

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, MARCH 11, 2014, 9:00 AM

CALL TO ORDER: 9:00 AM

INVOCATION: None

PLEDGE OF ALLEGIANCE: Vice Mayor Jewitt led the pledge.

ROLL CALL:

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

ABSENT: No one

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

APPROVAL/AMENDMENT OF AGENDA:

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

PRESENTATIONS; PROCLAMATIONS:

1. PROCLAMATION – Mayors Day of Recognition for National Service, April 1, 2014.

The Mayor read the Mayors Day of Recognition for National Service Proclamation aloud.

2. PRESENTATION – 2014 Quartzsite General Plan submitted to the Town Council for the 60-day review period required by A.R.S. § 9-461.06.

The Mayor announced that the executive session will take place after the presentation of the 2014 Quartzsite General Plan.

Community Development Services Director, Steve Henrichs, presented a PowerPoint slideshow outlining the progression from the beginning of the 2014 General Plan to the final draft distributed to the Quartzsite Town Council. He reviewed the required elements: Land Use, Public Participation and Transportation; the general plan timeline; and the layout of the 2014 General Plan.

Mr. Henrichs stated that by the close of business on March 11, 2014 the 2014 General Plan will be available for everyone's review on the Town's website. Anyone may request a hardcopy by contacting the Town Hall.

Mr. Henrichs said between April 11, 2014 and April 28, 2014, there must be placed in the newspaper, a public notice of the public hearing to adopt the 2014 General Plan. Before the hearing, there must be a minimum of fifteen days and a maximum of thirty days notice. The required public hearing, to adopt the 2014 General Plan, should be held by May 13, 2014.

The Mayor asked Mr. Henrichs if, during the review period, there will still be an avenue by which citizens may give input regarding the 2014 General Plan. Mr. Henrichs replied that everyone is encouraged to submit their comments and suggestions. He asked that these be provided, to the Town, in writing, either by referencing parts of the document or by writing on a copy.

Mr. Henrichs advised the 2014 General Plan should be adopted in June 2014 or thereabouts. He thanked the Planning & Zoning Commissioners, the public and Town staff that put it all together.

Council Member Scott asked Mr. Henrichs about provisions for change throughout the next ten years. Mr. Henrichs explained how amendments to the document can be made and that a General Plan should be reviewed annually for possible need for change.

CONSENT AGENDA:

3-a. LEDGER OF ACCOUNTS PAID – Consider approval of check series 36988 - 37064, totaling \$231,763.51.

Mayor Foster advised the executive session will take place after the consent agenda.

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

3-b. MINUTES – Consider approval of the minutes of the Special Meeting of February 19, 2014 and the Regular Meeting of February 25, 2014.

Council Member Scott pulled the minutes from February 19, 2014, noting a needed change to page 4.

Council Member Timberlake asked that the minutes from February 25, 2014 be pulled, noting a needed change to page 2.

Mayor Foster stated the approval of the consent agenda is the approval of the ledger of accounts for now and the minutes, with amendments, will be approved later. The vote was unanimous. Motion Passed.

Vice Mayor Jewitt moved to adjourn to executive session and Council Member Kelley seconded the motion. The vote was unanimous. Motion Passed.

ADJOURNMENT TO EXECUTIVE SESSION: 9:20 AM – See Item #9.

ADMINISTRATIVE ITEMS:

RETURN TO OPEN SESSION: 9:44 AM

ROLL CALL:

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

Council Member Scott noted the second paragraph, page 4 of the February 19, 2014 should state: 'by the Town Manager and the committee'. Council Member Scott noted the second paragraph down, the fourth sentence up, should state: 'the Town Manager and the committee'.

Council Member Timberlake noted page 2 of the February 19, 2014' minutes, it should state: 'The Mayor advised that the matter had been decided.' It should not have said Council Member Scott.

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

4. LOVE'S TRAVEL STOPS – Discussion and possible approval of a Reimbursement Agreement with Love's Travel Stops for reimbursement of the cost of oversizing a water line to provide water service and to provide for future development along Dome Rock Road.

Town Manager Bruno reviewed the proposal explaining it involves bringing fresh water to the Love's Travel Stop located on the west end of Town. They want to expand their facility and do not have sufficient water with their well system to be able to meet fire safety requirements. They have been looking at alternatives.

One alternative for them is to bring a line directly to their facility. If they do that, it will be on their dime; but, it won't give the Town any options. There was a discussion held between Love's Travel Stops' representatives and Town representatives to see if there was an option that would allow the Town to piggyback off of their development and provide for future development.

Town Engineer, Kevin Murphy, stated the Fire Department advised Love's that in order to expand their shop, they must have enough storage onsite to meet fire flows. Options were reviewed. One option is to put in a storage tank which would cost \$250,000 - \$300,000. Another option was to connect to the Town water system at some point. One possible point is along Scott Lane, which would parallel an existing line and would meet their requirement only.

Mr. Murphy stated he reviewed the Town's Water Master Plan and found that it identified some improvements along Dome Rock Road that would have essentially looped the system and provided for future growth in the area.

Mr. Murphy recommended that the Town consider the Dome Rock Road option, because that is an improvement to the system for about forty cents on the dollar.

Love's will provide the engineering and will pay a little more than what they would pay to go through Scott Lane. Their investment will be about the same as if they were to put a storage tank on their site; but, for the long term growth of the Town, this option makes the most sense. At some point down the road, the Town would be required to do this to have growth in that area. This allows the Town to get the improvement for about forty cents on the dollar.

Town Manager Bruno stated options that would mitigate the cost to the Town had been reviewed. It was noted that the water revenue contribution from Love's would be at least \$15,000 per year.

In addition, there is a 2004 revenue bond that was issued to accommodate several different projects. At the time of the issuance, the interest rates were 6% to 7%, now the rates are running 6.25% and it will be paid in mid 2019. Town Manager Bruno asked the Town's financial manager to run some refinancing scenarios keeping the pay off period the same, but using current interest rates. Current rates are approximately 3%.

The annual savings to the General Fund would be approximately \$6,200, annual savings to the Water Utility Fund would be approximately \$11,000 and the annual savings to the Wastewater Fund would be approximately \$19,000.

Town Manager Bruno stated the additional water revenues that Love's will generate; the savings from the revenue bond refinancing; and considering what the annual payments would be, based upon issuing a water revenue bond which would come to about \$23,000, we would have a net annual savings to the Water Utility Fund of \$3,000.

Council Member Scott asked about ADEQ and if the project will be an issue with the Town's sewer.

Town Engineer Murphy stated ADEQ will make sure the line is in compliance with state standards.

Town Manager Bruno explained the construction currently taking place at Love's is something that would have happened even if the Town did not agree.

Council Member Crooks moved to approve the Reimbursement Agreement with Love's Travel Centers for reimbursement of the cost of oversizing a water line and to authorize the Town Manager to execute the agreement; and direct staff to prepare a Water Revenue Bond issuance of \$165,000 and a refinancing of the Town's 2004 Revenue Bond to finance the Town's share of the project. **Vice Mayor Jewitt seconded** the motion and the vote was unanimous. **Motion Passed.**

5. MUNICIPAL LIBRARY BOARD REAPPOINTMENTS – Consider the reappointment of three regular members to the Municipal Library Board.

Herman Konyen, Mary Michaels and Mary Ann Peck introduced themselves.

Council Member Scott thanked them for years of services and doing a fantastic job.

Council Member Crooks moved to reappoint three regular members to the Municipal Library Board and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

6. MUNICIPAL LIBRARY BOARD APPOINTMENT Consider the appointment of two regular members to the Municipal Library Board.

Town Manager Bruno explained that there are four vacant seats and if these two are approved, there will still be two openings on the Library Board.

Christina Benson introduced herself.

Council Member Scott thanked Ms. Benson for agreeing to serve on the Board and Vice Mayor Jewitt agreed.

Vice Mayor Jewitt moved to approve Christina Benson and Dorothy Mallette as new appointments to the Library Board. **Council Member Scott seconded** the motion. The vote was unanimous. **Motion Passed.**

7. TOWN COUNCIL MEETING TIMES – Discussion and possible action regarding changing the regular Town Council meeting times from the 2nd and 4th Tuesdays at 9:00 a.m. to the 2nd and 4th Tuesdays at 7:00 p.m.

Council Member Timberlake stated that she has been asked by the public to change the meeting times back to the evenings so that the community members that work have the opportunity to attend the meetings.

Council Member Kelley stated it will be quieter during the meeting in the evenings, as in people going in and out of the doors, the library and the entrance.

Council Member Jewitt stated that some elderly people do not drive at night. He proposed alternating the meetings.

Council Member Orgeron spoke regarding the lengths of meetings. He stated meetings could go until ten or eleven o'clock.

The Mayor said when there were evening meetings, there was standing room only. He stated he would vote for the later meetings.

Council Member Kelley said when the meetings were at night, people helped the elderly to attend.

Council Member Crooks asked about the staff and overtime.

Town Manager Bruno explained that the staff that may need to appear, the department managers, are exempt and with no overtime. She said they are able to take off compensating time.

Town Manager Bruno suggested a Town Van could transport people in the evening.

The Mayor stated that Parker and Blythe meet at 7:00 p.m. and it is a tradition to start at 7:00 for the Town.

The Mayor stated the Town Code should be changed and if needed, it can be changed back.

Council Member Timberlake moved to change the meeting times to the 2nd and 4th Tuesday of every month at 7:00 p.m. **Council Member Orgeron seconded** the motion.

Council Member Crooks moved to open the item for public discussion. **Vice Mayor Jewitt seconded** the motion. The vote was unanimous. **Motion Passed.**

Jeff Gilbert commented on why the meetings were moved to the mornings. He stated the reason was due to security needs. He asks as a citizen in this Town, that

there is a commitment from the Town and the Council, to keep order so there is no concern for safety.

Richard Thompson, citizen, stated he will not attend 7:00 p.m. meetings.

Dean Taylor, citizen, tax payer and concerned citizen, stated that a vast majority of the people he has spoken with prefer an evening meeting.

Jennifer Jones stated that she supports returning the meetings to 7:00 p.m. She said it is her belief that meetings were changed to evenings to preclude public participation. She has heard from the community that it wants evening meetings.

Marilyn McFate asked if the meetings could be held at 6:00 p.m. She stated that in the past, 6:00 p.m. seemed to work the best.

Starr BearCat stated that whether it is at 9:00 p.m., or 7:00 p.m., or 6:00 p.m., or 10:00 p.m., the Town has the capability of putting these meetings on video and audio. She said the meetings could be on the website and everyone could watch it at their leisure.

Shanana Rain GoldenBear said it is very distracting having the noise of the doors opening. She supports the video recording and making them available to the public.

The Mayor called for a roll call vote in the reverse order.

Roll Call Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

The Mayor announced that the meetings will be moved to 7:00 p.m. He advised the change requires thirty days to become effective. He explained the next two meetings will not be at 7:00 p.m.

Vice Mayor Jewitt stated the second meeting in April will be the first meeting at 7:00 p.m.

8. TOWN MANAGER CONTRACT – Discussion and possible approval of an extension to the employment contract between the Town and Laura Bruno to provide for an orderly transition to the new Town Manager.

Council Member Orgeron stated that a smooth transition needs to be provided for the new Town Manager. He believes the Town needs to extend the current Town Managers' contract to run through the end of May.

Vice Mayor Jewitt suggested there be a provision for keeping the existing Town Manager on call for thirty days beyond May 30, 2014, through to June 30, 2014. He states the new Town Manager is still liable to have questions, even after May 30, 2014.

Town Manager Bruno stated she is willing to be 'on call', free of charge to anyone, for questions, after her contract expires.

Council Member Scott said she thinks the new Town Manager will be fully capable of taking over after one day with Mrs. Bruno. She said the new Town Manager will come in and hit the ground running. She stated that Mrs. Bruno already said she would be available to answer his questions. She agrees to have Mrs. Bruno stay to May 11, 2014.

Council Member Timberlake asked if information could be shared with the new Town Manager before he begins working, once his contract is signed. Attorney Goodwin stated the Council may share information, except for executive session information.

The contract commences May 12, 2014 said Attorney Goodwin.

Council Member Orgeron said he does think one day is not enough for the new Town Manager to familiarize himself with what he needs.

Council Member Crooks added that the Town does not have a contract, yet. She stated that she thinks the Council should put something in place, in case something did happen and the Town doesn't get the contract.

The Town Manager suggested the question be posed to the prospective town manager. She said experience or not, things come up weekly. She suggests they provide for a transition period.

The Mayor asked Town Manager Bruno if she would be willing to work day to day, until the transition period is over.

Town Manager Bruno asks for 30 days notice, either way. She stated she wants to see only the best for the Town and will do whatever the council wishes.

Council Member Crooks moved to approve extension of the termination date of the existing employment contract with Laura Bruno through May 30, 2014 and **Vice Mayor Jewitt seconded** the motion.

The Mayor called for a roll call vote in the reverse order.

Roll Call Vote: Motion failed (**summary:** Yes = 3, No = 4, Abstain = 0).

Yes: Vice Mayor Jewitt, Council Member Crooks, Council Member Orgeron.

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

Council Member Timberlake moved to extend the contract to May 17, 2014 and **Council Member Scott seconded** the motion.

Vice Mayor Jewitt suggested an amendment to that contract and it be extended on a day by day basis, as needed. He went on to say that one week may not be enough.

Council Member Timberlake and Council Member Scott stated that Mrs. Bruno is available by phone.

The Mayor stated there will be a roll call vote by the same method.

Roll Call Vote: Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0).

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

No: Mayor Foster.

9. 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 the Town Attorney regarding the Town's position regarding a contract with Skylor Miller as Town Manager that is the subject of negotiations.**

The executive session was held immediately before Item #4, under Administrative Items above.

COMMUNICATIONS:

Announcements and Reports from the MAYOR on current events.

The Mayor said it was a rather successful event over the weekend, between the wall and the Grand Gathering. He stated he thinks it was a great thing to have in the community and he thanked all the participants.

The Mayor said he received a letter from Mr. Skip Gallup. He explained that Mr. Gallup has been working with a committee to put a trail in three counties in the area, a rather extensive trail system. He stated the committee has received the approval of the BLM. It is a huge loop trail that will go through most of the western Arizona area. In the letter, Mr. Gallup asked for a letter of support. Mr. Gallup is trying to raise money \$1,400. The Mayor suggested business contributions for the trail system.

The Mayor directed the next meeting's agenda list approval of a letter of support.

Announcements and Reports from the COUNCIL on current events.

Council Member Orgeron stated that it was brought to his attention that the last Public Safety meeting that was held may require that the Town self admit that an open meeting law violation occurred. He stated the meeting was scheduled for 11:00 a.m., but began at 10:58 a.m. and was adjourned at 11:00 a.m. He asked that the matter be reviewed for self reporting.

Council Member Scott reported that near the Senior Center on Moon Mountain Road, someone knocked down a pedestrian sign and asked that the roads department put it back up so no one gets hurt.

Council Member Kelley said the Grand Gathering was fun.

Reports from the TOWN MANAGER to the Council.

Town Manager Bruno spoke regarding the on-going litigation by Parker and Quartzsite against La Paz County concerning the CADRE Task Force. The Town Attorney is complying with Council direction and working to settle the case in a fair manner. The parties have agreed to hold off on litigation and actively pursue settlement. The Town Attorney is engaged in settlement discussions which are progressing well. Any settlement agreement will be brought to the Council for final approval.

Town Manager Bruno advised that the Town received a ruling from the Arizona Tax Court on an old Transaction Privilege Tax audit that was conducted for the period covering February 2006 – 2007 involving a payment of Transaction Privilege Taxes by Desert Gardens Mobile Homes.

Specifically, the audit identified an assessed owed amount in taxes of \$44,700 for that particular period in question. Desert Gardens filed an Administrative Appeal and the Administrative Hearing Officer found for the Town. Desert Gardens then appealed to the Arizona Tax Court. On March 6, 2014, the Tax Court ruled in favor of the Town. The Town is owed \$44,700 in taxes for that audit period, plus accrued interest to date of \$17,289.

Town Manager Bruno stated she sent out a notice regarding some questions that came up during a tour of the Town's wastewater treatment plant recently. The Mayor asked Town representatives where the funding from the USDA loan for the wastewater treatment project was coming from. In addition, there was a question about a loan requirement set-aside of 20%.

The USDA loan is directly with the Federal Government. She explained the reasoning behind the 20% requirement by lending agencies and explained how that amount is calculated.

COMMUNICATIONS FROM CITIZENS

Jennifer Jones congratulated former Quartzsite Police Sergeant, William Ponce, who, today, is being sworn in as the Police Chief for the Colorado River Indian Tribes. She spoke regarding the WIFA loan, the inspection of the plant, and noted a section of the fence was down at the plant. She reminds the Council that she has contributed \$100 to the Quartzsite After-School Recreation Program and is sure the Council has matched her donation. She spoke regarding moving forward in one of her court cases, Jones v. Quartzsite, related to the June 27, 2011 Council Meeting.

Norm Simpson, resident and businessman, wondered aloud, how many Council Members knew about the La Paz County Fair next week. He went to the Chamber of Commerce in Parker and got some posters to post at various places around Town. He stated that it is a shame that there is not one cohesive organization that will tie the Towns and the whole County, even including Blythe forming a regional calendar of events, to keep people here longer and give them more to do. He asked that the Council ask staff to look into getting information for the area and publicize it and keep moving forward.

Council Member Kelley said last year she spent three days at the County Fair and the Town did not receive an application from the County to attend the Fair this year.

Terry Frausto stated that at the last Council Meeting she asked some questions of the Mayor, but received no response. She has since learned that the Mayor did go to Memphis State and that he was in active military service for four years and in reserve for two years. She stated she did not receive a response as to why the Mayor wants to prohibit the sewer plant from being improved and would really like to hear a response. The Mayor stated he has never said he is in favor of disincorporation of the Town.

Sondra Gilbert of Quartzsite, AZ, stated that anyone that ever spoke with her or has known her, stated Jeff and Sandy do still live in Quartzsite and bought a small piece of property in Mexico. She explained they have no regrets or hate and that they have appreciated any and all support in the community. She, as a citizen, thanked ex-Chief Gilbert for his nine years of service.

Shanana Rain GoldenBear stated there were two free ads for the La Paz County Fair in the Desert Messenger. She said Quartzsite's efforts to be at the La Paz County Fair, was spearheaded by the Health and Development Board that is no longer active. She spoke about the ATV trail, to be called the Peace Trail. She stated the Grand Gathering was phenomenal. The wall to honor the fallen veterans kicked off the event. She said the organizations and people that participated are too numerous to thank

individually. Six hundred thirty-one people stood to make the human 'Q'. Rain stated that it only took five hundred one to make the record; she is waiting to hear an official response from Guinness.

Jeff Gilbert, citizen of Quartzsite, former Chief of Police, eight years. He watched the discussion of the Town Manager's contract and remembers when his contract was terminated. He said he was disappointed in the Council that he was given no opportunity to speak and taken immediately to his office and had to surrender his badge and clean out his office, he stated, that as a man, he deserved more than that from the Council. He will bring the issues forward, in the proper manner, as time goes on.

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

ADJOURNMENT: 11:18 AM

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of March 11, 2014, of the Town Council of Quartzsite, Arizona, held on March 11, 2014.

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

DATED this 25th day of March 2014

Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:

Ed Foster, Mayor