

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

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MAY 26, 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 Kohl Nixon led the pledge of allegiance, and Ruth Sanzari offered the invocation.
- C. Roll Call Mayor John Moore and Councilmen Don Dent (Vice-Mayor), Bernie Hiemenz, Frank McNelly, Bill Miller, Lee Payne, and James Wurgler were present and constituted a quorum.
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 and Attorney Brandon Cavanaugh were present.
- D. Approval of Minutes: May 12, May 17, May 19, 2011 Councilman McNelly made a motion to approve the minutes with one correction: On May 12, 2011, Item H, Ordinance 921 was introduced, but no first reading was done. Councilman Wurgler seconded the motion, and it carried 6-0. (*Notation made on minutes of May 12, 2011 that no first reading of Ordinance No 921 was given.*)
- E. Adoption of Agenda Councilman Wurgler made a motion to adopt the agenda, and it was seconded by Councilman Hiemenz. The motion carried 6-0.

II. PRESENTATIONS - NONE

III. PUBLIC PARTICIPATION:

IV. CONSENT AGENDA ITEMS:

- B. Approval of Purchase Orders: J. Duffy Councilman Dent made a motion to approve the purchase orders as presented. Councilman Hiemenz seconded the motion, and it carried 5-0. Councilman Miller abstained.

V. NON-CONSENT AGENDA ITEMS:

- C. Council may make a decision after discussion of a request by Mark Worden to use Buckskinner Park for the Annual Renaissance Faire beginning in 2012: Glenn Cornwell noted that, after reviewing the Agreement prepared by the City's Attorney, the City would be offering a fee reduction of \$450 the first two years, \$250 for years three and four and \$250 each year for an additional five years. There would also be some extra expense to the City. He stated that the Agreement calls for 24/7 fire truck presence which, from his standpoint, would be inadequate to marginal. The Parks and Recreation Commission has reviewed and approved the Agreement
Mark Worden said that he has offered a contribution to the Fire
G. Cornwell (*Tabled*)

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from 4.14.11,
4.28.11, and 5.12.11
Council meetings)

Department to cover expenses. He has had a discussion with Fire Chief Dent who was unable to attend this meeting. Councilman Dent said his concern is keeping the Park open when the Forest is closed due to fire or fire danger.

Attorney Peterson pointed out that indemnification is part of the Agreement, and an insurance policy is required of them.

Mark Worden offered a brief overview of the project. Since 2002, he has been putting on Renaissance Faires. He and his wife, Carla, are continuing the Faires without the former partners. Packets he distributed to Council members include comments on the quality of the Faires. Their ultimate goal is to have a hard site for multi-week Faires where they would expect an attendance of 50,000 to 100,000. They do not expect more than 500 people the first year and up to 1,000 the second year at Buckskinner Park.

He said that if approval from the City is forthcoming within the next 1.5 months, it would be workable.

Mayor Moore noted that the City needs to look at their Conditional Use Permit with the Forest Service. He thinks that it includes a stipulation that the Park closes when the Forest closes. He asked Mark Worden if they had completed a preparedness plan to which the answer was, "no."

Joe Duffy itemized three needs: A fee schedule for the Fire Department; a security fee schedule from the Police Department; and discussion with the Forest Service.

Mark Worden noted that they preferred Cataract Lake with the fall back location as Buckskinner Park. Councilman Dent asked if there were an issue with Buckskinner Park, could it be taken back to the Parks and Recreation Commission to have Cataract Lake as the fall back location.

Joe Duffy replied that a major redo of Cataract Lake begins next year. After that is completed, Mark Worden would need to make an agreement with the County.

Councilman Wurgler made a motion to instruct Staff to gather the necessary information, noted above, and to report at the first Council meeting in July (July 14, 2011). Councilman Hiemenz seconded the motion, and it carried 6-0.

D. Update and discussion on new Impact Fee laws: K. Peterson

Attorney Kellie Peterson review her handout, *Steps to Amending Development Fees*: There can be no changes to fees without going through the study process. There is no point to doing this under the old laws and re-doing it under the new laws. The shortest timeline for adopting a plan is 120 days. Once development fees are approved, 75 days must pass before they become effective. The City would had to have completed a plan by May 21, 2011, for it to be

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effective January 1, 2012. All 10 of our current categories fit the new guidelines except sanitation and general development fees. The fees can only be spent for the same category for which they were collected.

Mayor Moore suggested that there is time to look at this and that Council should move on to the next item.

- E. Council may make a decision after discussion on whether to expand the Impact Fee “Infill Zone”: J. Duffy

Joe Duffy explained that this applies to the old, historic part of town to encourage purchase of lots. We have had some construction but not as much as had been anticipated. Now, there are empty lots in subdivisions, too. The idea is to expand the Infill Zone to cover all of the residential areas of the City. The City would cut Impact Fees in half to encourage residential development.

Councilman Hiemenz asked Attorney Peterson asked if it is legal to create a new, modified fee through creating or expanding the Infill Zone.

Councilman Dent noted that the City would not be changing its Impact Fees but would be doubling the Zone.

Attorney Peterson said that this is an administrative ordinance not a legal ordinance and the City could proceed.

Councilman Miller made a motion to expand the Infill Zone to cover the entire City. Councilman Hiemenz seconded the motion, and it carried 6-0.

- F. Council may make a decision on the construction of a practice field at Elephant Rocks Golf Course after discussion (*tabled from 4.28.11*): L. Payne

Councilman Payne reported that he and the Mayor looked at this site, and he talked with Joe Duffy concerning the possibility of ball fields at the school and trying to jump over hurdles that project might present.

Joe Duffy said that the school needs to bring a proposal to Council. Their plan is to remove the existing field, grade the area, put in a new surface and install synthetic turf. This would result in two Little League-size fields, and it would give us four fields within a few blocks of each other. It will be necessary for the School Board’s bond to pass to fund this long-term plan. The vote on the bond does not come up until November

Whether or not the area at the Golf Course is used for a practice area, the City will clean it up. The question is whether we irrigate it and plant grass. The development and use of the area is up to Council.

Councilman Miller pointed out that the City accepted the donation of this land under the condition that it would be used as part of the Golf Course. He asked if Council would be acting ethically if they encourage other organized sports to use the land and if it would be an injustice to owners in the area and the developer who donated the land.

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Councilman Wurgler reviewed a sample motion that included just grass and no fencing to coincide with Highland Meadows' guidelines. He pointed out that the grass at the Golf Course is an added attraction to the area.

Joe Duffy requested a decision prior to irrigation of the area as teams cannot play on grass maintained with effluent water.

Councilman Dent said that Marty Yerian, Golf Course Superintendent, can grow grass with effluent water and then switch to fresh water to maintain it.

Councilman McNelly said there is always a shortage of practice fields. People got the idea that the intent was for more than a grassy field. This will not change the plan for a clubhouse in the future. Tonight they can limit the area to just grass with no bases, fences, or backstops.

Property owner at Highland Meadows, Linda Czech, asked if letters from owners were forwarded to Council Members, and the response was "yes."

Public Participant Ruth Sanzari asked what's wrong with using fields at the High School. Councilman Dent invited here to drive by the High School fields any night. Other teams have no place to practice.

Councilman Wurgler made a motion to plant and maintain grass in the area with no lights, bleachers, backstops or parking. Councilman Miller seconded the motion, and it carried 6-0.

- G. Council may approve an Intergovernmental Agreement between the Arizona Department of Transportation and the City of Williams for performance of National Bridge Inspection Standards (NBIS) on public bridges: G. Cornwell

Glenn Cornwell explained that the City has 13 structures, including culverts and bridges, that need to be inspected at \$600-\$800 each, every other year. This Agreement waives these fees. Staff asks for approval for the continuation of this Agreement so inspections will be done and the fees will be waived. A Staff member accompanies the inspector on these inspections.

Councilman McNelly made a motion to approve this Agreement, and it was seconded by Councilman Dent. It carried 6-0.

- H. Council may make a decision to award the bid for Annual Audit Service for the City of Williams for Fiscal Years 2011

Councilman Wurgler reported that the City received five proposals for auditing activity. The proposals were reviewed and rated by three Council members. They recommended Hinton, Burdick, Hall & Spilker, PLLC of Flagstaff for a total of \$84,300 for the three year period.

Councilman Wurgler made a motion that the City accept the proposal

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through 2013: J. Wurgler

from Hinton, Burdick,, Hall & Spilker, PLLC. The motion was seconded by Councilman Payne, and it carried 6-0.

I. Third of three readings of Ordinance 919, amending Title 6, Chapter 6.10 – Animals: J. Moore

Councilman Dent made a motion to read Ordinance 919 by name and title only. Councilman Hiemenz seconded the motion, and it carried 6-0.

Joe Duffy read the Ordinance by name and title only.

Councilman Miller made a motion to adopt Ordinance No. 919. Councilman Dent seconded the motion, and it carried 6-0.

J. First of three readings of Ordinance No. 921, regarding any unnecessary, excessive, or offensive noise which disturbs the peace or quiet of any neighborhood: J. Moore

Kellie Peterson explained that the changes made to the draft of this Ordinance were based on discussions with Police Chief Herman Nixon. She shortened the factors for officers to consider, making it easier for enforcement.

Councilman Miller stated that he would like to see the quiet time amended from midnight to 11:00 p.m. as a compromise between hotel owners and restaurant owners.

Hugo of Econo Lodge said he would also like to see this change in the quiet time.

Motion #1: Councilman Miller made a motion to change the quiet time from midnight to 11:00 p.m. to 6:00 a.m. Councilman Dent seconded this motion, and a roll call vote was taken:

Mayor Moore	No	Vice Mayor Dent	Yes
Councilman Hiemenz	No	Councilman Miller	Yes
Councilman McNelly	No	Councilman Payne	No
Councilman Wurgler	Yes		

The motion did not carry, 3-4.

Police Chief Nixon noted that no distinction was made between commercial and residential areas. He thinks quiet time in residential areas should extend from 10:00 p.m. to 6:00 a.m.

Motion #2: Councilman McNelly made a motion to change Ordinance No. 921 to read that residential areas' quiet time should be 10:00 p.m. to 6:00 a.m. Councilman Hiemenz seconded this motion, and a roll call vote was taken:

Mayor Moore	Yes	Vice Mayor Dent	Yes
Councilman Hiemenz	Yes	Councilman Miller	Yes
Councilman McNelly	Yes	Councilman Payne	Yes
Councilman Wurgler	Yes		

The motion carried, 7-0.

Councilman McNelly recalled that there have been lengthy discussions about the street sweeper creating noise in the early morning hours. He suggested broadening the definition to include normal municipal operations.

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Motion #3: Councilman McNelly made a motion to include routine maintenance activities, such as street sweeping, trash collection, etc., as exempted activities. Councilman Hiemenz seconded the motion, and it carried 6-0.

Kellie Peterson will come up with the appropriate language for the changes to the Ordinance before the next meeting.

Motion #4: Councilman Dent made a motion to have the first reading of Ordinance No. 921 by name and title only. Councilman Payne seconded the motion, and it carried 6-0.

Joe Duffy read the Ordinance by name and title only.

- K. Council may make a decision on a recruitment plan for City Manager or City Administrator after discussion: J. Moore

Mayor Moore explained that Joe Duffy's intent is to return to full-time Finance Director's duties as soon as he can. He said that Council would do a preliminary discussion of how it wants to approach the recruitment of a City Manager.

Councilman Hiemenz suggested that, whenever we go out for advertising, it should be strong on public works.

The Mayor said that, according to City Code, the title is "City Manager." If "City Administrator" is to be used, this would have to be changed. Also, Council needs to think about salary.

Councilman Wurgler asked Susan Kerley if this comes under the HR umbrella. Susan Kerley replied that normally that would be the case. Council would express their readiness to fill this position and its requirements of the successful candidate, and Ms. Kerley would respond with the appropriate information, including a revised position description, requirements, suggested salary range, sample ads and where they might be placed, and a timeline for the recruitment process.

Mayor Moore instructed HR Director Susan Kerley to research and come back to Council with her thoughts and the appropriate processes, including the minimum qualifications and pay range.

Councilman Dent said that if the ads get out by July 1st and applications are reviewed and narrowed down in August, it could be October 1st or later before the position is filled.

Mayor Moore said that Ms. Kerley knows the procedures to research and follow up and asked her to proceed.

VI. REPORTS AND INFORMATION ITEMS:

- A. Mayor and Council None
- B. Staff Reports Joe Duffy said that Staff Work Day was cancelled for today because of high winds.

VII. EXECUTIVE SESSION:

Councilman Wurgler made a motion to convene to Executive Session, and it was seconded

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by Councilman Miller. The motion carried 6-0.

Pursuant to A.R.S. #38-43103 (A) (7), Council and City Attorneys discussed potential settlement of claim for the Dan Barnes/Old Smokey's damage claim

RECONVENE TO REGULAR SESSION

Councilman Miller made a motion to return to regular session, and it was seconded by Councilman Wurgler. The motion carried 6-0.

- . L. Council may make a decision on the item discussed in Executive Session: Dan Barnes/Old Smokey's claim for damages
- Councilman McNelly made a motion to deny payment. Councilman Miller seconded the motion, and it carried 6-0.

VIII. ADJOURN: The meeting adjourned at 9:05 p.m.

Mayor John Moore

City Clerk

ATTEST

