smells and the bins brought that in right next to them. He said that they were hoping that with Angle wanting to put new houses in that maybe down Southern a little bit would be nice.

Mrs. Muhle said that she is sorry our computer will not play the disc.

Mr. Plant said that the photos were going to show the bins, some garbage, spare tires, bins on sidewalks, and off sidewalks. He said that right now he can't use he sidewalk and he imagines that there are ordinances against that. He said that he is hoping there can be some kind of compromise here. He said that they hope that Council and the City can do the right thing and look into this and get it done.

Resident Sharon Kirkland addressed the Council. She said that her husband Bill and herself have lived there for 20 years and woke up one morning to eleven green dumpsters in their line of sight. She said that she doesn't know why the City would put them at a park that was used by the children and there was an old tire there and people are there until 11 o'clock at night. She said that she is glad that Council is going to consider moving them somewhere else. She said that it's not that they don't like to recycle but they were going to Basha's and that was fine. She said that everyone goes to the grocery store.

Resident Diane Schultz addressed the council. She said that the containers are not just a green but Halloween green, a startling and horrible color. She said that everyone is invited to her house for coffee and pastries to walk out the front door and look at them.

She said that what amazes her are the little kids down there and she is afraid of fingers getting caught and kids getting thrown in the dumpster because they're kidding around or playing rough. She said that she is thankful to Council for considering.

Mayor Anderson said that as the City looks into this and looks at alternative places that staff considers some of the people that have written to us and go through them to coordinate any additional people so that we can have a discussion with several people.

Councilmember Yocum asked if for clarification does anyone wish for the motion to be read back.

Councilmember Carver said yes.

Mrs. Muhle said that the motion is for the item to be returned to staff to come back with alternative locations.

Councilmember Dean asked if we are going to leave the dumpsters there now since it was not a part of the motion and that seems to be a concern.

Councilmember Yocum said that we do not have a location to move them to so they have to stay for the moment.

Councilmember Miles said that we should ask that those alternatives come back rapidly like by next meeting, if they can meet with the people that the Mayor has recommended by the next meeting. She said that she feels it is important to move forward. She said that she would amend the MOTION as such.

Mayor Anderson said that we have a motion and asked if there was a second.

Councilmember Yocum SECONDED the MOTION.

Mayor Anderson said that this is voting on the amendment to the original motion.

City Attorney Carl Cooper asked what the amendment was.

Councilmember Miles said that the original motion was to have staff bring to Council alternative locations for the recycle bins and as amended it would be rapidly by the next meeting after meeting with people about various locations.

Councilmember Carver said that in the mean time they are staying where they are at.

Mayor Anderson said hopefully in two weeks will have some resolution.

Mayor Anderson said that Council votes on the amendment first and called for a vote.

Councilmember Yocum asked if they are voting on the amendment or the motion.

Mayor Anderson said the amendment.

Councilmember Carver said that he is still confused. He said that right now the amendment is just to have staff come back with recommendations.

Councilmember Miles said no, that was the original motion and the amendment was the time frame which is by the next meeting and after meeting with residents who would like to suggest locations.

Councilmember Yocum said that he seconded that.

Councilmember Carver said that he just wanted to be clear.

Mr. Cooper said that Council currently has two motions.

Councilmember Miles said that she amended the original motion to add a timeline and meeting with residents.

Mr. Cooper said that Councilmember Miles has amended the original motion to come back in two weeks.

Mayor Anderson called for a vote and the motion PASSED 5-1 with Councilmember Carver voting nay.

6. REPORTS

a. Presentation on Beale Street Theater

The owners of the Beale Street Theater will be present to give Council and the public a brief presentation on what their vision is for the theater once it is remodeled. Since this is a noticed agenda item the Council will have the opportunity to ask questions if desired.

Resident Sara Peterson addressed council. She thanked Council for allowing her to come speak tonight. She introduced herself and Kristina Michelson. She said that she moved to Kingman just over a year ago. She said that she is excited to be here, that they love Kingman and she is excited to raise her children here. She said that one of the concerns she has being an artist and an art teacher is the perceived lack of cultural opportunities. She said that when she came back to Kingman she was determined to create that kind of artistic experience for myself and when she got here and talked to others she realized that void was greater than just a cool place for her to paint. She said that her vision expanded to something much bigger than she expected. She said that they are here today representing Kingman Center for the Arts. She said that since December when they had their first meeting, since then they have formed a non profit who's mission is to bring more arts related opportunities to Kingman, want to provide opportunities for youth and adults alike to develop artistic skills. She said that they want to bring entertainment and cultural experiences to our city. She said that they have purchased old theater down on 3rd and Beale St. to renovate it. She said that she is going to turn some time over to Kristina Michelson who is the executive director of their non profit to outline some of the things they are doing and hope to accomplish.

Resident Kristina Michelson addressed the Council. She said that they have completed their 501c3 paperwork and it is at the IRS and should get their letter shortly. She said that they have set up website and Facebook page and have started to raise money. She said that so far raised over \$20,000 from the community. She said that they have had two community fundraisers. She said that there is a lot of desire for this to happen and

to see and be in performances. She said that their vision for the theater is to have a performing arts venue for live performances and concerts. She said that they will be purchasing digital cinema equipment. She said they will have it available as a recital hall for classical music. She said that there is a desire to have it open for business rentals as well. She said that the schedule right now they need to have a materials test done and need to have lease agreement signed as a non-profit organization. She said that starting next week they will have building assessment done. She said that they are working with architect Jackie Huntoon to get them going. She said that once the building assessment is done they will set up a building renovation schedule and hire a contractor to start on renovations.

Mrs. Peterson said that they are excited and that they have already gotten programs started. She said that they are creating community theater opportunities, they are having productions. She said that the original vision is to have a center for classes, studio space, rehearsal rooms, practice rooms, that can accommodate huge need for that right now. She said that they are going to work hard and continue to create opportunities and do what we can with what we have to grow and get support. She said that they can apply for grants when they get their official approval from the IRS. She said that the arts are so important to our culture and our community. She said that so much has been said about revitalize Kingman and an economic development plan. She said that she implores Council to consider the arts in all of those plans. She said that if you look at Kingman compared to the cities we compare ourselves to the difference is art and culture. She said that she looks forward to Council's cooperation and support in their endeavor.

Councilmember Yocum said thank you to Mrs. Peterson and Mrs. Michelson. He said that he is appreciative of efforts in current initiative to bring more entertainment, options, and economic development to town.

Mayor Anderson said that it is good to see this snowballing in addition to the other growth downtown. He said that they have mentioned to him before some other plans and that she really does have a vision.

Councilmember Dean thanked them for investing in Kingman and agreed that there is a need for more arts.

b. Veterans Court Update

Judge Singer will be providing the Council and public with an update on Veterans Court.

City Magistrate Judge Singer gave Council a Veterans Court update. He said that it has been a while since he has come before Council with an update. He said that his first big announcement is they are having a graduation on September 14th at 1:30pm. He said that he is very proud of the programs first graduate. He said that she has done very well in program. He said that he is exited as the program continues to build and grow. He said that the program along with their sister court in Lake Havasu City is at double digits now with ten veterans in the program. He said that seeing the program progress and excel he can the see changes in them as they start out in the beginning. He said that it is not an easy program and that they tailor the program for each individual veteran. He said that hopefully they are in a lot better place when they complete the program. He

said that part of coming here is that this program has excelled and that he gets a little embarrassed when people say this is Judge Singers program that there is too much credit thrown his way. He said that this is the City of Kingman's program. He said that everyone has contributed and helped this program excel. He said that it has been nine months since they started the program and that his staff has done a great job. He said that he wants to recognize them and thank the community. He said that even before he became Judge last June, knew it was a priority to the City of Kingman. He thanked Council for their support and fellow department heads like Mike Meersman with events and Tina with finance, and Chief DeVries. He said that Rusty Cooper is a team member. He said that they have been so supportive in seeking the help that the veterans need in this program. He said that they are helping them get the assistance they need. He said that Carl Cooper has designated prosecutors as gate keepers and that under Carl's guidance they have done a tremendous job. He said that this is Kingman's program. He said that we have veterans groups, the Jerry Ambrose foundation, Cornerstone Mission, MCC and that they have all come together to help out. He said that they have just started a mentor program and that many have come forward to serve the participants in the program. He said that he is so grateful to the Kingman community and the veterans who have come forward to mentor. He said that he hopes everyone takes pride in where we are going with this thing. He brought an example, different phases, they get dog tags that were made, borrowed ideas from other courts. He said that there are key words on them, phase 1 courage, phase 2 courage, and phase 3 honor. He said that the program is difficult and that they have their thumb on them and there are also rewards. He said that they offer counseling for substance abuse, PTDS, and other issues. He said that they had a veteran wearing a dog tag to court and the veteran said it was the first time he ever received a medal for being in the military. He said you can see what a difference program is making. He said that he has been a lawyer for 19 years and this is the most meaningful program in his career. He said that the City is making a difference for these people. and that this is a way Kingman can give back. He said that how people can get involved in program is as they hear about it, the veterans come to them for help with housing and employment. He said that they can help with resources and connections to help out veterans in program or not. He said thank you to Council, Mayor, City Manager, and everyone.

Councilmember Yocum acknowledged Judge Singer for spearheading the program and helping implement it and thanked Judge singer.

Councilmember Dean also thanked Judge Singer.

7. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

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

City Manager John Dougherty said that he has three announcements. He would like to recognize Parks and Recreation, Guy Reynolds and Mike Meersman along with the Venture Club of Kingman. He said that he attended the ribbon cutting last Friday at splash pad and hats off to Venture Club for all of their hard work. He said that he talked with Mr. Meersman about a few changes but that the kids enjoyed it. He said that he and Councilmember Miles attended the Eagle Scout dedication and received a certificate of appreciation from the Dig It group. He said that September 17th is Chillin on Beale St. and invites everyone to come downtown to see cars and frequent the restaurants and bars. He said that next week he will

have an update on the Best of West on 66, that staff has done a lot of planning on this event.

Councilmember Miles reported that she attended the Historical Preservation Committee meeting on August 23rd and was very encouraged by their progress. She said that they are working on the development of a miners monument on 4th street near train depot. She said that Commissioner Russell is creating a time capsule that is going in the monument. She said that if anyone had any ideas for the time capsule to contact Commissioner Russell. She said that progress is being made on the landmark program. She said that Commissioner Huntoon is spearheading creating an action plan on building the landmark program and that they are taking positive steps.

Councilmember Dean said that his Commission meeting was cancelled.

Councilmember Carver had nothing to report.

Councilmember Yocum had nothing to report.

Vice Mayor Young said that she also attended the grand opening of the splash pad and that the Venture Club did a fantastic job. She said that it is a great asset at the park and that it was well worth it for the kids. She said that it was full of kids that day and they did a wonderful job.

Councilmember Yocum said that he would like to echo Mr. Dougherty and Vice Mayor Young's sentiments regarding Venture Clubs efforts and the asset they have provided the City with and Parks and Recreation.

Vice Mayor Young said that this Saturday is the city clean up with the United Way and Clean City Commission.

Mayor Anderson said that he attended the League of Cities and Towns and that Vice Mayor Young has a plaque to be awarded but want people to know she has spent 8.5 years on Council and those who are lucky to make 8 years get a plaque from the League. He said that he will present it two weeks from tonight and that Council appreciates all she does as does the League.

Mayor Anderson said that he needs to be careful in his monthly meeting when talking about potential clients out at the airport.

Mayor Anderson made a MOTION to go into Executive Session at 7:24. Councilmember Yocum SECONDED and it was APPROVED by a vote of 6-0.

8. EXECUTIVE SESSION

a. Kingman Airport Authority Lease

PURSUANT TO ARS 38-431.03(A)(4), THE CITY COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE.

The Mayor requested a legal discussion regarding the Kingman Airport Authority lease.

Council returned from Executive Session at 7:52PM.

Mayor Anderson said that on the first agenda item Council has met as follow up to prior meeting addressing the issue. He said that Council is directing Mr. Cooper to have a complete independent third party legal review of the lease.

City Attorney Carl Cooper said yes and that he will bring that back to Council.

Councilmember Yocum made a MOTION to go back into Executive Session at 7:53PM to address the City Attorney contract. Vice Mayor Young SECONDED and it was APPROVED by a vote of 6-0.

b. City Attorney Performance Evaluation and Contract Renewal

PURSUANT TO ARS 38-341.03(A)(1) THE COUNCIL MAY GO INTO EXECUTIVE SESSION TO DISCUSS THE CITY ATTORNEY'S PERFORMANCE EVALUATION AND CONTRACT.

This item was carried over from the last Council meeting. It is past due for the City Attorney's annual evaluation and renewal of contract.

c. Possible Action Concerning Renewal of City Attorney Contract

Council may take action to renew the City Attorney's contract.

Council returned from Executive Session at 8:42PM.

Councilmember Miles and Councilmember Abram were connected via telephone.

Mayor Anderson said that Council was back in session to address the contract.

Councilmember Yocum said that following council discussion on what Council feels to be fair and equitable and a desire to retain Mr. Cooper. He said that Council thinks that what he does for the city and what he will be tasked with over the course of the upcoming contract.

Councilmember Yocum made a MOTION to accept the contract as proposed. Councilmember Carver SECONDED and the MOTION was APPROVED by a vote of 7-0.

Councilmember Yocum said that the proposed contract will be signed.

Vice Mayor Young made a MOTION to adjourn. Councilmember Yocum SECONDED and the motion PASSED by a vote of 7-0.

ADJOURNED at 8:45 PM.

ATTEST:

APPROVED:

Sydney Muhle
City Clerk

Richard Anderson
Mayor

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

CERTIFICATE OF COUNCIL MINUTES

I, Annie Meredith, 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 6, 2016.

Dated this September 6, 2016.

Annie Meredith, Deputy City Clerk and Recording Secretary