

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

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SEPTEMBER 25, 2014
COUNCIL ACTION

I. PROCEDURES:

- A. Call to Order Mayor Moore called the meeting to order at 7:00 p.m.
- B. Pledge and Invocation Rich Millard led the pledge of allegiance, and George Glenn offered the invocation.
- C. Roll Call Mayor John Moore, Vice Mayor Don Dent, and Councilmen Craig Fritsinger, Bernie Hiemenz, Frank McNelly, and Lee Payne were present and constituted a quorum. Councilman James Wurgler was absent.

Present from City Staff were Brandon Buchanan, City Manager, Finance Director Keith Buonocore, Public Works Director Kyle Christiansen, and City Clerk/HR Director Susan Kerley.
Brandon Kavanaugh, representing Mangum, Wall, Stoops and Warden, was present.
- D. Approval of Minutes September 11, 2014 Councilman Fritsinger made a motion to approve the minutes as presented. Councilman Hiemenz seconded the motion, and it carried 5-0.
- E. Adopt Agenda Councilman Dent made a motion to adopt the Agenda, and it was seconded by Councilman Payne. The motion carried 5-0.

II. PRESENTATIONS - NONE

III. PUBLIC PARTICIPATION - NONE

IV. CONSENT AGENDA ITEMS

- A. Approval of Purchase Orders: K. Buonocore **NONE**

VI. NON-CONSENT AGENDA ITEMS

- B. Canvass of Votes for primary election held August 26, 2014: S. Kerley Council reviewed the Final Reports showing votes cast for:
Mayor:
John W. Moore 433
Council Members:
Donald Dent 406
Bernie Hiemenz 386
Lee A. Payne 427
Proposition 402
YES 368 NO 137
- C. Council may approve Resolution No. 1310, adopting the results of the Canvass of Votes, Councilman McNelly made a motion to read Resolution No. 1310 by number and title only. Councilman Hiemenz seconded the motion, and it carried 5-0. Susan Kerley read Resolution No. 1310 by number and title. Councilman Fritsinger made a motion to adopt the Resolution. Councilman Hiemenz seconded the motion, and it

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- including Home Rule Option (Proposition 402):
S. Kerley
- carried 5-0.
- D. Council may approve Resolution No. 1311 that approves the form and authorizes a loan agreement with WIFA: K. Buonocore
- Councilman Dent made a motion to read Resolution No. 1311 by number and title only. Councilman Hiemenz seconded the motion, and it carried 5-0. Susan Kerley read Resolution No. 1311 by number and title. Councilman Payne made a motion to adopt the Resolution. Councilman Fritsinger seconded the motion, and it carried 5-0.
- E. Council may review and approve the Magistrate Evaluation Process: R. Krombeen
- Judge Rob Krombeen introduced Sharon Yates from Coconino County Court in Flagstaff and Jennifer Carter, Court Administrator in Williams. He has developed an evaluation form and process similar to those used in other courts. Through this process, Council would have the necessary information for a Magistrate's appointment or re-appointment.
- Mayor Moore noted that the City has an evaluation process in place that seems to be working pretty well. Evaluations are done through the City Manager and Human Resources Director. Council does not do evaluations. The Mayor asked the Judge to address why his should differ from that of the Public Works Director or any other employee. He asked Mrs. Yates how many other cities use this process. She did not know.
- Councilman Hiemenz reminded everyone that the Magistrate is a City employee. Judge Krombeen replied that the City's evaluation is based on a supervisor's view only, and no one from the City observes him in Court. His evaluation would get input from professionals who interact with the Magistrate.
- Councilman McNelly asked Attorney Kavanaugh if the City would be opening itself up to litigation or undue troubles by using outside input. Attorney Kavanaugh first issued a disclaimer that practitioners from his office appear before the Magistrate. Then he said that the Court is a different branch of government, and what's being offered would not be taking away from being a City employee but addresses the separation of powers. This is not necessarily a legal problem one way or the other. Council may accept some or all of this evaluation and incorporate it into its process. Most of all, whatever makes City Council comfortable is what should be done.
- Mayor Moore asked the Human Resources Director (Susan Kerley) to comment. She said the City's goal is to be more position-specific, using Position Descriptions as the basis for evaluations, and to move

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toward a 360-degree type of evaluation. Brandon Buchanan added that evaluations are best from those who are familiar with the work of the employee.

Brandon Kavanaugh said that this position cannot be treated the same as any other City employee because you cannot rate a Magistrate on how they ruled on a particular case, but you can evaluate on overall performance. This position is different from every other City employee – it doesn't fit inside the typical box.

Councilman Payne said it is a good idea to get input from those who are in the Court everyday whether it is the current Magistrate or if someone else is Magistrate. If everybody else is doing reviews, it would be tough for the City Council to change Magistrates if the Magistrate had gotten rave reviews. If it is just to be used as another tool, then it might be all right.

Judge Krombeen said that the attorneys who practice in the Magistrate Court solicited to complete the evaluation forms would be anonymous so the Magistrate would not know the sources of information. He added that the Magistrate serves at Council's pleasure, and they can hire whomever they want for this position. The desire of the Magistrate would be for his evaluator(s) to have the ability to make decisions based on input from professionals rather than on rumors heard around town by Council members.

Brandon Kavanaugh said Council does not have to take this evaluation and process wholesale. This evaluation is being offered by the Court Administration as a tool that can be worked into the City's process.

Mayor Moore added that he agrees with a lot of things in here, and he believes some of it is very good. He suggested taking this evaluation form to the Human Resources Director and putting it into our system. Then, let her bring it back to Council. Councilman Dent said that Brandon Buchanan could take it and use it as much as he can within the current process.

Councilman Fritsinger made a motion to take the Magistrate Evaluation Process and use it with current Human Resources evaluation procedures. Councilman McNelly seconded the motion, and it carried 5-0. Mayor Moore directed the Human Resources Director to see what parts, if any, she wants to incorporate into our current system.

F. *Tabled from
9.11.2014 meeting:
Pat Walker, Walker
Consulting,
presented her*

Mayor Moore said Mrs. Walker's recommendation is that it is too costly to proceed with an Impact Fee Study at this time, based on her projection of growth. We have to make a decision on whether she should proceed or not.

Brandon Buchanan said we would be looking at a nine-month

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recommendation regarding the implementation of Impact Fees to Council on September 11th.

Tonight, Council may make a decision on future implementation of impact fees and direct Staff on how to proceed: J. Moore

G. *Tabled from 9.11.2014 meeting: Council may discuss and direct Staff on water issues such as a location for a new well [1], ongoing work on Dogtown #1 [2], and the portion of the City Code concerning Water Restrictions [3]. [1] and [3] were the tabled portions of this item.*

Tonight, Council may discuss and direct Staff on water issues such as a location for a new well, and the portion of the City Code concerning Water Restrictions: J. Moore

process if it were picked up again. We still have connection fees and development agreements.

Councilman Dent said he believes the information provided is insufficient to make a decision. Council needs more details. We need to look at water and wastewater – how much has been collected over the last 10 years, both residential and commercial. What are we going to do to replace that money? Obviously, the growth projection for 34 homes over the next 10 years is not accurate. We need more information from her or from Staff. We need to know what money came in over the last 10 years.

Councilman Dent made a motion to table this item so that additional information can be submitted and reviewed before a decision can be made. Councilman Hiemenz seconded the motion, and it carried 5-0.

Mayor Moore said we are not ready to address Item [1].

Brandon Buchanan said he did provide an estimate on surveying property on the north side of I-40, and he recommended pursuing the additional survey. There is water near the Rodeo Grounds, evidenced by the Rodeo Well, and a well at that location would be ideal for several reasons.

Kyle Christiansen reported on Item [2]. The equipment went in last week, and the first tools went in yesterday. They are working 24 hours a day with various tools. This is not a fast process. They are discovering that silica sand has packed into the casing. The contractor is attempting to wash out that packing to get a clear shot at the end of the column pipe.

[3] Mayor Moore referenced *City Code, Title 8 – Public Works, Chapter 4 – Water System, Article 8-4.08 Water Conservation and Water Related Emergencies*, saying that his understanding of “usable water” includes what’s in lakes and what is readily available.

Attorney Tony Cullum spoke on behalf of La Quinta because they can’t proceed right now because of water restrictions. He believes the long-term aspects of what Council is doing make sense. The City needs to have well water to cover dry weather. These statutes are a little bit antiquated – surface water is finite. The only way to have growth is to have well water. On a short-term basis, La Quinta thinks it’s a good idea. They bought the land and made a deal with the construction crew working on the motel next door to work on both properties in tandem. They would not be pulling water until the end of next summer. Any help Council could give La Quinta as soon as possible would be appreciated.

Mayor Moore commented: If we change the Ordinance to count well water, that shows we have a substantial amount of water. Brandon

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Buchanan added that well water plus ground water with Rodeo Well and Dogtown III running could provide years of water. However, right now, it could go either way very quickly if one well goes out. City Council must decide how much well water to consider – where do you find a balance?

Councilman Payne said he was teetering on the fact that we're sucking mud out of the pond. Even when Dogtown I was up, we still had a problem. When Dogtown I went down, we had a tragedy, and we are trying to remedy that. He cannot look at people who vote Council Members in and say, "You can't water your lawns or wash your cars, but we're putting in new motels." We're on the right track.

Councilman Dent agreed that Attorney Cullum was right: The Ordinance does need to be re-done. We need to determine what is a producing well. He would not gamble on counting Rodeo Well now. Somehow, what is a producing well must be defined and a determination made on whether or not to include it in production calculations. We cannot go back to the people who have let their grass die, who've supported the restrictions, and say, "Oh, we do have water." We need to know what Rodeo Well's going to do, and by springtime, find out if we have any runoff.

Councilman Hiemenz said he believes we should start on an update of the Ordinance.

Councilman McNelly noted that in these calculations a factor of wells not producing can be included. Brandon Buchanan said Staff would work on coming up with a formula. While the numbers seem encouraging, if anything happens, they could change quickly. This is just a snapshot of today.

Councilman Dent mentioned that the budgeting would have to be change if the wells are running 24/7 at \$15,000 per month. We did not used to budget for year-round pumping. He asked if finances were terminal yet. Brandon Buchanan replied that the cash flow of the City is not problematic; however, the budget will need amendment by year's end.

Mayor Moore noted that, while the attorneys are here, consideration needs to be given to La Quinta's' permit which is certainly part of water restrictions. He suggested that grading and building permits could be issued.

Attorney Kavanaugh advised that this item does not appear on the Agenda. It was not pursued.

VII. REPORTS AND INFORMATION ITEMS:

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J. Mayor and Council Councilman Dent apologized for missing the 9.11.2014 Council meeting at which a location for an electric sub-station was chosen by Council Members. He disagrees with their decision, because he believes it is a wrong decision for the value of the property and other properties nearby. He feels the substation needs to go near the back of the property.

Attorney Kavanaugh advised that this was not a Report but a discussion of an item not on tonight's Agenda. It was not pursued.

K. Staff Reports None

IX. ADJOURN:

Councilman Fritsinger made a motion to adjourn, and it was seconded by Councilman Hiemenz. The meeting adjourned at 8:19 p.m.

Mayor John Moore

ATTEST:

City Clerk