

MINUTES
TOWN OF QUARTZSITE
SPECIAL MEETING OF THE COMMON COUNCIL
TUESDAY, APRIL 22, 2014, 7:00 PM

CALL TO ORDER: 7:00 p.m.

The Mayor called the meeting to order and announced the reason that the meeting is a special meeting rather than a regular meeting. The thirty days required, in order for the adopted ordinance changing the meeting times to take effect, have not yet transpired.

INVOCATION: Richard Thompson led the prayer.

PLEDGE OF ALLEGIANCE: Led by the Mayor

ROLL CALL:

Present: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron, Council Member Scott, Council Member Timberlake.

STAFF PRESENT: Laura Bruno, Town Manager; Susan Goodwin, Town Attorney; Tina Abriani, Town Clerk

APPROVAL/AMENDMENT OF AGENDA:

Council Member Orgeron moved to approve the agenda as presented and **Vice Mayor Jewitt seconded** the motion.

Council Member Timberlake pulled the minutes and checks 37210, 37219, 37220, 37245 and 37267.

Vice Mayor Jewitt withdrew his second to the motion made by Council Member Orgeron.

Council Member Orgeron moved to approve the agenda as amended and **Vice Mayor Jewitt seconded** the motion. The vote was unanimous. **Motion Passed.**

PRESENTATIONS; PROCLAMATIONS:

1. PROCLAMATION – Mental Health Month, May 2014.

The Mayor read the proclamation aloud.

CONSENT AGENDA:

2-a. LEDGER OF ACCOUNTS PAID – Consider approval of check series 37208 - 37268, totaling \$128,517.02.

Town Manager Bruno asked that check #37219 be removed from the warrant register as it was written, but held back, and needs to go before the Council for pre-approval.

Council Member Orgeron moved to approve the consent agenda as amended and **Vice Mayor Jewitt seconded** the motion. The vote was unanimous. **Motion Passed.**

Council Member Timberlake asked about check #37210 for backflow testing. She asked if staff can perform that service. Town Manager Bruno explained this was a special situation and staff are not certified as qualified backflow testers.

Council Member Timberlake asked about check #37220 and to whom this retirement check was issued. Town Manager Bruno stated the check was to Jim Schultz. Mr. Schultz went into the military and it was the Town's obligation to cover the retirement contributions while he was on military leave.

Council Member Timberlake asked about check #37245 to ABM Consultant Services. Town Manager Bruno stated this was for Community Development Services. The company provided the maps and drawings for the General Plan.

Council Member Timberlake asked about check #37267 to Quality Inn. She noted there were three different charges and one was four times as much as the other two. Town Manager Bruno said she would look into the matter.

Town Manager Bruno held back check #37219, which was written, but not mailed, as the Council must pre-approve it. It is for the purchase of a police vehicle, off of the State Bid List, paid by a grant from the Governor's Office of Highway Safety.

Vice Mayor Jewitt moved to approve the checks that were mentioned, with the exception of #37219, and **Council Member Timberlake seconded** the motion. **Motion Passed.**

2-b. MINUTES – Consider approval of the minutes of the Regular Meeting of April 8, 2014.

Council Member Timberlake asked why two items from the minutes of April 8, 2014, on page 4 and page 5, that were to be addressed at the next meeting (this meeting), are not on the current agenda. One item, requested by Council Member Kelley, was a list of revenue generating ideas and the feasibility of each of those ideas from the public work sessions regarding sewer rates. The other item, also requested by Council Member Kelley, was the preliminary water rate study.

Town Manager Bruno explained that the last public work session regarding sewer rates happened just a few days ago. She stated that staff needed to prepare the information for the Council. Regarding the water rates, she just received the preliminary water rates and is preparing a memo for the Council showing the historical water rate pattern. She will then seek the Council's direction regarding preparing for workshops and work sessions.

Council Member Timberlake moved to approve the minutes and **Vice Mayor Jewitt seconded** the motion. The vote was unanimous. **Motion Passed.**

ADMINISTRATIVE ITEMS:

3. QUAIL TRAIL WELL REHABILITATION – Consider approval of a bid for the Quail Trail Well rehabilitation to Weber Water Resources, LLC.

Town Manager Bruno invited Kevin Murphy, the Town Engineer, to the podium. The Quail Trail well failed and the Town did qualify for funding from the federal Community Development Block Grant.

The project was put out to bid twice. The first time it was out for bid, there was only one bidder and the bidder was not qualified. The bidder was not bondable and did not have a proper license. The second time the project was put out for bid, only one bid was received and that was from Weber Water Resources, LLC.

Mr. Murphy stated that Weber is a very qualified bidder and knows wells. He reviewed details of the project. The project consists of two phases. First is the rehabilitation of the well. Next is the replacing of the worn out duty pumps with vertical turbines with variable frequency drives (which will also help eliminate pressure fluctuations in the Town's water system).

Town Manager Bruno explained the monetary aspects of the project. The total project cost is \$313,974. Funding for this project is from a Federal CDBG grant and local water revenue funds. She also discussed HURF monies and new water rates.

Town Manager Bruno stated she will send out a memo regarding new water rates.

Town Manager Bruno stated that the Town has only one well and if the well goes down, the Town has two days worth of water.

Vice Mayor Jewitt moved to approve and award the bid for the Quail Trail rehabilitation project to Weber Water Resources, LLC., and authorize the Town Manager to execute the required documents. **The motion was seconded by Council Member Kelley.** The vote was six ayes. **Motion Passed.**

Council Member Scott stated she is only voting 'aye' because the Town has one well and if it goes down there are only two days of water and it would become an emergency. This made the vote unanimously in favor of passing the motion.

4. QUAIL TRAIL WELL PROJECT OVERSIGHT – Consider approval of a project proposal with Atkins Engineering for oversight, permitting and review services for the Quail Trail Well rehabilitation project.

Mr. Murphy spoke regarding an overview of the oversight, permitting and reviewing of the project. The fee for this service is included as part of the CDBG grant and part from the Town funds.

Council Member Timberlake asked if the additional services listed are included in the proposal.

Mr. Murphy explained all the services listed as additional services will be negotiated above and beyond the scope of service in the proposal and are not required.

Vice Mayor Jewitt moved to approve the Quail Trail well project oversight bid, provided by Atkins Engineering, and to authorize the Town Manager to execute that agreement. **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

5. WATER SUPPLY EVALUATION – Consider approval of a project proposal with Atkins Engineering for a water supply evaluation and preliminary engineering project.

Town Manager Bruno explained the Town has an allocation of Colorado River water, contingent upon development and implementation of a plan to make use of the water. The allocation had been set to expire if the water was not in use by 2012, but the Town was recently given a time extension to develop the supply. As a condition of that time extension, the Town must develop and submit a plan to acquire, transport, treat, and deliver the water to its customers to the U.S. Bureau of Reclamation. This plan is due to be submitted to the Bureau by the end of 2014. Annual progress reports are required thereafter.

In 2008, Arizona Department of Water Resources designated the Town as having a 100-year Adequate Water Supply. Earlier this year, the Department provided notice that the term of the designation was through December 31, 2012, and thus has expired. To re-establish its status as having an adequate water supply, a study must be conducted and a formal application filed.

Mr. Murphy spoke of the Colorado River allocation. He stated it is important, as it could secure a quality water source.

Mr. Murphy stated that the report for ADWR will determine the need for a third well.

Town Manager Bruno reviewed the scope of work and the proposed fee schedule. It was broken down into four parts. The work to be performed under this agreement includes: preliminary engineering – Colorado River water supply development; review of the quality of the existing groundwater supply and potential treatment processes to improve quality of the water delivered to the Town's customers; siting study – Well No. 3; and application for new designation of Adequate Water Supply from ADWR.

Mayor Foster spoke about the allocation of the river water; and asked if the Town can find a practical way to get it here. He stated that the Town would need a treatment plant and piping or pumping stations to get the water from the river or a canal to get it here.

Mr. Murphy said grants and private-public partnerships may offer alternative financing; and that the Mohave County Water Authority may help. It must be studied to find a way.

Council Member Scott said it is hard to get these allocations and asked if it is possible to sell part of the Town's allocation to pay for bringing that water here.

Mr. Murphy explained that it may be possible to sell the water; but, it is becoming more and more difficult.

Town Manager Bruno stated the Town might try to enter into a partnership with another arena and use a revenue sharing approach without necessarily selling its asset.

Mr. Murphy stated the Mohave Water Authority wants to help Quartzsite before it loses its allocation.

Mr. Murphy spoke regarding the Bureau of Reclamation. The Town must seek out possibilities to satisfy the bureau in order to keep the allocation. They will expect a study with a utilization plan.

Town Manager Bruno stated \$48,000 is required for the preliminary engineering to provide the Colorado River Water Utilization Plan. She advised \$9,800 is required for the potential of increasing the quality of the water treatment process for better quality water and a siting evaluation for a water production facility, a third well, costs \$8,000. She listed the fee of \$12,500 for the adequate water supply plan and application.

Mr. Murphy explained the 100-year application goes on record with the Arizona Department of Water Resources and states that the Town has an adequate water supply for the current residents and some level of future residents. This report will need to be updated every four years.

Council Member Scott said the Town cannot lose this allocation; it is an asset to the Town.

Vice Mayor Jewitt moved to approve the proposal from Atkins Engineering for a water supply evaluation and preliminary engineering project, and authorize the Town Manager to execute the agreement. **Council Member Crooks seconded** the motion. The vote was unanimous. **Motion Passed.**

6. PLANNING & ZONING COMMISSION – Discussion and possible action to remove Mr. Murphy, as a commissioner from the Planning & Zoning Commission.

The Mayor explained that he was asked to put this on the agenda by the Planning & Zoning Commission. The Mayor was told that Commissioner Murphy missed several meetings and came unprepared to some meetings.

Council Member Orgeron spoke of work sessions as not needing quorums. Council Member Orgeron stated that Commissioner Murphy missed a regular meeting and a special meeting. These absences occurred from September 6, 2013 to present.

Norm Simpson, Chairman of the Planning & Zoning Commission, spoke regarding the overall lack of attendance at the Planning & Zoning meetings during the updating of the general plan. Chairman Simpson explained he made the request for this to be on the Council's agenda because Mr. Murphy missed four meetings in a row during the updating of the general plan.

Town Manager Bruno explained that the Commissioners serve at the pleasure of the Council by ordinance and there is no specificity regarding attendance.

Council Member Crooks asked Mr. Simpson if he checked with Mr. Murphy to see if he might have been ill or out of town due to funerals or deaths in the family. She then asked if Mr. Simpson discussed this with his fellow Commissioners before bringing it to the Mayor.

Chairman Simpson said yes, he did discuss this matter with the Commissioners.

Council Member Orgeron asked if it was discussed openly at a meeting.

Chairman Simpson stated it was discussed when the Commission was trying to make a quorum.

Council Member Kelley asked if the Commission voted at a Planning & Zoning Meeting to have Mr. Murphy removed.

Chairman Simpson stated he does not recall.

Council Timberlake spoke regarding the situation and the need for volunteers,

Town Manager Bruno made a recommendation to have staff monitor this and report to the Council. She also stated that the Planning & Zoning Commission can list this as a recommendation on the agenda and then forward it to the Council.

Council Member Scott spoke regarding attendance. She stated the Commission should put Commissioner Murphy on the agenda, ask him why he missed the meetings and give him a chance to speak.

Chairman Simpson requested that the Town Manager put that item on the Planning & Zoning Commission agenda and Town Manager Bruno said it will be done.

Council Member Crooks moved to not remove Mr. Murphy from the Planning & Zoning Commission at this time and **Vice Mayor Jewitt seconded** the motion. The vote was unanimous. **Motion Passed.**

7. **TOWN COUNCIL STIPEND – Discussion and possible direction to staff regarding an ordinance to amend the Town Code, Section 2-1-5, Stipend for Mayor and Council Members.**

Council Member Orgeron stated changing the stipend to zero dollars for Council Members would add \$31,000 to the annual budget and make the Council more accountable to the tax payers.

Council Member Scott said there are members of the Council who need the money and volunteer for other things. She stated this item should not be discussed at this point. She stated it can be reviewed when Chapter 3 of the Town Code is addressed.

Council Member Orgeron stated his only motivation is that of looking to trim the budget.

Vice Mayor Jewitt stated most of the Council is on a fixed income, a pension and or social security.

Council Member Kelley said the stipend helps with gas to run around Town to help the Town.

Council Member Orgeron moved to direct staff to amend the Town Code, Section 2-1-5, Stipend for Mayor and Council, to be civic duty of zero dollars. **Council Member Crooks seconded** the motion.

Roll Call Vote: Motion failed (**summary:** Yes = 2, No = 5, Abstain = 0).

Yes: Council Member Crooks, Council Member Orgeron.

No: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Scott, Council Member Timberlake.

Council Member Orgeron directed staff to cease paying him and stated he would like the money to go back to the general fund.

8. **EXECUTIVE SESSION - Executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct its Town Attorney regarding the Town's position in pending litigation or in settlement discussions conducted in order to resolve litigation for Foster v. Town of Quartzsite, et al., La Paz County Superior Court, Case No. CV2013-00115.**

The Mayor recused himself from the executive session.

ADJOURN TO EXECUTIVE SESSION – 8:17 p.m.

Council Member Orgeron moved to adjourn to executive session and **Council Member Crooks seconded** the motion. The vote was unanimous. **Motion Passed.**

RETURN TO OPEN SESSION - 8:33 p.m.

ROLL CALL:

Present: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron, Council Member Scott, Council Member Timberlake.

9. THE PEACE TRAIL – Discussion and possible action regarding a donation of funds to form a non-profit corporation for the Peace Trail

The Mayor explained a group of citizens have been working with the BLM, counties, cities and towns, to create a six hundred mile OHV trail. They came to the last Council Meeting asking for a contribution to form a non-profit organization and take donations.

Council Member Scott asked if they had asked for a letter of support. The Mayor said yes.

Council Member Orgeron stated no other towns or counties have contributed funds to this.

Town Attorney Goodwin stated there is a constitutional provision called the Arizona Gift Clause. It prohibits cities, towns and public entities from donating public funds to private entities. She stated there are exceptions; a two-prong test is used to determine compliance with the clause, whether there is a public purpose and whether the community is receiving adequate benefit for the public money it has given.

Attorney Goodwin stated recreation is a public purpose in Arizona. This is the first prong. The second prong determines if there is sufficient benefit to be had from this. The Council should discuss the benefit and make the decision in their legislative capacity.

Council Member Orgeron stated no fee is required to establish a 401(c)(3) or a 501(c)(3) organization.

Council Member Crooks spoke to the Mayor of Kingman and she had heard nothing of this trail. Council Member Crooks suggested the Council hold off on this interesting proposition, until more information is received.

Town Manager Bruno, as an individual, stated that her husband and she will donate a hundred dollars to the cause and the Mayor matched the donation.

Council member Scott sees no reason not to provide a letter of support and she donated her next check of \$184 to the cause.

Town Attorney Goodwin recommended that anytime public money is given to private entities, an accountability contract should be used.

The Mayor directed staff to prepare a letter of support for signature. Council Member Scott suggested that the letter include an invitation to come and speak to the Council.

COMMUNICATIONS

10. Announcements and Reports from the MAYOR on current events.

The Mayor directed staff to set up a work session for Chapter 3 of the Town Code and correspondingly, the Policy and Procedures manual.

Council Member Timberlake asked Town Manager Bruno if she had a date as to when the matter will come before the Council.

Town Manager Bruno stated she and staff are trying to get everything scheduled in the most timely manner possible.

Council Member Scott directed staff to put on the next agenda when Chapter 3 of the Town Code will be ready for the Council's review.

11. Announcements and Reports from the COUNCIL on current events.

Council Member Kelley explained what Pay it Forward Day is about. Thursday, April 24, 2014 is Pay it Forward Day.

Council Member Timberlake stated that in addition to serving on the Town Council, she also serves on the Quartzsite Elementary School Board. The School Board had its first budget meeting last week and there the Board President requested that numbers be brought forward to see what it would save the School Board if Quartzsite Elementary were to close. She advised the community that the next budget meeting is scheduled for Monday, April 28, 2014 at 4:30 p.m. in Ehrenberg. The next School Board Meeting will be held on Tuesday, May 13, 2014 at 4:30 p.m. in Quartzsite. She stated everyone should attend.

12. Reports from the TOWN MANAGER to the Council.

Town Manager Bruno stated she has had several inquiries regarding projects going on around Town that appear to be well-drilling. She advised that this is a State, ADEQ, project. They are doing deep penetrations to check the Town's nitrite plume, to see if it is in remission, and checking for leaking contamination from fuel tanks. These checks are being performed in approximately five locations around Town.

Town Manager Bruno read a letter from the Quartzsite Police Department regarding an invitation to come out and support the Law Enforcement Torch Run for Special Olympics 2014

to begin April 30, 2014 beginning between 7 a.m. and 9 a.m. The event will go through the Town all the way to downtown Phoenix. Officers will escort the Special Olympic Torch. The participants are scheduled to arrive in downtown Phoenix at the Capitol on May 2, 2014.

Town Manager Bruno announced the Quartzsite Municipal Court will be holding its Law Day, May 1, 2014. There will be a mock registration and election, as well as other activities. Four local schools will participate. Everyone is encouraged to participate.

COMMUNICATIONS FROM CITIZENS

Carolyn Henshaw spoke regarding the possible closure of the Quartzsite Elementary School. One of the things that drew her and her family was the small, local school. She stated her child has significant special needs. She wants her children to be part of the community here.

Dr. Felton stated he has a doctorate in the physical sciences and taught at San Jose State for thirty years. He advised that septic system sewage does not go down, it percolates, it goes up, and the nitrate found in some of the plumes are possibly from old dynamite.

Jennifer Jones stated that if Members of the Council are considering attending the school board meeting the Town may want to issue a notice of possible quorum.

Audrey Berger, a resident, stated she was happy to have the meetings at night.

Starr BearCat, property owner, reported a Town employee without a badge or name tag checked for a backflow device without calling to say he was coming. She stated the Town needs to get people identification badges and to notify people when a Town employee is coming to their homes.

Shanana Rain GoldenBear stated she was at her home when the person came by from the Town. She said he wore no work shirt and no ID. She said she was also disturbed by the Mayor's settlement offer to the Town, which she obtained through a public records request. This was a letter, dated April 9, 2014, from Julie LaBenz, the Mayor's attorney. Shanana Rain read the settlement offer aloud.

Vice Mayor Jewitt moved to adjourn the meeting and **Council Member Crooks seconded** the motion.

ADJOURNMENT: 9:02 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of April 22, 2014, of the Town Council of Quartzsite, Arizona, held on April 22, 2014.

I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 13th day of May 2014

Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:

Ed Foster, Mayor

DRAFT