

CITY OF WILLIAMS CITY COUNCIL

**ANNOTATED MINUTES
AGENDA ITEM**

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**FEBRUARY 24, 2011
COUNCIL ACTION**

I. PROCEDURES:

- A. Call to Order Mayor Moore called the meeting to order at 7:00 p.m.
- B. Pledge and Invocation Tim Pettit led the pledge of allegiance, and Julia Glaab led the invocation..
- C. Roll Call Mayor John Moore and Councilmen Bernie Hiemenz, , Bill Miller, and James Wurgler were present and constituted a quorum. Councilmen Don Dent (Vice Mayor), Frank McNelly, and Lee Payne were absent. Present from City Staff were Interim City Manager/Finance Director Joe Duffy, Lt. Darrell Hixson, Building Inspector Tim Pettit and City Clerk/HR Director Susan Kerley. City Attorney, Kellie Peterson, was present.
- D. Approval of Minutes Councilman Wurgler moved to approve the minutes of February 10, 2011. Councilman Hiemenz seconded, and the motion carried 4-0.
- E. Adoption of Agenda Councilman Hiemenz moved to adopt the agenda with one change: the deletion of the last phrase of Item C *from R1-7 to CR (Commercial Residential)*. Councilman Miller seconded, and the motion carried 4-0.

II. PRESENTATIONS:

- A. Lions' Club Fun Run: George Wallace or Marvin Coolidge
No one from this organization was present.

III. PUBLIC PARTICIPATION:

Pat Carpenter, no address given, missed the last Council meeting when there was a discussion on the Water and Waste Water Treatment Plants. He said he respects Council's decisions but wants to know what tasks the person on retainer is performing and what he's being paid. He's curious to know if Council knows what they're doing and what's being charged. Council asked the City Attorney if they could enter into a discussion on this subject since it is not on the Agenda. Kellie Peterson responded that it is legal for Council to answer questions.

Joe Duffy said that Council was provided a letter showing what tasks Mr. Monahan (the consultant) will do and the charges and that the City anticipates an expenditure of \$10,000 to \$15,000 over the next several months.

Mr. Carpenter was told that he can make a public records request to see the logs for the Dogtown Wells and the SOPs on wells and water system in order to learn their status.

Gregg Brooks, 419 S. 3rd Street, complimented the City on its fantastic front line staff, Anna and Susan.

IV. CONSENT AGENDA ITEMS:

- B. Approval of Purchase Orders: J. Duffy

Councilman Wurgler moved to approve the consent agenda items, Councilman Miller seconded, and the motion carried 4-0.

C. CONVENE TO BOARD OF ADJUSTMENTS

Councilman Miller made a motion to convene to Board of Adjustments' Public Hearing. The motion was seconded by Councilman Wurgler, and it carried 4-0.

CONVENE TO PUBLIC HEARING

Building Inspector Tim Pettit explained that Mr. Bennett was requesting mixed use for the subject property. Legal requirements have been met through publication of notices, posting of the property, and mailing of 58 public notices, four of which were returned with no forwarding addresses.

Two neighbors spoke:

Gregg Brooks pointed out that his is the only house on the same block as the Old School. He has seen Mr. Bennett working on the building doing the things that needed to be done, Mr. Bennett has made himself available to answer any questions and has been a good neighbor. Mr. Brooks it is a positive move to take an old historic building to become a profitable business and a draw for the community. It is a unique historic property and Mr. Bennett is willing to maintain the historic aspects of the building.

Annette Satterlee, 225 W. Hancock, added that this property is no longer an eyesore. Its owner is working on it diligently. She believes mixed use is a benefit for the immediate neighborhood and for Williams and that living/working lofts for part of the building would be a great idea. She would like to have added to prohibited uses for the property a medical marijuana dispensary.

Councilman Miller made a motion to return to Regular Session. Councilman Hiemenz seconded the motion, and it carried 4-0.

V. NON-CONSENT AGENDA ITEMS:

D. Council man make a decision after discussion of the above-proposed Variance (01-11-Old School): J. Moore
Councilman Miller made a motion to approve the Variance on the Old School Building. Councilman Hiemenz seconded the motion, and it carried 4-0.

E. Award of Bid for HVAC Replacement Project – Energy Efficiency Block Grant #1016-10-64: G. Cornwell
Councilman Miller recused himself.
Joe Duffy explained that when stimulus money became available it was determined that the best use was to replace AC units and repair the roof on the City Hall building. Two bids were received, but both were late. So both were opened. One Source Mechanical bid \$58,941, and Air Doctors Solutions bid \$60,208. Staff recommends that the bid be awarded to One Source.
Kellie Peterson added that, since both bids were late, no one was left to object, and both bidders were treated fairly. Joe Duffy said a re-bid was not practical as these federal funds must be used quickly.
Councilman Hiemenz made a motion to approve the award of the bid to One Source Mechanical, and Councilman Wurgler seconded. The motion carried 4-0.

- F. Council may make a decision after discussion of drainage issue at Brook Hollow: G. Cornwell

Joe Duffy noted that a complaint was received early last year from a property owner saying that storm water was eroding her property at 2616 Brook Hollow Drive during the monsoons, and remedial measures were taken. (A site visit did reveal that, indeed, the ditch was backing up and flooding the property in question. A review of the original drainage report indicated that two 24-inch CMP pipes were called for at that location. There was only one 18-inch CMP pipe installed.) It was determined that it had been under-engineered. Funds have been received from Coconino County Flood Control to cover the \$19,432 to increase the pipe volume by 4.52 square feet.

Mayor Moore added that he was troubled that we built a brand new road and didn't increase the size at that time.

Tim Pettit pointed out that last year's storm was an exceptional 500-year storm.

Councilman Miller made a motion to authorize the repair, and Councilman Wurgler seconded the motion. It carried 4-0.

- G. Council may make a decision after discussion of guidelines for construction of a Medical Marijuana Ordinance: Kellie Peterson, Mangum, Wall, Stoops, and Warden

Mayor Moore said that there are still a lot of unresolved issues, and changes on a regular basis are occurring at the State level. We just want to get a sense of our direction.

Kellie Peterson added that the State has not finalized its rules, but it will start approving applications for dispensaries around mid-summer.

She explained that our process will be to draft an Ordinance and then hold public hearings before Council passes an Ordinance. She asked several questions of Council: Do you want to be as restrictive as possible or a bit more lenient? Do you want to allow medical marijuana to be grown and sold at the same location? How far away from churches, schools, and libraries should dispensaries be located? What square footage would be required for a dispensary? She asked Council for their questions.

Councilman Miller would like to see policies tightened against abuse and for the Police Department to be able to investigate abuses. Also, he would prefer a separate cultivation site that is supervised and managed.

Mayor Moore asked how restrictive the City could be. Kellie Peterson said that the City can restrict how close or far away from schools, churches, and libraries a dispensary might be located.

Gregg Brooks, who is with the Flagstaff Zoning Department, offered to provide what Flagstaff has been doing for the last few months. He added that 126 dispensaries will be licensed in Arizona.

Councilman Miller suggested scheduling a Work Session when more Council members are available. Mayor Moore stated that the law is pretty much in place; however, he believes we're premature and that it will encompass more than a single Work Session. Tonight, he would like to ask the Attorney to start researching and indicate some direction

and concerns.

Kellie Peterson added that, if they meet State requirements, there is no way to prevent their presence. Their location can be controlled through zoning, but they cannot be zoned out of existence. She believes the City needs to be ready when the State approves the first license.

Mayor Moore added that only non-profit organizations can have dispensary, and one local organization has made known its interest in doing so.

Mayor Moore made a motion, asking Attorney Peterson to start to prepare the most restrictive Ordinance possible. The motion was seconded by Councilman Wurgler, and it carried 4-0.

VI. REPORTS AND INFORMATION ITEMS:

A. Mayor and Council Mayor Moore attended a NACOG meeting this morning. Their April 6th Tourism Forum will be held in Williams, and all Council members will get invitations. NACOG is cutting 20%-45% of its budget. Revenue-sharing and grant programs will be reduced.

Councilman Miler said that the Airport Advisory Committee (AAC) is planning a Fly-In for May 7th and 8th. He announced that the Chamber of Commerce is sponsoring a Career Day at the High School on Thursday, March 3rd with 30 different professions to be represented. Its goal is to get junior high school kids thinking about potential career paths. Councilman Miller asked for the community's support of this event.

B. Staff Reports None

VII. ADJOURN: The meeting adjourned at 7:51 p.m.

Mayor John Moore

City Clerk

ATTEST