

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, DECEMBER 9, 2014, 7:00 PM

CALL TO ORDER: 7:00 p.m.

INVOCATION: Pastor Bruce offered a prayer.

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; Kelly Schwab, Town Attorney; and Tina Abriani, Town Clerk

APPROVAL/AMENDMENT OF AGENDA: Council Member Orgeron moved to approve the agenda as written and Council Member Kelley seconded the motion. The vote was unanimous. **Motion Passed.**

ANNOUNCEMENTS:

Dennis Dole with the VFW announced that on January 10, 2015, the Hi Jolly Days Parade will begin at 10:00 a.m. on the corner of Plymouth and Quail Trail. It will run down around the Q.I.A., ending at the VFW. Line-up is at 8:30 a.m. He asked that any person or civic organization that is in the community that would really like to help out or have their own thing at the VFW, to please provide their input and /or presence. He said it would be greatly appreciated.

Pam Kasky announced the Soup and Chowder Festival of the past weekend was held to raise funds for the Friends of the Quartzsite Food Bank. She said there were 167 attendees and \$1,236 was raised to help the Food Bank. She has already sent a letter to the Q.I.A. requesting that they hold the date of the evening of the Christmas Parade for the Friends of the Food Bank and for the community to have it as annual event.

Douglas Gilford announced there is a free hot meal every day, seven days a week from 4:30 p.m. – 6:00 p.m., except Sunday when it closes at 5:30 p.m. at the Isaiah 58 Project at the Church, in the kitchen. There is no charge and donations are welcomed.

Bruce Swart, Pastor of First Assembly of God Church, reminded everyone that on December 19, 2014, from 3:00 p.m. – 6:00 p.m. at the Community Center, there will be

a community wide Christmas party. He said the party is for the whole community and that it is a goal to have every child that attends receive a Christmas present. He advised they are about halfway through collecting presents and funds for presents for the party.

Suellen Pennington announced there will be a Special Christmas Dinner on Christmas Day, December 25, 2014, at the Senior Center, at 1:00 p.m. The suggested donation is \$7.00; please, donate if you can. She asked that attendees make reservations if possible, or to just arrive at the door.

Suellen Pennington also announced that the First Assembly of God Church will be having a three-day yard sale. It is scheduled for 8:00 a.m. to 2:00 p.m. on Thursday, Friday and Saturday of this week (Dec. 11, 12 and 13). Please make donations, if you can, of anything salable.

Council Member Kelley announced a Silent Auction will be held at the Community Center on Saturday, December 13, 2014 at 1:00 p.m. The money raised will be used to send packages to the troops.

Council Member Kelley also announced that on December 18, 2014 the PTA is having the School Christmas Program and Ham Dinner that will start at 5:00 p.m. She asked that everyone attend to support the community's children with proceeds going to the Eighth Grade Trip.

Council Member Kelley also announced there will be an Open House at the LDS Church on Saturday, December 20, 2014, from 1:00 p.m. to 5:00 p.m. They would like everyone to visit and see all the different Nativity scenes.

Mike Jewitt of the Queen of Peace Catholic Church, here in Quartzsite, announced the Church will have its Annual Yard Sale on Friday, December 12, 2014 and Saturday, December 13, 2014. Saturday morning the Annual Pancake Breakfast will take place (Saturday, December 13, 2014).

PRESENTATION:

1. SKIP BECKER – Update on La Paz County Economic Development.

Skip Becker greeted the Council and stated his purpose in coming to the meeting. He advised he wanted to discuss with the Council what advantages the La Paz Economic Development Corporation can provide to the Town of Quartzsite.

Mr. Becker gave a brief history of the La Paz County Economic Development Corporation, its direction and his strategy for marketing the Town of Quartzsite. He later discussed the Focused Future Committee.

Mr. Becker invited the Town of Quartzsite to join the La Paz County Economic Development Corporation, a non-profit organization.

The Mayor asked Mr. Becker to give Town Manager Miller a proposal of how the Town of Quartzsite could be involved and partner with the La Paz County Economic Development Corporation. Mr. Becker said he absolutely will get the information to the Town Manager.

CONSENT AGENDA:

2-a. LEDGER OF ACCOUNTS PAID – Consider approval of check series 38221 - 38268, totaling \$214,233.68.

Council Member Davidson asked for clarification of check 38242. Two invoices listed for that check were in the amounts of \$5,324.43 and \$6,991.02. He asked if those amounts were for electric service at the sewer plant and the water plant. Town Manager Miller advised he was not sure but will provide the actual invoice.

Council Member Davidson asked for information regarding the different amounts paid to Blue Cross & Blue Shield. Town Manager Miller stated these are the Town's portion of the individual and family policies.

Council Member Davidson asked if the Capital Lease for the Water Truck is a once a year payment. Town Manager Miller said he did not have the terms of the lease in front of him, but he believed so and would confirm.

2-b. MINUTES – Consider approval of the minutes of the Regular Meeting of November 25, 2014.

Vice Mayor Simpson advised that page four of the minutes of the Regular Meeting of November 25, 2014 need to have his name inserted, thus identifying which Council Member was appointed as Vice Mayor.

Vice Mayor Simpson moved to accept the minutes as corrected.

Vice Mayor Simpson moved to accept the consent agenda along with the minutes as amended. **Council Member Warner seconded** the motion. The vote was unanimous. **Motion Passed.**

ADMINISTRATIVE ITEMS:

3. APS FRANCHISE - Consideration and possible approval of a resolution deeming that a franchise with Arizona Public Service for the use of Town streets for electric utility purposes is beneficial for the Town and ordering that

the question of approval of the franchise by the voters be placed on the March 10, 2015 ballot.

Kendra Cea of APS introduced herself and Lindy Fiskar, the Division Manager for the Southwest Division of APS, out of Yuma. She also introduced the APS Section Leader out of La Paz County and Yuma County and a new Community Affairs Manager for the area.

Ms. Cea gave an overview regarding service territory and the franchise agreement that is currently in place and approved by the Town of Quartzsite. She discussed public right of way and the meaning of a non-exclusive agreement. She advised that cities and towns have jurisdiction of right of their way and said the first purpose of right of way is travel and the second purpose is utilities.

Ms. Cea spoke of the Arizona Corporation Commission and the twenty-five year agreement with APS; that is the franchise that will remain in effect, if approved by voters, until March 2040. She advised that if the franchise on the March 2015 ballot is not approved by the voters, APS would continue to serve the Town and have its facilities in the Town's right of way. As the franchise agreement is a Constitutional requirement, APS would continue to work with the Town of Quartzsite and the voters to make sure an agreement is in place that suits the needs of Quartzsite.

Council Member St. Germain asked if the franchise fee is paid by the citizens of Quartzsite. Ms. Cea responded that the fee is collected as part of the bill and quarterly checks are sent to the Town

Town Manager Miller advised that right now the Town is collecting that revenue, the franchise fee, which is approximately \$80,000 per year to the general fund.

Currently, advised Town Manager Miller, the Town does not have a transaction privilege tax. He stated there are other communities that do; so, even with the franchise fee, the Town of Quartzsite is on the low end of any taxes for utilities.

Mayor Foster advised that he supported being able to reduce the franchise fee to zero but that it was probably not wise to do so during the current budget year as the income generated has already been budgeted.

Vice Mayor Simpson moved to approve Resolution No. 14-10 with the change to the franchise agreement keeping the 2% franchise fee in place but allowing it to be reduced between two percent (2%) and zero percent by resolution of the Town Council and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

4. APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT FOR LIQUOR LICENSE – Discussion and possible action to recommend approval to the Arizona Department of Liquor Licenses and Control of an Extension of

Premises/Patio Permit for the VFW Post 769's Special Event to be held on January 10, 2015.

Dennis Dole of the VFW spoke from the podium. He advised the VFW's parking lot would be closed off after the parade and there would be a fence line with police protection on-site. He stated this is a one day permit and 25% of the revenue from the proceeds would go to a non-profit organization.

Council Member St. Germain recused himself from the vote as he is an Officer at the VFW.

Council Member Orgeron moved to recommend approval for an Extension of Premises/Patio Permit from the VFW Post 769 for a Special Event to be held January 10, 2015 and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

5. HOLIDAY LEAVE – Consideration and possible approval of one full day of Holiday Leave on December 24, 2014.

8:07 p.m. – Council Member Kelley left the meeting.

There was discussion regarding different ways to staff the Town and give Holiday Leave to the employees.

8:10 p.m. – Council Member Kelley returned to the meeting.

Council Member Orgeron moved to approve the one full day of Holiday Leave on December 24, 2014 and **Vice Mayor Simpson seconded** the motion. The vote was unanimous. **Motion Passed.**

6. NEW HEALTH & DEVELOPMENT BOARD MEMBER Consider the appointment of Monica Timberlake to the Health & Development Services Board with a term to expire December 2017.

Council Member Davidson said he would like to put the agenda item on hold until there is more than one applicant.

Vice Mayor Simpson expressed his concern regarding the terms of the members. He stated he wants to see them realigned, so the terms are staggered, before the Council starts adding more members and worsening the situation.

Town Manager Miller advised there was a time the board had no members and later several were appointed within a short time of one another. He asked that Town Code issues regarding that board be reviewed at a future meeting.

Council Member Orgeron suggested the Council not turn away anyone who wants to volunteer and take care of the paperwork issues later.

Monica Timberlake was not at the meeting to be interviewed by the Council because she was at a Board Training session in Phoenix.

The Mayor said he does not think there is any question she is qualified and that every volunteer is near and dear.

Vice Mayor Simpson moved to appoint Monica Timberlake to the Health and Development Services Board with a term to expire December 2017, or as negotiated and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

7. ENTRY CODE ACCESS TO TOWN HALL FOR COUNCIL Discussion and possible action to give Council Members access codes to the Town Hall administrative offices with the keyless entry code to the door in the foyer and /or to the rear entry doors.

Council Member Orgeron moved to open this item for public discussion and **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

Council Member Orgeron stated that he does not think there is any reason he would need to have an access code to Town Hall. He advised that he does not need to be here after hours and does not need a code during working hours because he is met at the window. He suggested the Council be given keys to the Children's Library, the outside building, to hold meetings with members of the public.

Council Member Kelley stated she was on the Council for two years and there was no need for a key or entry code access.

The Mayor stated that just the other day he needed to find a place to hold a meeting but could not do so.

Council Member Davidson explained that Council Members should not have to ask permission to enter the Town Hall offices.

Town Manager Miller stated that he wanted to make one item clear: no Council Member that comes to the Town Hall for Town business will be denied access to the back office during office hours, whether they have access codes or not.

The Mayor stated that he has no interest in entering or exiting through the back door. The front door is the only door that he is concerned with having access. He said he does not want to have to ask permission to enter the offices.

The Mayor stated he only wants access to the foyer/lobby door.

Vice Mayor Simpson suggested that the Town staff be given an opportunity to work with the new Council and if there is a problem, the Council has a right to bring the item back to the agenda.

Mike Jewitt spoke of his experiences with Town Hall office access. He said the Council is not there to supervise; he said that is the Town Manager and Department Heads' job, which works to reduce inefficiency.

Jennifer Jones agreed that anyone having the code to the back door to Town Hall would be a bad idea. She stated some reasons the Town Council would need access to the Town offices.

Starr BearCat expressed a concern that she said was representative of a number of citizens, a fear of people going into the Town offices and going through information to use against them. She said the community does not trust the Council and does not want them to have free access to Town Hall offices.

Public discussion closed. No action was taken on this item.

8. EXECUTIVE SESSION

Executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion and consultation with the Town Attorney in order to consider the Town's position and pending litigation involving the Town including Jones v. Quartzsite (multiple cases), Gilford v. Quartzsite, Foster v. Quartzsite and Johnson v. Quartzsite.

Executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of Town Manager, Skylor Miller, Performance Review.

The Mayor advised that during the executive session, at the point of the discussion of Foster v. Quartzsite, he will recuse himself and leave the session.

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

ADJOURN TO EXECUTIVE SESSION: 8:35 p.m.

RETURN TO OPEN SESSION: 9:45 p.m.

ROLL CALL:

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

COMMUNICATIONS:

Reports from the MAYOR on current events.

None.

Reports from the COUNCIL on current events.

None.

Reports from the TOWN MANAGER to the Council.

Town Manager Miller advised that Brian Barbiars, of the Western Arizona Council of Governments (WACOG), has requested that the Town Council appoint a new representative to the Executive Committee. Town Manager Miller stated that he will provide an overview of WACOG to Council in the upcoming week and perhaps it could be an agenda item at the next meeting. The Mayor said, "So directed."

COMMUNICATIONS FROM CITIZENS:

Frank Oulman, property owner, spoke regarding access to his property via BLM land and his communications with the Town.

The Mayor said Mr. Oulman's access to his property will be on the next agenda.

Mr. Oulman asked if the employee handbook gives limitations on how long staff have to respond to inquiries. Mr. Oulman also asked for some action on his issue.

The Mayor stated he will direct his issue be placed on the next agenda.

Jennifer Jones said she left the last work session feeling very positive that everyone seems to be able to work as a team. She wanted to have the following comment on the record: The Mayor drove all the way to Kingman, to the fairgrounds, to an expo being held out there because Jennifer Jones suggested to him that it might be a good opportunity to solicit vendors to visit Quartzsite. He spent an entire day at the fairgrounds talking to the vendors saying what a great place Quartzsite is and to invite them to come and check it out to see if they would like to vend here.

She stated she appreciated hearing from the Council that the past will be put in the past.

Michael Roth, resident, spoke regarding wisdom, a water truck lease, voting down paying La Paz County Economic Development or joining it in any way in its current form, and fascism –which, he advised, never ends well.

Marilyn McFate suggested that if the Council will not have any action on an executive session item, after the executive session, to put it last on the agenda, after the audience participation. She explained this may reduce the Council’s loss of their audience.

Starr BearCat asked the Council to seriously consider not getting involved with La Paz Economic Development before more research has been conducted. She advised that the Council find out how they do things before giving them a dime. She asked about the dog park but as it was not listed on the agenda, there was no response.

Council Member Orgeron moved to adjourn and Vice Mayor Simpson seconded the motion. The vote was unanimous. Motion Passed.

ADJOURNMENT: 10:00 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of December 9, 2014, of the Town Council of Quartzsite, Arizona, held on December 9, 2014.

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

DATED this 23rd day of December 2014

Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:

Ed Foster, Mayor