

CITY OF WILLIAMS CITY COUNCIL

**ANNOTATED MINUTES
AGENDA ITEM**

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**MARCH 14, 2013
COUNCIL ACTION**

I. PROCEDURES:

- A. Call to Order Mayor Moore called the meeting to order at 7:00 p.m.
- B. Pledge and Invocation Kevin Young led the pledge of allegiance, and Susan Kerley offered the invocation.
- C. Roll Call Mayor John Moore, Vice Mayor Don Dent, and Councilmen Craig Fritsinger, Bernie Hiemenz, Frank McNelly, Lee Payne, and James Wurgler were present and constituted a quorum.
Present from City Staff were Brandon Buchanan, City Manager, Police Chief Herman Nixon, Interim Finance Director Julie Walker, and City Clerk/HR Director Susan Kerley.
Judge Rob Krombeen was present. Gioia Goodrum of the Chamber of Commerce was present.
- D. Approval of Minutes February 28, 2013 Councilman Fritsinger made a motion to approve the minutes as presented. Councilman Hiemenz seconded the motion, and it carried 6-0.
- E. Adoption of Agenda Councilman Wurgler made a motion to adopt the revised Agenda as presented. Councilman Payne seconded the motion, and it carried 6-0.

II. PRESENTATIONS - NONE

III. PUBLIC PARTICIPATION

Kevin Young, owner of Canyon Motel and RV Park on Rodeo Road, presented an issue he has had with water. An event occurred last week on Monday. In his absence someone from the City came by the front desk of the motel to say that water would be shut off in 10 minutes for about one hour. He returned from Flagstaff and found that the water did not come back on until around 8:00 that night. A guest asked for a refund, and he gave back approximately \$150.00. Since cash flow is low this time of the year, that was painful. He emailed Brandon Buchanan an invoice for the amount of the refund given to these guests, plus costs for housekeeping, laundry, etc., for about \$165.00

This event was not a breakage. The City knew the water would be shut off to make repairs. Mr. Young felt the City should have given more notice of the shut off.

Mr. Young said he was told in the past that valves would be put in to shut off the housing tract to the east of his business. Now the water is shut off at the Fire Department for that whole area. After the system has been shut off, old stuff and debris is flushed into his business. A year or so ago a valve was put in on the east side of his business, but none was installed on the west side. Also, he thought door hangars were being made available to provide advance notice to customers that water service would be unavailable and the approximate length of the outage. He said he would appreciate a valve being put in on the west side of his business.

Brandon Buchanan pointed out that offering a refund would represent a change of policy.

Mayor Moore reminded that Council can only receive information during Public Participation. They cannot make any decisions.

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IV. CONSENT AGENDA ITEMS

A. Approval of Purchase Orders: J. Walker

Councilman Dent made a motion to approve the Consent Agenda Items as presented. Councilman Fritsinger seconded the motion, and it carried 6-0.

B. Approval of Check Register for Month Ending February 28, 2013: J. Walker

V. NON-CONSENT AGENDA ITEMS

C. Council may approve a Memorandum of Understanding with Williams Unified School District #2 for Safe Route to School (Bus Loop) project: B. Buchanan

After making certain there shouldn't be cost overrides for which the City as grantee would be responsible, Councilman McNelly made a motion to approve the Memorandum of Understanding. Councilman Fritsinger seconded the motion, and it carried 6-0.

D. Council will discuss and determine action to be taken regarding Impact Fees: B. Buchanan/Kellie Peterson

Councilman Fritsinger asked if, after August, we could bring the fees back. Kellie Peterson replied that the City would do the study first and then bring back the fees. If you just suspend them, you can reinstate them. It will affect collecting fees for off-site, but you can still collect for on-site fees. The City can still do special assessments.

Councilman McNelly explained that there are some chunks of Williams where there is no infrastructure or where it is sub-standard. He asked what would happen if a developer wanted to locate in one of these areas. Kellie Peterson responded that each would have to be reviewed on a case-by-case basis.

Councilman Dent pointed out that impact fees now affect new construction, but without impact fees, there is no way to assess new developments. Kellie Peterson noted that increasing tie-in fees for sewer and water would be possible.

Brandon Buchanan said that it may be appropriate to suspend impact fees now while nothing is going on and bringing them back when things pick up.

Councilman Dent added that the City may pass up several million in impact fee if a large project were done without impact fees. He asked how the City will pay for required new infrastructure. The City can't pay for its needs now for the water system.

Kellie Peterson cautioned that it is running close to time to start the impact fee process. We are looking at a year out to get an RFP and the study process done.

Councilman Fritsinger asked a financial question: Did we

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overspend on the impact fee revenues? Brandon Buchanan explained that a negative balance is shown because a credit of \$631,000 that had lapsed was adjusted out.

Brandon Buchanan said he needs to know Council's plan sooner than later for the budget, and so he can plan. We only got responses from some larger cities when we made an inquiry about what others had spent on impact fee studies.

Councilman Dent made a motion to put out an RFP so we know amounts for a study. Councilman Fritsinger seconded the motion. After more discussion, Councilman Dent withdrew the motion for an RFP with agreement from Councilman Fritsinger who had seconded the motion. Councilman Dent asked: If we don't do impact fees, where will money come from? If we do away with impact fees, property taxes would have to be increased.

Councilman Dent made a motion to table this issue until the first Council meeting in April (April 11, 2013). The motion was seconded by Councilman McNelly, and it carried 6-0.

- E. Council will determine whether it wishes to participate in a feasibility study for a proposed pipeline (by 2050) from Page to Flagstaff with a spur from Flagstaff to Williams: B. Buchanan

Mayor Moore said that the City has found out it will cost a lot of money to participate in the feasibility study. Also, the City would lose the use of its wells if other sources of water become available. Councilman McNelly asked the definition of "when other water is available." Kellie Peterson replied that this occurs when you have a legal right to access water. Councilman Payne said he would rather spend money on our own water system.

Councilman Payne made a motion to reject participation in this feasibility study. Councilman Wurgler seconded the motion, and it carried 6-0.

- F. Council will discuss and may determine the employment status of the Magistrate and Judge(s) Pro-Tem: B. Buchanan/R. Krombeen/Kellie Peterson

(Note: Councilmen Dent and McNelly recused themselves due to potential conflicts of interest.)

Mayor Moore introduced this item by noting that our legal staff can take a position in support of making the Judge a City employee with an employment agreement or keeping the position as a contract position. Kellie Peterson agreed that she believes she can support either option. The Mayor pointed out that there are three issues:

1. Contract
2. Appointing a Judge Pro-Tem
3. The Judge has requested an increase in pay

Councilman Payne asked if they were employees, who would keep tabs on their hours, etc. Would Brandon Buchanan do this? Who would oversee them? Judge Krombeen said he

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would want the Court to oversee employees and do performance reviews. Kellie Peterson added that, according to City Code, these are duties assigned to the Magistrate.

Mayor Moore said he could not imagine that with 324 cases each year it would take three judges to handle them. He asked Judge Krombeen what percentage would come in and pay their fines without appearing in Court. The Judge did not know. The Mayor asked if he would be of the opinion that the majority would simply pay their fines. The Judge said he really didn't know.

Judge Krombeen said that there were three Judges Pro Tem at one time, but the County Court was paying them for their services in Court. There are months at a time when they are not needed.

Mayor Moore asked Council members how they wanted to proceed, offering the Judge a contract or making the position a part-time City employee. Councilman Wurgler said that Staff had made a recommendation, and he would like to make a motion.

Councilman Wurgler made a motion to designate the Magistrate and Pro-Tem Judges as part-time, regular status employees, and direct staff to write a non-negotiable agreement for anyone working in these positions. There was no second to this motion; therefore, it died for lack of a second.

Councilman Payne asked if there were any way of working with the County to have them do the work for us. He has reservations about making their employees accountable. Kellie Peterson pointed out that the Judge is still accountable. Contracting with the County does not allow for separation of the County and City Courts. The City would give up some control.

Judge Krombeen added that if he continues as an independent contractor, an independent insurance agent could not provide liability insurance for him.

Councilman Hiemenz made a motion to continue under the same contract.

Mayor Moore said that Council can appoint anyone they want to be Magistrate. They have been appointing the County Judge for years. Councilman Payne said he believes whoever is elected is who the people want, and the elected County Judge should be appointed to the Magistrate position.

Brandon Buchanan said that the additional cost would be less than \$2,000 per year if the Magistrate were a City employee.

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The Mayor reminded that a motion was on the floor to continue under the same contract. There was no second to this motion; therefore, it died for lack of a second.

Mayor Moore made a motion to table this issue until the March 28th meeting. Councilman Fritsinger seconded this motion, and it carried 4-0.

(Note: Councilmen Dent and McNelly returned to Council Chambers.)

- G. Council will review Proposal Submittals and may award the 2013 General Plan Update contract: B. Buchanan

Mayor Moore noted that Staff had recommended Partners for Strategic Action, Inc. Councilman Fritsinger said Counts Planning is familiar with the City. He would look stronger at Counts because he has a history with the City. Councilman Dent said he understands we might get a warm-over of the existing plan. Even though it does get shelved, part of the process for those participating helps them know where the community wants to go. We should lay out exactly what we want from him.

Councilman Dent made a motion to accept the proposal from Richard Counts. Councilman Fritsinger seconded the motion, and it carried 6-0.

- H. Council will review and may approve Interagency Service Agreement with Arizona Department of Administration General Accounting Office to provide compliance with A.R.S. 41-725 (“Financial Transparency”): B. Buchanan/J. Walker

Councilman Wurgler made a motion to approve the Interagency Service Agreement with Arizona Department of Administration General Accounting Office to provide compliance with A.R.S. 41-725. Councilman Fritsinger seconded the motion, and it carried 6-0.

VI. I. CONVENE TO EXECUTIVE SESSION

Councilman Payne made a motion to convene to executive session; it was seconded by Councilman Heimenz and carried 6-0.

EXECUTIVE SESSION

Pursuant to A.R.S. 38-431.03 A.4.- City Council will review with its attorney(s) an Agreement to Relocate Easement on Grand Canyon Blvd.

RE-CONVENE TO REGULAR SESSION

- J. Council may make decisions related to the matters noted above that were discussed in Executive Session: J. Moore

Councilman Wurgler made a motion to agree to the Agreement to move the easement on Grand Canyon Blvd. Councilman McNelly seconded the motion, and it carried 6-0.

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- A. Mayor and Council None
- B. Staff Reports Brandon Buchanan said that Staff would like to interview a candidate for the Finance Director position on the afternoon of March 29th and asked if Council members could be available. No one indicated they would not be available. City Clerk was asked to notify Council members of the time for the appointment once it is scheduled.

VII. *ADJOURN:* Councilman Fritsinger made a motion to adjourn, and it was seconded by Councilman Hiemenz. The meeting adjourned at 8:24 p.m.

Mayor John Moore

ATTEST:

City Clerk

