MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, DECEMBER 23, 2014, 7:00 PM

CALL TO ORDER: 7:00 p.m.

INVOCATION: Led by Pastor Bruce.

PLEDGE OF ALLEGIANCE: Led by Council Member St. Germain.

ROLL CALL:
Present: Mayor Foster, Vice Mayor Simpson, Council Member Kelley, Council Member Warner, Council Member Orgeron, Council Member Davidson, Council Member St. Germain.

STAFF PRESENT: Skylor Miller, Town Manager; Susan Goodwin, Town Attorney; and Tina Abriani, Town Clerk

APPROVAL/AMENDMENT OF AGENDA: Council Member Orgeron moved to approve the agenda as presented and Vice Mayor Simpson seconded the motion. The vote was unanimous. Motion Passed.

CONSENT AGENDA:

1-a. LEDGER OF ACCOUNTS PAID – Consider approval of check series 38268 - 38346, totaling $187,007.12.

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

The Mayor removed check 38293 to Atkins Engineering and asked Town Manager Miller to explain the payment publicly. He also asked that the invoice from REDW be explained.

Council Member Orgeron removed check 38328 to REDW, LLC.

Council Member St. Germain removed check 38323, for tree trimming and brush removal for $6,600, and check 38301, computer services, $2,422.50.

The Mayor called for a basic outline regarding check 38293 to Atkins, for sewer and water engineering services.

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- Town Manager Miller advised the services are broken down between water and wastewater. They include engineering design services for Scott Lane; Showplace Lane; water supply evaluation; and the Quail Trail Well Rehabilitation, for which money would have been, at least in part, reimbursed through the Block Grant the Town received. Town Manager Miller stated there was some review of some projects going on within the Town, such as private ventures, which needed to be reviewed for potential sewer and water connections.

- The Mayor asked for the name of the Town Engineer.

- Town Manager Miller responded the Engineer of Record is Kevin Murphy. Town Manager Miller advised that Kevin Murphy has recently left Atkins Engineering. Town Manager Miller said Linda Potter and her staff at Atkins, have taken over primarily, but they are still working with Kevin Murphy as he is still named.

- The Mayor asked if arrangements have been made to formalize the change of engineer.

- Town Manager Miller advised he met with Linda Potter of Atkins last week. She will update the scope of work which Town Manager Miller will bring to Council.

- Council Member Orgeron stated his issue with the REDW check is the previously asked for and not received documents and status of the audits.

- The Mayor asked if all final papers were turned over to the Town as the Council instructed.

- Town Attorney Goodwin responded that it appears all the files have been received and look complete. She did a review of them and prepared a summary memorandum to the Town Manager of the status of each of the cases. She advised she plans to meet with Town Manager Miller next week to discuss the next steps for each case.

- The Mayor asked if the Town and REDW are finally severed. Town Attorney Goodwin said yes.

- Town Manager Miller explained the invoice for this payment, check number 38328, is for service dates from October 9, 2014 to November 25, 2014 which was prior to the Council's action to have REDW cease performing audits for the Town.

- Council Member Orgeron asked when the Council would get the paperwork it requested.

- There was discussion of the confidentiality of sales tax information; how many businesses were actually audited during a previously specified time period; and how

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much money was collected due to those audits as compared to how much money was spent on the audits.

- Town Manager Miller advised that as soon as Town Attorney Goodwin and he can go through the records from Ronal Coleman they will be able to provide the requested information. Town Manager Miller stated they will begin work on the project Monday morning.

- Council Member St. Germain asked about check 38323, in the amount of $6,600 for tree trimming and brush removal.

- Town Manager Miller called Emmett Brinkerhoff, Director of Public Works, to speak regarding the expenditure.

- Mr. Brinkerhoff explained the task could not be completed by the Town because it does not have the equipment to do it. For the Town to do the brush removal without the equipment, thirty-five days of work by the entire Public Works Department and the entire Parks Department would be required.

There was discussion of burning the brush; beautifying the area for the citizens, and eliminating a cause for concern of flooding.

- Council Member St. Germain asked about check 38301 for computer services, in the amount of $2,422.50.

- Town Manager Miller explained the payment covers mostly break fix and telephone issues within all departments.

- Council Member St. Germain expressed concern regarding spending quite a bit of money over the last six months on a system that still appears to not be working. He advised that he is curious as to why the Town is investing so much money in this repair company.

- Town Manager Miller explained the Town has a very fragile, hodgepodge network. He said he is looking at moving away from the current format of just dealing with just break fix issues with this vendor and going with a more comprehensive managed service provider.

- Council Member Kelley directed staff to look into the problem, and see if something can be done, regarding the brush being discarded at the location with the clean-up that Mr. Brinkerhoff explained.

- **The Mayor moved to approve** the four checks (38323 38328 38293 and 38301) and **Council Member St. Germain seconded** the motion. The vote was unanimous. **Motion Passed**.

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1-b. MINUTES – Consider approval of the minutes of the Special Meeting of December 3, 2014; the Work Session of December 3, 2014, the Regular Meeting December 9, 2014; and the Special Meeting of December 16, 2014.

PUBLIC HEARING:

2. **PUBLIC HEARING - Conduct hearing and consider recommending approval of a Special Event Liquor License for a Quartzsite Rotary Club Sponsored Chili Shoot Out at Tyson Wells.**

Judy Clark, the Quartzsite Rotary Club Treasurer, spoke regarding the event for which the Club is requesting a Special Event Liquor License. The event, the Chili Shoot Out at Tyson Wells, will be held Saturday, February 28, 2015 from 11:00 a.m. to 3:00 p.m. The beer garden will be outside.

Ms. Clark advised the event will be CASI sanctioned and people from all over are expected to attend. There will be a fastest gun contest with actors doing a showdown; raffles and possibly portraits.

Vice Mayor Simpson told everyone the last CASI sanctioned Chili Cook-Off held in Quartzsite was in 2010.

Ms. Clark added that after the chili cook-off, The Legends of Country Music event will take place.

Vice Mayor Simpson moved to approve the liquor license for the special event for the Quartzsite Rotary Club for the Chili Shoot Out at Tyson Wells and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed**.

ADMINISTRATIVE ITEMS:

3. **AGENDA FORMAT – Discussion and possible action regarding changes to the format of the current Council Agenda.**

Town Manager Miller stated that, at the request of Council, this has been added to the agenda to discuss what the Council would like to see on the agenda. He asked that the Council provide direction on how to change the format, if needed.

Council Member St. Germain asked that the executive sessions with no related agenda items afterward be listed at the end of the agenda.

Council Member Davidson asked how the Council feels regarding having a call to the public at the beginning of the meeting.

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- Council Member Kelley stated she likes it where it is on the agenda.

- The Mayor noted one aspect of a call to the public at the beginning of the meeting, is public input on agenda items before the items are voted on by the Council can be heard. He stated it is probably something worthwhile to try.

- The Mayor would like to remove the approval and amendments of the agenda. He said if something is on the agenda it should be discussed.

- Council Member Davidson stated he agreed with that.

- Vice Mayor Simpson said sometimes the order of the items on the agenda makes a big difference.

- The Mayor said the Council can change the order without the agenda item for approval of the agenda.

- Council Member Orgeron asked if that is more of a procedural aspect.

- The Mayor advised the item has been used to remove items from the agenda, which he doesn't think is doing a service to the public.

- Council Member Warner asked whether, if there is something on the agenda, it can still be removed or changed to another meeting.

- The Mayor advised that the Council can still vote to table an agenda item.

- Town Attorney Goodwin advised there is a code provision regarding the order of business of Council meetings. She stated she would need to bring back a very simple amendment to the code.

- The Mayor directed staff to remove approval of the agenda and amendments of the agenda and to move the call to the public to after the roll call.

- Council Member Davidson asked if it is still true that any Council Member could put anything on the agenda

- The Mayor said absolutely.

- Mike Jewitt, former Council Member, spoke regarding removing the reference to *no discussion of agenda items* stated on the agenda and public discussion.

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- Jennifer Jones suggested that the reports from the Mayor, Council and the Town Manager be moved to the beginning of the meeting. She stated the public has a lot of interest in those reports and, in case they need to leave early, they could be held at the beginning of the meeting. Ms. Jones advised that Tom Brady the new Mayor of Bullhead City made a public statement at his first meeting that all items are open to the public. She spoke of having two different times during the meeting for public comment. She also spoke of time limits and possibly codifying the time limits.

- There was discussion regarding having two calls to the public in each meeting.

- The Mayor directed the Town Attorney to make some changes to the Town Code for the Council's approval.

4. **ALTERNATE ELECTED DESIGNEE(S) – Consider nomination and approval of one or more additional Alternate Elected Designee(s) for purposes of signing bank drafts and checks on behalf of the Town, per Resolution No. 13-08.**

- Town Manager Miller read aloud directly from Resolution No. 13-08:

Every warrant, check or bank draft endorsed or issued on behalf of the Town shall be signed by two (2) persons specifically authorized by the Mayor and Council through adoption of this Resolution and appointment as set forth herein.

The authorized signers on warrants, checks, bank drafts and endorsements shall be one Elected Designee and one Staff Designee.

The Town Manager will be considered the Primary Staff Designee.

A member of Town Council will be designated by a vote of the majority of Council and will be considered a Primary Elected Designee. The Primary Elected Designee will have signing authority for a period of two years, or until the designated Council Member's term in office expires, whichever is first. Notwithstanding the foregoing, the Council may rescind signing authority at any time by a majority vote and approval of a different Council Member to the position of Primary Elected Designee.

Three Alternates will have signing authority in the event that one of the Primary Designees is unavailable, including as a result of a conflict of interest for divided loyalty.

- Council Member Davidson said he feels only Council Members should sign checks and not employees.

- Judy Clark of Horizon Community Bank said she thought she knew why the procedure was changed from all Council Members as signers to only selected

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designees as signers. She said the bank could never get the entire Council to sign at the bank to be an authorized signer, which is required by the bank.

Town Manager Miller advised the discussion regarding how to move forward on this in the long term, should be halted and in the near future, if Council so chooses, the resolution can be repealed and replaced with a resolution listing what Council wants as policy. He stated the resolution being discussed still stands and that Council needs to take action to fulfill the language of the current resolution, which is to designate one Alternate Elected Designee.

Council Member Orgeron moved to nominate the check signers from the Council Members to be Carol Kelley, Gunny St. Germain and Hal Davidson. **Vice Mayor Simpson seconded** the motion. The vote was unanimous. **Motion Passed**.

5. **REPRESENTATIVE FOR LPCAC – Discussion and possible action to appoint an elected official to serve on the Western Arizona Council of Governments' La Paz County Advisory Council (LPCAC).**

The Mayor suggested that Agenda Item 5 and Agenda Item 6 be combined.

6. **REPRESENTATIVE FOR THE EXECUTIVE COMMITTEE Discussion and possible action to appoint an elected official to serve on the Western Arizona Council of Governments' Executive Committee.**

Town Manager Miller explained WACOG, the Western Arizona Council on Governments, and the opportunities and advantages members receive.

Town Manager Miller recommended that the same Council Member serve on both of those committees, the LPCAC and the Executive Committee.

Council Member Davidson asked if a decision must be made right away.

Town Manager Miller said the decision could be put off to the first January meeting.

The Mayor tabled the agenda item and advised anyone who wants to do this and has the time drop a note or a memo to Town Manager Miller and it will constitute a nomination and will be voted on at the next meeting.

Council Member Orgeron moved to table Items 5 and 6 to the next regular meeting. **Council Member Davidson seconded** the motion. The vote was unanimous. **Motion Passed**.

7. **PURCHASE OF PUBLIC WORKS EQUIPMENT - Discussion and possible action to authorize the purchase of a vehicle lift for the Public Works Department.**

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- Town Manager Miller advised the current vehicle lift was found defective during a recent inspection. Repair costs were above $3,500. After auctioning off the current lift, replacing the lift would approximately the same.

- Emmett Brinkerhoff spoke about the existing lift and its defects.

- Council Member Kelley asked if there is money in the budget to cover it. Town Manager Miller explained there is money in the budget for it.

- Council Member St. Germain asked questions about the inspection that was done; preventative maintenance; repairs needed a long time ago; pre-inspection before the lift is used each day; safety procedures; and liability regarding the piece of equipment or the workers using the equipment.

- Council Member St. Germain asked what is being done to alleviate the problem.

- Mr. Brinkerhoff explained there will be corrections. There will be service records, yearly inspections and operators will be trained to use the lift.

- The Mayor asked about having the services the lift is needed for, such as oil changes and tire changes, performed outside of Public Works, in the community.

- Mr. Brinkerhoff explained the results of his research to determine the difference in cost of Public Works doing the work compared to having the work done elsewhere. He determined it would be much less expensive and safer if the Town were to do the work.

- Quotes and pricing of three agencies were reviewed.

- The Mayor asked if the quotes include installation.

- Mr. Brinkerhoff explained the quotes and discounts.

- **Vice Mayor Simpson moved** for approval for the purchase of a vehicle lift for the Public Works Department and **Council Member Kelley seconded** the motion.

Town Attorney Goodwin advised there needs to be a vote to choose a company from the quotes.

- **Vice Mayor Simpson withdrew** his motion and **Council Member Kelley withdrew** her motion.

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Vice Mayor Simpson moved to authorize the purchase of a vehicle lift for the Public Works Department from Garage Equipment Supply for $7,285 plus tax. Council Member Kelley seconded the motion. The vote was unanimous. **Motion Passed**.

8. **APS FRANCHISE AGREEMENT - Discussion and possible action to repeal Resolution No. 14-10 and adopt a resolution to approve a Franchise Agreement with Arizona Public Service and call a Special Election for March 10, 2015.**

The Mayor asked why this item is on the agenda again.

Town Manager Miller said this franchise agreement is very similar to the last franchise agreement that was approved by Council. He advised that APS has requested to change the contract language to accommodate the Town's scalability of the franchise. Town Manager Miller said APS is looking for is a process for notifying APS and then a transition period so that the Town does not ask for them to back bill.

Town Attorney Goodwin advised APS's legal department stated there is additional language needed that is not negotiable. Town Attorney Goodwin stated the only difference is on the second page of Section 6, related to the Town giving thirty days' written notice to APS to implement a changed franchise fee.

Town Attorney Goodwin explained the Town had requested the ability to change the franchise fee and APS is trying to protect itself. She advised the Town must provide APS notice if the Town ever adopts a resolution changing the franchise fee and if the Town does not give notice, APS will not be required to retroactively collect and pay the franchise fee.

Town Manager Miller advised that in order to meet the ballot deadline, it has to be approved tonight and the approvals have to be sent to the County this evening.

Council Member Orgeron moved to repeal Resolution No. 14-10 and adopt Resolution No. 14-11 to approve a Franchise Agreement between the Arizona Public Service and call a Special Election for March 10, 2015. **Vice Mayor Simpson seconded** the motion. The vote was unanimous. **Motion Passed**.

9. **ALL MAIL ELECTION - Discussion and possible action to have an all 'Vote by Mail Election' for the Special Election to be held on March 10, 2015.**

There was discussion regarding an all-mail election. Two benefits were noted: money savings and greater voter turn-out.

Town Attorney Goodwin advised that State statutes authorize this type of election.

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Town Manager Miller advised that La Paz County will be assuming the cost of the Special Election to be held on March 10, 2015.

Vice Mayor Simpson moved to approve an all vote by mail election for the Special Election to be held on March 10, 2015 and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed**.

10. **LA PAZ COUNTY ECONOMIC DEVELOPMENT CORPORATION - Discussion and possible approval of an agreement to join the La Paz County Economic Development Corporation.**

Town Manager Miller asked the Council look at the Draft Program Services Agreement between the La Paz Economic Development Corporation and the Town of Quartzsite.

Town Manager Miller stated that at the last regular Council Meeting, Skip Becker of the La Paz County Economic Development Corporation gave a presentation regarding the Town of Quartzsite joining the organization. After the presentation, the Council asked that Skip Becker provide a proposal from the La Paz County Economic Development Corporation.

Town Manager Miller advised the proposal offers the Town of Quartzsite a representative on the board. He stated the cost for the initial term would be $7,500, which is a significant cost saving.

Council Member Orgeron asked a question regarding the Draft Program Services Agreement. He advised the proposal states: the Town Manager or his or her designee shall receive notice of and may attend all meetings. Council Member Orgeron stated that does not mean the Town actually gets a seat on the Board; it is an invitation to attend the meetings.

Skip Becker was in attendance and approached the podium to speak at the behest of Town Manager Miller.

Skip Becker advised it should be part of the proposal that the Town have a designee that the Town appoints to a seat on the Board because all public entities that have made a contribution are entitled to a seat on the Board per the Corporation's by-laws.

Council Member Orgeron said the agreement does not say the Town will have a seat on the Board.

Mr. Becker replied that the draft agreement with the Town of Quartzsite is the same agreement that La Paz County Economic Development Corporation has with the Town of Parker and they have a designee.

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- Council Member Orgeron asked what the Town of Parker pays.

- Mr. Becker answered $15,000.

- Council Member Orgeron asked why there is a difference, from $15,000 to $7,500, in costs for the two Towns.

- Mr. Becker replied that originally the organization was going to present, in the proposal, a cost of $10,000. Mr. Becker said they determined to bring Quartzsite in at a lower rate, just to start business with Quartzsite by giving it a break in the cost to join.

- Council Member Orgeron stated his biggest issue is that citizens want transparency, but with the La Paz County Economic Development Corporation the Town cannot be transparent because everything is behind closed doors, including who the partners are and what the projects are.

- Mr. Becker advised many projects have been made public. He listed Tesla, Hampton Inn in Parker, Rose Acres Farms in Bouse, and the L & G Facility in Ehrenberg.

- Council Member Orgeron asked about jobs and Mr. Becker spoke about that and the proximity of the Town to other Town's projects that need workers.

- Council Member Davidson asked if the Town would pay this amount every year or if the price would increase.

- Mr. Becker said the La Paz County Economic Development Corporation has entered into that contract with the Town and will honor it for years to come. He explained the Town of Parker voluntarily increased their contribution.

- Vice Mayor Simpson advised that the Town's former general plan requested an onsite Town employee as Economic Development Director and one could guess that would be $75,000 plus per year plus benefits. Vice Mayor Simpson stated that Mr. Becker is offering the same service at ten percent of the cost.

- The Mayor asked Mr. Becker for a better document that stipulates the Town of Quartzsite will have a voting board member, before the Council signs.

- Council Member Orgeron asked Mr. Becker to provide the by-laws of the La Paz County Economic Development Corporation.

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- Council Member Kelley stated, at the present time, because the sewer plant is not up to date, Mr. Becker cannot bring the Town any new businesses into the Town's limits.

- Mr. Becker said the sewer is part of economic sustainability.

There was discussion of the Town's infrastructure and the Town's future that would be economically stable with the help of the La Paz County Economic Development Corporation.

- Council Member Orgeron suggested that the Council revisit this proposal when the sewer capacity is increased.

- Mr. Becker advised that the usual lead time for a project is eighteen months.

- Mr. Becker said they would be providing projects in the area to keep the people in Quartzsite.

There was discussion regarding employment in La Paz County.

- The Mayor asked for a motion to table the matter and to have the requested paperwork provided to the Council.

- **Council Member Orgeron moved** to table Item 10 to the next regular Council meeting. **Council Member St. Germain seconded** the motion. T he vote was unanimous. **Motion Passed**.

COMMUNICATIONS:

Reports from the MAYOR on current events.

None

Reports from the COUNCIL on current events.

- Council Member Orgeron stated that he talked to Norma Crooks recently. He said she wanted him to extend to the community her heartfelt thanks for the calls, the cards and support for herself and Darryl.

- Council Member Kelley stated that she talked to Herman Konyen by phone.
He looks forward to attending a Council meeting in January 2015.

- Council Member Kelley said she owed the community a thank you for a wonderful thing at the food bank. She stated the Food Bank will now have Friends of the

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Quartzsite Food Bank. She said someone paid for the Food Bank's freezer repair and it is now working.

- Council Member Warner advised everyone that Carol Callison's husband was in a car wreck over the weekend and is now in an ICU in California. She said if they could get the prayers of the community, they certainly could use them.

- Council Member St. Germain reminded everyone that on January 10, 2015 at 10:00 a.m. the Hi Jolly Days Parade will take place. He said Veterans rock and asked that everyone get out there and participate and have a good time.

Reports from the TOWN MANAGER to the Council.

- Town Manager Miller advised that the Town of Quartzsite was required to provide, to the U.S. Bureau of Reclamation and Arizona Department of Water Resources, a draft report of how the Town plans to use its allocation of Colorado River water by the end of December, 2014. A DRAFT report, prepared by Atkins was submitted today to meet the deadline requirement. Town Manager Miller stated it was understood that Council approval of the report is required before it is finalized. A work session may be scheduled regarding this document.

- Town Manager Miller advised that the 2015 Community Development Block Grant cycle is beginning and the Town must submit a letter of intent to the Arizona Department of Housing, by the end of February 2015, stating the Town will be pursuing a block grant.

COMMUNICATIONS FROM CITIZENS

- Michael Jewitt, a resident of Quartzsite, asked about the Sheriff's presentation to the Town regarding policing.

- Jennifer Jones, resident, congratulated Mayor Foster, on winning his position in a legal case and discussed court costs. She next spoke in regard to sewer capacity about a letter from ADEQ to former Town Manager, Dan Field, from 2008, regarding the amount of usage in 2008, causing her to advise that the capacity numbers be revisited by Council.

- Suellen Pennington, representing the First Assembly of God Church and the local Senior Center, read a letter from Carla Price, thanking all those that helped to make the annual Christmas Party a huge success. She advised that over fifty children attended and each received gifts. She said we all need to help support the children's programs of this community.

- Starr BearCat, property owner and citizen of Quartzsite asked that a future agenda item be an update of the dog park. She stated the gentleman from the economic

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development corporation that gave a presentation, is a business broker, a lobbyist. She also spoke regarding internet speed and TDS in Quartzsite.

Pastor Bruce Swart, of the First Assembly of God Church, thanked the community for coming out and supporting the Christmas program for the children, which they plan to hold annually. He advised that he serves on two committees for WACOG and he is the low income representative for the Town of Quartzsite. He said WACOG is a worthwhile organization and he helps to determine what money goes where; he asked that anyone with questions visit him.

ADJOURNMENT: 8:44 p.m.

Vice Mayor Simpson moved to adjourn and **Council Member Kelley seconded** the motion at 8:44 p.m. The vote was unanimous. **Motion Passed**.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of December 23, 2014, of the Town Council of Quartzsite, Arizona, held on December 23, 2014.

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

DATED this 13th day of January 2015

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Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:

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Ed Foster, Mayor

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