

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

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APRIL 14, 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 Chuck Vaughn led the pledge of allegiance, and Ruth Sanzari led the invocation..
- C. Roll Call Mayor John Moore and Councilmen Don Dent (Vice Mayor), Bernie Hiemenz, , Bill Miller, Lee Payne and James Wurgler were present and constituted a quorum. Councilman Frank McNelly was absent.
Present from City Staff were Interim City Manager/Finance Director Joe Duffy, Police Chief Herman Nixon, Public Works Director Glenn Cornwell, 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 March 24, 2011, and March 31, 2011. Councilman Dent seconded, and the motion carried 5-0.
- E. Adoption of Agenda Councilman Miller moved to adopt the agenda. Councilman Hiemenz seconded, and the motion carried 5-0.

II. PRESENTATIONS

- A Police Chief Herman Nixon will present three commendations for a life-saving attempt to Guy Mikkelson, Scott Miller, and Sgt. Tad Wygal.
Chief Nixon explained that on January 15, 2011, a medical emergency call was received. On a City Street, a male was in cardiac arrest. Neighbors Guy Mikkelson and Scott Miller did CPR until they were joined by Police Sgt. Wygal, who continued life-saving measures until medical personnel arrived. Then the three gentlemen stayed with the family and consoled them. Chief Nixon presented framed commendations to all three, and they received a standing ovation.
- B Update on Xanterra's next solar project at Grand Canyon Railway: M. O'Connor
Bob Baker explained it is Xanterra's plan to install 228 solar panels on the Grand Canyon Railway depot roof, facing south at a low angle so they will be barely visible. This installation of solar panels will significantly reduce the Railway's gas consumption, and it will heat their potable water system. One other thing they're doing with this project is replacing their 15-year old boiler. They are looking at one powered by natural gas that offers a 6% reduction in electric consumption. When asked about the return on investment (ROI), Mr. Baker said that the generator has a two-year payback, but the solar ROI goes way out into the future, maybe as much as 12 years. Mayor Moore added that we should be grateful we have Xanterra in our community and appreciative of the money they pump into our community. He said the City will help in any way it can.

III. PUBLIC PARTICIPATION:

Paul (P.T.) Carter, President of Williams' Little League organization, told Council members that they will have a record-breaking number of kids participating this year, and, thus, additional fields are needed. Some of the existing fields are hazardous because of prairie dog holes, and there are too many teams for the number of fields in good repair. Mr. Carter asked about the possibility of creating a softball and Little League field by the golf course where

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debris is collected. He said Larry Pittenger of LP's Excavating would volunteer to grade and smooth the area, and sod would cost approximately \$1,000. Mr. Carter pointed out that restrooms and running water are available. He is working with Home Depot to donate fencing. There is room for parking between the road and the fence, and a road could be run between the two proposed fields to create space for parking 40-50 cars.

Mayor Moore advised Mr Carter that Council could not make a decision at this meeting because the item does not appear on the Non-Consent Agenda. He then asked Joe Duffy the intended use for this land.

Joe Duffy said the land is intended for a new club house for the golf course, but he sees no problem in using it temporarily until the City is ready to build a club house.

Councilman Dent suggested that Golf Course Superintendent, Marty Yerian, could run a sprinkler system.

Mayor Moore added that the key word would be "temporary."

Councilman Miller asked if any areas closer to the freeway were available.

Mayor Moore said the Council will consider this matter as quickly as possible.

Mrs. Ruth Sanzari from Habitat for Humanity thanked Council for the use of the Rodeo Barn for their Opry. She added that, in less than a month, a new Habitat house will be started.

IV. CONSENT AGENDA ITEMS:

B. Approval of Purchase Orders: J. Duffy

C. Approval of Check Register for month ending March 31, 2011: J. Duffy

D. Proclamation of Saturday, April 30, 2011, as Clean and Beautiful's Clean Up Day: J. Moore

The Proclamation was read by City Clerk Susan Kerley. Councilman Wurgler made a motion to issue this proclamation, and it was seconded by Councilman Miller. The motion passed, 5-0.

Councilman Dent moved to approve the first two consent agenda items, B. and C. Councilman Wurgler seconded, and the motion carried 5-0.

V. NON-CONSENT AGENDA ITEMS:

E. Second reading of Ordinance No. 916, amending the City Code, Title 12, by adding regulations for regulating medical marijuana dispensary and medical marijuana

Councilman Dent made a motion to read this Ordinance by name and title only, and it was seconded by Councilman Hiemenz. The motion carried 5-0, and Ordinance No. 916 was read by name and title only by Joe Duffy.

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- dispensary offsite
cultivation
locations: J.
Moore
- F. Second reading Of Ordinance No. 917, establishing a Court Processing Fee: J. Moore
Councilman Miller made a motion to read this Ordinance by name and title only, and it was seconded by Councilman Dent. The motion carried 5-0, and Ordinance No. 917 was read by name and title only by Joe Duffy.
- G. Council may approve an Intergovernmental Agreement (IGA) between the City and Coconino County for transfer station use and related services after discussion: J. Duffy
Joe Duffy explained that this is the same IGA that we've been doing for years. It would be in effect from July 1, 2011, through June 30, 2013. It deals with the County reimbursing the City for allowing use of the transfer station by County residents and an increase in tipping fees to \$10.30/cubic yard.
Councilman Dent made a motion to approve this IGA, and the motion was seconded by Councilman Payne. The motion carried 5-0.
- H. Council may approve an Intergovernmental Agreement (IGA) between the City and the City of Flagstaff for use of Flagstaff's landfill for disposal of Williams' refuse: J. Duffy
Joe Duffy explained that this IGA allows the City to transport our solid waste to Flagstaff. It is a ten-year Agreement with three five-year renewals. It allows us 25 years of use.
Councilman Wurgler made a motion to approve the IGA, and the motion was seconded by Councilman Payne. The motion carried 5-0.
- I. Council may approve Resolution No. 1266, increasing fees at Lake Ellen to \$10 per cubic yard: J. Duffy
This Resolution was read by name and title only by Susan Kerley.
Joe Duffy explained that the City has been cited by ADEQ for the Lake Ellen burrow pit because we allowed the dumping of wrong materials. In the past, it has been run on the honor system. Now it is completely cleaned up and abated and ready to open. It will be open at least on Wednesdays and Saturdays, and its staffing will be split between the Street and Sanitation Departments. Staffing will be an additional cost, and to offset this, Staff recommends increasing the fees from \$7.50/cubic yard to \$10.00/cubic yard.
Councilman Wurgler made a motion to approve Resolution No. 1266, and it was seconded by Councilman Hiemenz. The motion carried 5-0.

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- J. Council may make a decision after discussion of a request by Mark Worden to use Buckskinner Park for the Annual Renaissance Faire: Glenn Cornwell
- Glenn Cornwell reported that Staff was requesting approval of concept only for a long-term commitment and to allow Staff to review the Renaissance Faire's operational plan once a year. Among other items, they would like to review the fire plan and public access to the lake. Mayor Moore cautioned that a long-term commitment of a City park should be given a lot of consideration and discussion. Councilman Miller noted that he would like an escape clause, something to address sub-leasing to other vendors, and posting a bond for clean-up. Councilman Dent pointed out that if a fire starts, the Park is closed, and he believes the City needs to talk to the Forest Service. Councilman Miller made a motion to table this item until the next Council meeting on April 28, 2011. It was seconded by Councilman Hiemenz and carried 5-0.
- K. Council may make a decision after discussion regarding parking improvements at Rodeo Grounds for the 2011 HOG Rally: G. Cornwell
- Glenn Cornwell reported that the Harley Owners' Group requested a more stabilized parking area. He would like to provide a secondary approach by scarifying the area. This might improve the area for little cost. If it becomes too rainy, the City could go back to Plan A, replacing the gravel for \$7,000. Councilman Payne made a motion to grade and compact the parking area the best that we can without spending additional money. The motion was seconded by Councilman Miller, and it carried 5-0.
- L. Council may make a decision after discussion regarding downtown parking and signage: J. Moore
- Mayor Moore offered some background on the current parking situation: The City put signs up that read, *No Parking 2:00 a.m. – 6:00 a.m.* so the street sweeper and snowplow operators would have access to curbs. The signs were perceived by some to mean *No Parking*. Later, the Police Department received calls about cars parked in No Parking Zones. The Police Department issued citations. There was no ordinance to support the signs other than for snow removal. So, the signs were removed. Public Participant Gerald "Buck" Williams added that parking downtown is a problem. The Grand Canyon Hotel owners said they would ask customers to park on the side street and in the rear of the Hotel. Sometimes, guests travel to the Grand Canyon and leave their cars parked for several days. He believes the signs need to be put back up to give the street sweeper and snowplow operators the chance to work. If there is no ordinance supporting the signs, Council needs to make one. Police Chief Herman Nixon said that if parking signs are up, they need an ordinance to enforce parking regulations. Their calls for service are up by 100% while their personnel is down by 40%. The bottom line for the Police Department: If Council passes an ordinance, the Police

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Department will enforce it.

Councilman Dent suggested two actions:

- Get an ordinance in place;
- Get a sign design to make certain it doesn't appear that the town is inhospitable.

Councilman Wurgler would like to see the bridge, "Parking Permitted" except for limited hours.

Public Participant Chuck Vaughn noted that, when the signs citing an ordinance appeared, the parking situation got better.

Mayor Moore said that the City is in the process of developing new traffic ordinances and suggested that this issue be addressed in conjunction with that project.

Attorney Kellie Peterson said that an ordinance that just addresses parking regulations could be drafted and returned before the next Council meeting on April 28th.

Councilman Wurgler made a motion instructing the City's Attorney to draft an ordinance to coincide with the existing signs, prohibiting parking from 2:00 a.m. until 6:00 a.m. daily.

Public Participant Amy Fredrickson of the Grand Canyon Hotel added that she understands the need for street sweeping; however, she would like it at a time other than 4:00 a.m.

Councilman Hiemenz seconded the motion, and it carried 5-0.

M. Discussion regarding proposed changes to *Chapter 6.10 – Animals* (City of Williams' Codes):
K. Peterson

Attorney Kellie Peterson said that she had updated some language and definitions as well as incorporating fees into the ordinance and adding a definition for "barking," giving the City the right to approach dog owners. For example, "vicious" is defined as a dog needing a muzzle.

Excessive barking between 11:00 p.m. and 6:00 a.m. would be prohibited, but the question of duration of barking arose. Councilman Miller said that barking for five minutes might be an alarm about a disturbance while barking for thirty minutes might be excessive.

Attorney Peterson emphasized that it is necessary to set objective criteria so it can be enforced.

Chief Nixon said that Leah Payne does a great job and saves money for us. She has a lot of common sense and works well with people. She has taken only 10 dogs to Flagstaff since last October and has found homes for 28 dogs.

Leah Payne noted that there is one major change under licenses. She included an early registration discount: From January 1 through March 31 for altered dogs the fee would be discounted from \$10 to \$5. The fee would be increased for unaltered dogs from \$10 to \$25.

Attorney Peterson received clarification from Council to leave the no

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barking period from 11:00 p.m. to 6:00 a.m.

Currently the Police Department responds to barking dog calls that cannot be received from anonymous callers. The caller (victim) must appear in Court.

Council asked Attorney Peterson to prepare an ordinance so they can get it in place and come back to correct anything that proves to be problematic. The first reading of the ordinance is scheduled for April 28, 2011.

N. **CONVENE TO EXECUTIVE SESSION**

The City Council may vote to enter Executive Session pursuant to Arizona Revised Statute 38-431.03.(A)(1), which will not be open to the public, to consider the Police Chief's request for vacation hours payout. No final action shall be taken in Executive Session.

RECONVENE TO REGULAR SESSION

- O. The City Council may vote to authorize the vacation hours payout as discussed in Executive Session: J. Moore
Councilman Miller made a motion to grant payout of 80 vacation hours for Police Chief Nixon for additional public safety services provided by the Chief to supplement vacancies in his department. Councilman Wurgler seconded this motion, and it carried 5-0.

VI. **REPORTS AND INFORMATION ITEMS:**

- A. Mayor and Council
Councilman Miller reminded that a Fly-In and Railroad Day will be held on May 7th. There will be a shuttle from the airport to town. Kiwanis will be making lunch, and the Boy Scouts will cook breakfast.
- B. Staff Reports
Joe Duffy said a couple of issues will be up for discussion at the next meeting: Determining if water will be sold to the wind farm company; review and approval of fireworks for July 4th.

VII. **ADJOURN:**

Councilman Dent made a motion to adjourn, seconded by Councilman Wurglert. The meeting adjourned at 9:01 p.m.

Mayor John Moore

ATTEST

City Clerk