

CITY OF WILLIAMS CITY COUNCIL

**ANNOTATED MINUTES
AGENDA ITEM**

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**DECEMBER 8, 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 Allan Duncan led the pledge of allegiance, and Ruth Sanzari offered the invocation.
- C. Roll Call Mayor John Moore and Councilmen Don Dent (late), Bernie Hiemenz, Frank McNelly, Bill Miller, Lee Payne, and James Wurgler were present and constituted a quorum.

Present from City Staff were Brandon Buchanan, City Manager, Police Chief Herman Nixon, Building Inspector Tim Pettit, Bill Pruett and Kathy Fuller, Water Department, and City Clerk/HR Director Susan Kerley.

City Attorney Kellie Peterson was present.
- D. Approval of Minutes: November 10, 2011 Councilman Miller made a motion to approve the minutes as presented. Councilman Hiemenz seconded the motion, and it carried 5-0.
- E. Adoption of Agenda Councilman Hiemenz made a motion to adopt the Agenda as presented. Councilman Miller seconded the motion, and it carried 5-0.

II. PRESENTATIONS

- A. Kaibab National Forest Service, Four Forest Restoration Initiative: Dick Fleishman, Assistant Team Leader of the Four Forest Restoration Initiative, Charlie Ester from the Collaborative Stakeholder Group, and Martie Schramm, Williams District Ranger

The objective of this Initiative is to restore ecological resilience and function across 2.4 million acres of northern Arizona's ponderosa pine forest and to attract appropriately sized industry to the region. Their overall goals, accomplishments to date, and timelines are reviewed on the attached handout. All diverse interests have come together to consider all other interests. Rather than the previous awards of 20-year contracts, they will be using staggered 10-year time frames with several awards. The award process is being handled out of Albuquerque and is blind to this group. In the past awardees could do road work in exchange for wood, and part of future exchanges will be fixing roads. The hope is to get folks involved up front in the planning process.

III. PUBLIC PARTICIPATION - None

IV. CONSENT AGENDA ITEMS

- B. Approval of Purchase Orders
- C. Approval of Check Register for month ending November 30, 2011

Bill Pruett explained that the two checks issued to ADEQ covered permits for each of two generators. Councilman Wurgler made a motion to approve the Consent Agenda items. The motion was seconded by Councilman Hiemenz, and it carried 5-0.

RECESS TO BOARD OF ADJUSTMENTS

Councilman Miller made a motion to recess to Board of Adjustments. The motion was seconded by Councilman Hiemenz, and it carried 5-0.

Hearing on the Request from Greg Papas, owner of Jessica's Restaurant, 525 W. Route 66 (APN 201-04-008), for a Variance to allow a detached garage/storage facility in the rear of his property.

The Board of Adjustments will make a decision whether or not to approve the Variance, and this decision will be determined by a roll call vote.

Tony Cullum, attorney from Flagstaff, representing the Highlander Motel and the Brane Family Trust, explained that their concerns are pretty simple. Those parking at Jessica's Restaurant back onto the Motel's property. In non-conforming areas, you live with that. If properties are non-conforming, you leave them alone. If you expand grandfathered or non-conforming uses, you lose rights conveyed. When you come before the Board of Adjustments, it is usually for a hardship that can't be handled any other way. A hardship is usually geographic or topographical with a special piece of land or a special reason. Special circumstances or conditions peculiar to this land must be demonstrated. Mr. Papas' request states that "Due to increased business, I need more storage area..." Mr. Cullum suggested that what is best for the community is that non-conforming property should be used as non-conforming property. "Use it that way, but don't ask to expand."

Allan Duncan, 601 S. Third Street, a lifelong resident, pointed out that his dad once owned the Highlander Motel. He believes that the wall that was recently built blocks access and negatively impacts two businesses, the Motel and Judy Brane's accounting business. Because of the historical, common use of this access, it seems to him like it should be an easement by prescription. The businesses mentioned cannot get rid of snow without hiring heavy equipment, and there is also a fire access issue. He dislikes the existing wall and believes construction of a building would have a negative impact.

A letter (attached) from Kristine Luna, 112 S. 5th Street, who could not attend was read. She says that she does not "see a benefit to the City of Williams in granting this variance for a garage and feel(s) that it puts an undue

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burden on the immediate neighborhood.”

Mayor Moore twice asked if anyone else other than those represented by Mr. Cullum wanted to speak.

There was no response.

Councilman Wurgler made a motion to table this matter until the next Council meeting on January 12, 2012.

Councilman Payne seconded the motion, and a roll call vote was taken:

Councilman Dent: Yes

Councilman Hiemenz: Yes

Councilman McNelly: Yes

Councilman Miller: Yes

Councilman Payne: Yes

Councilman Wurgler: Yes

(Mayor Moore: Yes)

The motion carried 6-0.

RECONVENE TO COUNCIL MEETING

V. NON-CONSENT AGENDA ITEMS

- D. Council may make a decision regarding APS’ proposed implementation fee for the recently approved rate increase: Kent Jones and APS Staff Members
- APS was asked back in August to implement the process of electric rate increases. Kent Jones and an IT Staff member from APS were present to answer any questions regarding their implementation fee of \$46,698.00 .
- Mayor Moore said he felt blind-sided by the fees, but APS has been gracious enough to extend payments (four years at approximately \$1,000/month). He added that this was not their fault.
- Kent Jones said the \$46,698.00 represents a reduction from approximately \$60,000.00 in actual costs. APS has absorbed the difference for good will.
- In response to Councilman Miller’s question of what we would be paying for, the IT Staff member replied: Millions of lines of programming code have to be written. They have to make a new billing system for the City of Williams. This involves lots of work and testing. Right now, they have no ability to change rates for the City because it piggybacks on the APS system. An increase in rates has never been made, so this is the first time this has come up. The work done now will allow for future changes that would run about \$4,000 to complete.
- Councilman Wurgler asked Attorney Peterson and City Manager Buchanan if they’ve looked at the issue from a legal perspective. Kellie Peterson said that the City agreed to pay for the hardware changes but not for software. She received the contract only today and needs to review and discuss it.

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Brandon Buchanan said that, as a non-attorney, he would read the contract in the same way. At this point, if rates are raised, we have to pay for the work to do so.

Councilman Miller said that the Mayor was right in saying “blind-sided.” These charges were not brought up when they voted to increase the electrical rates.

Councilman Payne said it was also news to him.

Kent Jones explained that as soon as they found out about the rate increase, he got the information from APS regarding the implementation fee.

Councilman Hiemenz reiterated that the fees are \$46,000 now and \$4,000 for each increase thereafter.

Mayor Moore suggested that some money should have been set aside all along for things such as these.

Councilman Wurgler added that \$1,000 per month is more palatable than \$46,000 at once.

Brandon Buchanan noted that, since we are asking them (APS) to make the adjustments, it makes sense that we shoulder the burden.

Councilman Wurgler made a motion to accept the implementation charge and pay it at \$1,000/month. Councilman Hiemenz seconded the motion, and it carried 6-0.

- E. Council may make a decision regarding submission of a grant proposal for funds to be released through the National Scenic Byways Program: Carol Glassburn

Ms. Glassburn explained that she has been working with Sharlene Fouser, the Historic Route 66 Byway Coordinator, who serves as Williams’ representative. This grant proposal has to be in by Tuesday of next week. Ms. Glassburn has worked with Police Chief Nixon to obtain statistics on crimes. The project would be installing 90 historic street lights along Route 66 which would cost at least \$450,000. This is an 80% federally funded grant, and the 20% contribution from the City can be in kind. The proposal will be based on the potential decrease in vehicular accidents and vandalism because of the increased security from the lights. \$14 million is available, and there is no limit on the amount that can be requested. This federal grant will be administered by ADOT.

The City’s approval is needed in order to proceed.

Mayor Moore asked if we should be awarded the grant and can’t come in with the 20%, can we not accept the grant at that point?

Kellie Peterson replied that, generally, application doesn’t commit to acceptance.

Councilman Wurgler made a motion to approve making the grant application. The motion was seconded by Councilman Miller, and it carried 6-0.

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- F. Council may make a decision to approve the Master Concept Plan for Cataract Lake Improvements: Mike Connor/Carol Glassburn
- Mike Connor reviewed the Master Concept Plan that he presented to Council earlier this year. He said that approximately \$1.2 million will be available for construction of the improvements on this 15-acre site. The plan includes a ramada conducive to reservations for birthday parties, two play areas, and hardscaped sidewalks. He added that the catch is that, if the County builds the improvements, the City must maintain the Park.
- Alex Wiznewski, County Maintenance Manager, said that they approach the Park's maintenance costs based on a matrix developed over the last couple of years. It is facility-based and broken down by tasks and frequency rates. It includes five levels, based on the use of the facility. The maintenance costs would include cleaning restrooms and janitorial supplies as well as repairing sidewalks.
- Carol Glassburn added that this was reviewed with the County Board of Supervisors, and they approved the Master Concept Plan last night. She assured Council that the best fire management practices will be used.
- Mike Connor said maintenance costs would run approximately \$19,000 per year.
- Councilman Wurgler made a motion to approve the Master Concept Plan. The motion was seconded by Lee Payne, and it carried 6-0.
- G. *Tabled from November 10, 2011:* Request for approval of contract with Coconino County Elections Department to provide election services for the March 13, 2012, Consolidated Election and decision on whether this will be a polling place election or a vote-by-mail election: S. Kerley
- Susan Kerley provided the information Council requested at the November 10th meeting. Candace Owens, County Recorder, sent the following statistics from the last mayoral/council election in 2010:
- March 9, 2010: Polling Place Votes: 234* Mail: 304
May 10, 2010: Polling Place Votes: 504* Mail: 535
- *Includes provisional ballots.*
- Councilman McNelly made a motion to keep the March 13th primary election as a polling place election. Councilman Dent seconded the motion, and it carried 6-0.
- H. Council may approve the ADEQ Consent Order for the Waste Water Treatment Plant: B. Buchanan
- Brandon Buchanan asked Council to look at the compliance schedule on page 5 of the Consent Order to correct deficiency of equipment at the Waste Water Treatment Plant.
- Mayor Moore asked if Council members had any questions. There were none.
- Councilman Miller made a motion to approve the ADEQ Consent

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Order for the Waste Water Treatment Plant. The motion was seconded by Councilman Wurgler, and it carried 6-0.

- I. Council may make a decision regarding the use of the Airport by Embry-Riddle Aeronautical University's Golden Eagles precision flight team for training purposes: Walt Eastland, Chairperson, Airport Committee

Mayor Moore announced that representatives from Embry-Riddle could not be at the meeting and asked Council to table this item. Councilman Miller made a motion to table this item until representatives from Embry-Riddle were available. Councilman Payne seconded the motion, and it carried 6-0.

- J. Council may approve reinstatement of an alternative health insurance program (high-deductible plan coupled with a health savings account) for employees: S. Kerley

Susan Kerley explained that a High Deductible Health plan with Health Savings Account has not been available to employees since the City joined the Rural Arizona Group Health Trust. RAGHT has now made such a plan available. It will cost the City \$22.04 per month for each employee choosing this plan who carries employee-only coverage. This is because RAGHT requires that employers deposit 25% of the cost of the premium for employee-only coverage into each employee's health savings account.

Councilman Dent added that with this type of coverage, employees take more responsibility for their own health care. They see ownership.

Councilman Dent made a motion to offer the HDHP/HSA plan. Councilman Wurgler seconded the motion, and it carried 6-0.

VI. REPORTS AND INFORMATION ITEMS:

- A. Mayor and Council
- B. Staff Reports

Mayor Moore: We now have a written Staff Report for each item and a Manager's Report at the back of the book.

None

X. ADJOURN:

Mayor Moore wished everyone a "Merry Christmas" and "Happy New Year" and adjourned the meeting at 8:50 p.m.

Mayor John Moore

ATTEST:

City Clerk