

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

PAGE 1

SEPTEMBER 09, 2010
COUNCIL ACTION

I. PROCEDURES:

- A. Call to Order Mayor Moore called the meeting to order at 7:00 p.m.
- B. Pledge and Invocation Bob Herman led the pledge of allegiance, and Ruth Sanzari offered the invocation.
- C. Roll Call Mayor John Moore, Councilmen Bernie Hiemenz (arrived at 7:10 p.m.), Frank McNelly, Bill Miller, Lee Payne, and James Wurgler were present and constituted a quorum. Vice Mayor Dent was absent.
Present from City Staff were Acting City Manager/Finance Director Joe Duffy, Police Chief Herman Nixon, Public Works Director Glenn Cornwell, and City Clerk/Human Resources Director Susan Kerley.
- D. Approval of Minutes Councilman Miller moved to approve the minutes of August 12, 2010. Councilman Wurgler seconded, and the motion carried 4-0.
- E. Adoption of Agenda Councilman McNelly moved to adopt the agenda. Councilman Payne seconded, and the motion carried 4-0.

II. PRESENTATIONS: NONE

III. PUBLIC PARTICIPATION: NONE

IV. CONSENT AGENDA ITEMS:

- A. Approval of Purchase Orders: J. Duffy Councilman Wurgler moved to approve the consent agenda items, Councilman Miller seconded, and the motion carried 4-0.
- B. Approval of Check Register for month ending August 31, 2010: J. Duffy
- C. Approval of Volunteer Fire Assistance Grant of \$4,100 funded by U.S.D.A., United States Forest Service to the Arizona State Forestry Division and awarded to the City of Williams J. Duffy

V. NON-CONSENT AGENDA ITEMS:

- D. Discussion and decision regarding application for Liquor Store Sampling Privileges by Safeway Inc. This liquor legislation became law on July 29, 2010: S. Kerley Susan Kerley explained that the legislation creating sampling licenses went into effect on July 1, 2010 and that the 20-day notice posting process was the same as for a new license. The process was completed as required. Safeway Inc. wants to have tastings in some of its stores, following the legislation as set forth. Chief Nixon noted that the distributor must supervise each event.
After a discussion in which it was stated that this serves no useful purpose for our community and puts it right out front for kids, Mayor Moore pointed out that the Council may disapprove and the Liquor License Control Board may still approve the license.
Councilman Miller made a motion *to deny* the application, and the motion was seconded by Councilman Wurgler. A roll call vote was taken:

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

PAGE 2

SEPTEMBER 09, 2010
COUNCIL ACTION

Councilman Hiemenz No
Councilman McNelly No
Councilman Miller Yes
Councilman Payne No
Councilman Wurgler Yes

City Clerk Kerley affirmed that two voted for the motion to deny the license, and three voted against the motion, thereby approving the license.

- E. Discussion and decision regarding application for Liquor License by Randy Nations for Wild West Junction, 321 E. Route 66, Williams, AZ: S. Kerley
Councilman McNelly made a motion to approve the license for the new owner of Wild West Junction. Councilman Hiemenz seconded the motion, and it carried 4 to 0 with Councilman Miller abstaining.
- F. Discussion and decision regarding Cataract Creek Estates Subdivision Request for Time Extension (2 years) of Entitlements for the following components: G. Cornwell
The rezoning of the property to Single Family (R-1-7) and Multiple Family Residential (R-3)
The preliminary plat of the Cataract Creek Estates Subdivision
The allocation of water rights for the entire Subdivision
The final plat for Phase I of the Subdivision
Kim Tittelbaugh, Urban Planner with the law offices of William P. Ring, P.C., represented the developer in requesting a two-year time extension. She said that the developer is moving forward with the project and would like to continue when the timing is right. The developers do not believe that now is the time to bring the development to market. It was noted that a previous one-year extension was granted in July 2009, and no progress has been made on the project. It was determined that one major question for Council is whether water should be reserved for one developer and then denied to another who comes along with a product and financing ready to bring a development to market because all allocations were already committed. After discussion, it was pointed out that requests for extensions will continue to arise. Consulting with legal counsel at this time would allow setting a clear procedure and precedent for future requests.
Councilman Hiemenz made a motion to deny this item, volunteered to amend it to exclude the water allocation, and then withdrew the motion.
Councilman McNelly made a motion to table the item until the first Council meeting in October (14th), allowing time to consult with the City's legal counsel. Councilman Payne seconded the motion, and it carried 5-0.

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

PAGE 3

SEPTEMBER 09, 2010
COUNCIL ACTION

- G. Discussion and decision regarding Lake Ellen Diversion Ditch: G. Cornwell
Glenn Cornwell received current estimates for this project based on former City Attorney Lat Celmins' advice given in 1995. With Council's approval, L.P's Excavating can complete the work, and the City would have access to the clean fill dirt. Councilman Wurgler made a motion to complete the Lake Ellen Diversion Ditch, and the motion was seconded by Councilman Payne. The motion carried 5-0.
- H. Discussion and decision regarding extension of zoning change for Baker property located at the corner of Grand Canyon Blvd. and Franklin Avenue: J. Moore
Bill Baker appeared to request a two-year extension of the rezoning of APN 200-02-039, APN 200-02-040, and APN 200-02-041 from R1-7 (Single-Family Residential) to CBD (Central Business District). This item was distinguished from Item F. because this request is only for the extension of zoning with no water allotment or other considerations involved. However, none of the stipulations set forth at the time of the initial rezoning (see minutes of October 9, 2008) have been met. If the extension were not granted, the zoning would revert from CBD to R1-7. Councilman McNelly made a motion to extend the CBD zoning for one year, and the motion was seconded by Councilman Hiemenz. The motion carried 4-0. (Councilman Miller recused himself before discussion of this item began.)
- I. Discussion and decision regarding City of Williams Impact Fee Deferral Policy: J. Duffy
Joe Duffy and Tim Pettit worked up a sample policy for deferring impact fees, following requirements set forth in Arizona Revised Statutes. It was agreed that deferring payment of the impact fees until it is time for a Certificate of Occupancy to be granted would be helpful to homeowners, particularly those who are purchasing modular homes. The question of how payment can be guaranteed arose. Mr. Duffy pointed out that State law requires security in the form of a surety bond, letter of credit or deposit. He could get a letter from the lender guaranteeing payment when permanent financing is received. Mayor Moore said that he would like to have a work session and really look at impact fees, because impact fees were based on projections that have never happened. Joe Duffy said that fees were originally based on a Wastewater Treatment Plant costing \$6 million that actually cost \$12 million, and other capital expenditures have increased. He believes that if a complete study were done, fees would not be reduced. However, tonight's request has only to do with the deferral of impact fees. Mayor and Council directed Mr. Duffy to consult with the City's Attorney and to continue developing the policy.
- J. Distribution of and comments regarding *Williams Focused Future II Strategic Plan for Community & Economic*
Mayor Moore reviewed the process of Focused Future II: It began about 1 ½ years ago when APS pulled a group together to determine the direction Economic Development should go. This effort took into account areas other than tourism. The booklet contains some good information. The Economic Development Committee meets monthly and will try to implement this strategic plan. It will be updated, and reports will be made periodically.

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

PAGE 4

SEPTEMBER 09, 2010
COUNCIL ACTION

Development: J.
Moore

VI. REPORTS AND INFORMATION ITEMS:

- A. Mayor and Council Councilman McNelly believes Council needs to address the electric system as it may require major revamping in the short term. Whether rates should be increased needs to be considered.
- B. Staff Reports None

VII. ADJOURN: Councilman Miller made a motion to adjourn, seconded by Councilman McNelly. The motion carried 5-0, and the meeting adjourned at 8:09 p.m.

Mayor John Moore

ATTEST

City Clerk