

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

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MAY 12, 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 Judge Rob Krombeen 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, Frank McNelly, Bill Miller, Lee Payne and James Wurgler (late) 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, City Clerk/HR Director Susan Kerley, and Administrative Assistant, Pamela Galvan. City Attorney, Kellie Peterson, was present.
- D. Approval of Minutes Councilman Dent made a motion to approve the minutes as presented, and the motion was seconded by Councilman Miller. The motion carried 5-0.
- E. Adoption of Agenda Councilman Miller made a motion to approve the agenda, and it was seconded by Councilman Hiemenz. The motion carried 5-0.

II. PRESENTATIONS - NONE

III. PUBLIC PARTICIPATION:

- Chuck Vaughn, Chairperson, Northern Arizona Barbeque Festival, announced that this year's event, "Turn Up the Heat," will be held the first Saturday before the 4th of July.
- Laura Duncan came to thank everyone at the City for the signage put up at Santa Fe Dam.
- Ruth Sanzari shared her concerns with water sales to developers.
- Jim Lara handed out some information on wind energy to the council.
- Lisa Lovell inquired on the number of gallons developers would be obtaining.
- Kathy Lara is concerned about the impact on the city with water sales to developers.

IV. CONSENT AGENDA ITEMS:

- B. Approval of Purchase Orders: J. Duffy

- C. Approval of Check Register for the month ended April 30, 2011: J. Duffy

- D. Proclamation of May 15-21 as Emergency Medical Services (EMS) Week; J. Moore

- Joe Duffy read the proclamation.
- Paramedics from Lifeline and Sheriff's Department were introduced.

Councilman Miller made a motion to approve B. Purchase Orders, C. the check register for the month ended April 30, 2011, as well as, D. the proclamation. Councilman Wurgler seconded the

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motion. The motion carried 6-0.

V. *NON-CONSENT AGENDA ITEMS:*

- E. Discussion and decision regarding waiving Habitat for Humanity building fees: J. Duffy
- Joe Duffy opened the discussion, going over the building fees.
 - Ruth Sanzari read a letter, requesting the city to waive the fees.
 - Joe Duffy gave the total of \$7,043.91 that will be waived.
- Councilman McNelly made a motion to waive the fees and it was seconded by Councilman Wurgler. The motion carried 6-0.
- F. Council may approve effluent water rate after discussion: J. Duffy
- Joe Duffy pointed out that 400,000 gallons per day are piped and used by the Golf course.
 - He suggested a rate of \$12.00 per thousand gallons to start.
 - \$20.72 per thousand is the standpipe rate.
 - Councilman McNelly inquired on the possibility of selling the filtered water. The consensus was “no.”
 - There was discussion of selling raw water for concrete use.
 - Vice-Mayor Dent noted that 17 million gallons of effluent water sales was not much, considering when lakes are full, we will lose more than that in evaporation. We may generate more than \$100,000.00 in water sales and with the sales, we could improve our roads.
 - Joe Duffy will watch water sales and limit them if necessary.
 - Vice-Mayor Dent spoke of water sales in Flagstaff being \$2.50 per thousand, but semis may not want to travel the distance.
 - It was confirmed that the sales will be of effluent and raw water only.
- Councilman Wurgler made a motion for the rate of \$12.00 per thousand gallons and it was seconded by Councilman Heimenz. The motion carried 6-0.
- G. Second of three readings of Ordinance 919, amending Title 6, Chapter 6.10 – Animals: K Peterson
- Councilman Wurgler made a motion to read both name and title only; it was seconded by Councilman Heimenz. The motion carried 6-0.
- Joe Duffy read the ordinance by name and title only.
- H Introduction and first reading of Ordinance No. 921, regarding any unnecessary,
- Kellie Peterson opened with an explanation that it is in draft format at this time. Changes can be made up until it is adopted.
 - Councilman Miller inquired on the residential area being

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excessive, or
offensive noise
which disturbs the
peace or quiet of
any
neighborhood: K.
Peterson

defined.

- Ms. Peterson noted it is defined by zoning.
- Councilman Miller added that we need to keep it simple. The real issue is with the hours and how they impact the hotels. (There are 14 hotels on Route 66)
- Councilman Miller expressed his concern over the number of individuals we have during the summer and the 2:00-6:00 a.m. noise ordinance. 10:00 p.m. is a reasonable hour to drop the noise; there has been no cooperation in the past. He is sympathetic to hotel owners whose guests were expecting a good night's sleep. He thinks by 10:00 p.m. at night the noise should be taken inside. He suggested changing the time in the commercial area to accommodate our guests.
- Councilman Wurgler agreed to 10:00 p.m. for both commercial and residential areas.
- Ms. Peterson noted that a 10:00-12:00 range is most consistent.
- Attorney Tevis Reich representing the Motel/Hotel industry (Econo Lodge) believes this is a good ordinance with a good start, but the hours are of concern. He spoke of a need for balance for families and hotels. He spoke of ordinance article 6-12.01. It refers to residential only but it should apply to both residential and commercial areas. He spoke further on the purpose of a noise ordinance. It is regarding how noise is emitted; and how there is a loophole in being able to play for say 13 minutes, take a break for 5 minutes only to start playing again. It is an ambiguous term. The immediate premise needs greater detail. He noted how the public and law officials (officers on the street) need to thoroughly understand the ordinance. How quiet hours should allow you to go to sleep; henceforth "no" sound being emitted to bother others. The ordinance is a good start but needs greater definition.
- Mayor Moore stated he was "confused"; he felt that the immediate premise was well defined by high court.
- Mr. Reich doesn't feel it is, that it can be interpreted in various ways.
- Councilman Wurgler referred to page 2, item 2. He asked Mr. Reich if he agreed with it.
- Councilman Wurgler asked to hear from Chief Nixon about the Police Department enforcing the ordinance.
- Chief Nixon stated that we will not make everyone happy

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but will try to do our best. Bar owners depend upon the music. Hotel owners want guests to get a good night's sleep. What is a reasonable person's expectation?

- Councilman Wurgler asked if it is fair to say that if we put a 10:00 p.m. limit on them, we can come back and visit it again.
- Mayor Moore thinks a 12:00 midnight would serve hotels' interests.
- John Peasley came forward stating he thinks 2:00 a.m. is too late and 10:00 p.m. is too early; that midnight is reasonable. He agreed with the Mayor.
- Councilman Miller noted that there is no hotel near Mr. Peasley.
- Vice-Mayor Dent noted that foreign visitors eat late (9:00 to 10:00) and this will affect them.
- John Peasley has the largest outdoor seating area.
- Councilman Wurgler asked if it is necessary for the volume to stay the same. Can it be reduced at 10:00 p.m.?
- Chief Nixon noted that Council needs to understand that if hotel owners complain and a citation is written, they must go to court.
- Vice-Mayor Dent doesn't like having to involve the government more than necessary. He believes the only way to enforce levels is with a decibel meter. Cities using them are having problems. He looked at four different websites' comments and saw one comment about noise- not specifically music. Everybody will have a different opinion. Officers will have to make a judgment call. There is no easy answer.
- Mayor Moore asked to talk to the attorneys. He gave an example of noise bothering a guest, guest complains to management, and then leaves town. Can the owner complain on behalf of guest?
- Mr. Reich replied "yes," the impact still is present.
- Mayor Moore feels that time frame is what we need to talk about.
- John Holst noted the town is growing and the entertainment is better; however, the problems lie with the bars blasting loud music late into the night to attract visitors to their bars.
- Mike Cowen recalled when people came and stayed because they had to. He has been here 35 years. He recalled a time when semis traveled on Route 66 24 hours a day and you

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heard jake brakes over music. We have 15 vacant buildings. Williams has changed to a place that people come to for an experience. We need to keep entertainment going.

- Hugo explained his frustrations with upset guests, and stated that 12:00 midnight is too late.

Councilman Wurgler made a motion for the quiet time 12:00 a.m. to 6 a.m. Councilman Dent requested it be for both residential and commercial. Councilman McNelly seconded the motion.

Roll Call Vote: Mayor Moore, Yes, Vice-Mayor Dent, No, Councilman McNelly, Yes, Councilman Payne, Yes, Councilman Hiemenz, Yes, Councilman Miller, No, and Councilman Wurgler, Yes. Motion to table first reading until May 26, 2011. Councilman Wurgler made a motion and Councilman Hiemenz seconded. The motion carried 4-2.

- John Holst asked for clarification on no limits till midnight.
- Mayor Moore stated that there is a big issue with time frame.
- Gloria Rodriguez stated there is a lot more than giving a refund. Corporate gets involved if there are problems. If adopted, how does it affect residential/commercial areas?
- Ms. Peterson not intent – overall ordinance applies all the time.
- Councilman Payne is amazed at what we go through, the business owners help each other all the time. It's a shame we come to this point to control. Sometimes the music is too loud.

No first reading of Ordinance No. 921 was given.

I. Approval of the Technical Assistance Contract with NACOG for the administration of the City's two Community Development Block Grant Contracts: J. Duffy

- Joe Duffy opened with noting \$7,000 to \$15,000 is in line with all previous Community Development Block Grants.

Councilman Dent made a motion to approve the Technical Assistance Contract and Councilman Payne seconded. The motion carried 6-0.

J. Council may make a decision after discussion of a request by Mark

- Joe Duffy noted that Kellie Peterson has the draft agreement 99% complete. She recommended tabling until May 26, 2011. Councilman Wurgler made a motion to table this item until May 26th,

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Worden to use Bucksinner Park for the Annual Renaissance Faire beginning in 2012: Glenn Cornwell (*Tabled from 4.14.11 and 4.28.11 Council meetings.*)

and Councilman Miller seconded. The motion carried 6-0.

K. Council may make a decision after discussion of an upgrade proposal for the replacement of obsolete card readers at the water loading station: J. Duffy

- Joe Duffy opened the discussion by saying that the current card system has become obsolete; there are no parts available.
- He recommends going to a system where users can be identified. This will eliminate the machine at Safeway and change the cost at City Hall. Option A card system will be provided at no cost with no out-of-pocket cost. Cards are good for 5 years. Customer puts their card in, enters their security code and debit/credit card in for payment.
- The existing agreement with the Havasupai may not take on additional water clients.
- Joe Duffy recommends Option B card system.
- Councilman Hiemenz asked if this keeps people off the system who don't use credit cards.
- Councilman Miller inquired on the number of Williams' residents that are not allowed to buy water. Also, will the agreement with the Havasupai affect water sales with contractors?
- Ruth Sanzari noted some residents in the City of Williams haul water and asked how credit card will use impact the discounted rate for locals.
- Joe Duffy stated that each user's ID will determine their rate.

Councilman Wurgler made a motion to purchase Option B and Vice-Mayor Dent seconded. The motion carried 6-0.

VI. REPORTS, CURRENT EVENTS AND INFORMATION ITEMS

A. Mayor and Council

- Mayor met with the superintendent of schools regarding the ball field. Councilman Payne, Mayor Moore and Chief Nixon will meet on Monday and get started.
- Councilman Miller stated the Fly-In was a success with hopes of building on it next year.
- Councilman Wurgler mentioned that we are neglecting the

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potential for marketing Kaibab National Forest.

B. Staff Reports

- Joe Duffy reminded everyone of budget meetings on the 17th and 19th. Staff Day is on Thursday May 26th.
- Susan Kerley noted Open Enrollment for insurance on Monday, May 16th and Tuesday, May 17th.

VIII.

ADJOURN:

The meeting adjourned at 8:34 p.m.

Mayor John Moore

ATTEST

City Clerk