

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, APRIL 28, 2015, 7:00 PM

CALL TO ORDER: 7:00 p.m.

INVOCATION: Given by Pastor Bruce.

PLEDGE OF ALLEGIANCE: Led by Council Member Davidson.

ROLL CALL:

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

Absent: Council Member Kelley.

STAFF PRESENT: Skylor Miller, Town Manager; Susan Goodwin, Town Attorney; Janet Collier, Transit Coordinator; Rondus Bennett, Utilities Accountant; and Tina Abriani, Town Clerk

ANNOUNCEMENTS:

Marilyn McFate spoke of Nepal and its people currently in dire need. She said if anyone had \$10 that they could donate, they could go online and give it to the Red Cross.

Pamela Caskey, resident of Quartzsite, spoke about aquaponics. She said she had signed up and the class was cancelled. She suggested the people of Quartzsite get together to create a public co-op garden to grow food at no cost to the Town. She asked if the Town would allow interested people to put out some feelers to see if there are others interested in doing this and making this happen. Some people on Quartzsite Chatter thought it would be a good event.

CALL TO THE PUBLIC AND COMMUNICATIONS FROM CITIZENS:

Dinice Ross of the Cemetery Department gave kudos to the Park Department and Public Works for the fine job they have done on the Cemetery. She said the entrance wall is fantastic and suggested to everyone if they haven't seen it, to go see it. She noted each block weighs eighty pounds.

Jennifer Jones noted it has been about five months since this Council was seated after the election. She suggested the Council look at the list of their goals and hopes for what they were going to accomplish to see where they are on the list.

Dan Heaton, a Quartzsite resident, said he attended the MUAC meeting a few weeks ago. He said he did not see anything on MUAC's agenda such as metering the wells

and water conservation, as were on the Council's agenda tonight. He wondered what the function of the board is if this information is not allowed to the board.

Chief Ernie Renfro reminded everyone that the Police Department is sponsoring a Torch Run on Wednesday, May 6th. People will sign up at 7:30 a.m. at the Fire Department and then they can either walk, run, or ride bikes down Central to Main and then west on Main to Chevron. Chief Renfro said the VFW is kind enough to provide some breakfast right after the event. The Chief said if you don't participate you can sit along the route and laugh at or cheer for those that do.

Bruce Swart, Chairman of the Cemetery Board, said the Cemetery Board has asked the Park Department and the Public Works Department to do several different things over the years and they have always come through topnotch first class.

CONSENT AGENDA:

1. **LEDGER OF ACCOUNTS PAID – Consider approval of check series 38778 - 38835, totaling \$75,131.49.**

Council Member Warner asked what Deep Freeze software is. Town Manager Miller explained it is Library software that resets settings and files on the computers the public uses.

Council Member Orgeron moved to approve the ledger of accounts paid; check series 38778 – 38835, and **Council Member Warner seconded** the motion. The vote was unanimous. **Motion Passed.**

PUBLIC HEARING:

2. **Discussion and possible action to approve Rezone Application 010615-1: Location: 4225 Mockingbird Street, Quartzsite, AZ 85346. APN: 306-20-014. Applicant: Gurvinder Aujla. Request: Rezone from SR (Suburban Residential) to C-2 (Commercial).**

Town Manager Miller stated the applicant is requesting a zone change from suburban residential to commercial. He stated the Planning and Zoning Commission found that while the application was not consistent with the General Plan, the application still had merit and the Commission made a recommendation to the Council to approve the rezone. The Planning and Zoning Commission also directed staff to perform a new study of the Mockingbird Street corridor which will lead to potential changes in the corridor uses.

The Mayor announced this is a public hearing.

Mike Jewitt said he did not receive a notice in the mail. After discussion, it was determined it may have been outside of the physical parameters for legal notices.

Amar Kohli, a partner of the Arco AM/PM on Riggles Road, stated he and his partner purchased the property for which they are requesting a zone change. He stated he supports the rezone.

The Mayor closed the public hearing on the matter.

Council Member Davidson asked the attorney about the Arizona law requiring that zoning ordinances be consistent with and conform to the General Plan.

The Town Attorney said that is correct, Arizona law requires that zoning ordinances conform to and be consistent with the adopted General Plan.

Town Attorney Goodwin said she believed that the Planning and Zoning Commission was trying to compensate for that by perhaps recognizing Mockingbird Lane needs some examination with respect to the General Plan and that should be done.

The Mayor asked if, with one resolution, the Council could adopt changes to the General Plan to accommodate the rezone and adopt the rezone.

Town Attorney Goodwin stated there is quite a process to adopt an amendment to a General Plan and that has not been initiated. She said she thinks the goal is to have a review of the entire corridor to see if it is appropriately designated as it currently is or if it should be designated as commercial or something else, but that has not been done.

The Mayor asked how the rezone request differs from the General Plan.

The Town Manager replied that the General Plan still designates the area to be rezoned as residential. If the rezone were to be approved tonight, the Planning and Zoning Commission would have to take immediate action to begin the process of updating the General Plan to fix this discrepancy.

Vice Mayor Simpson asked what happens if it were approved for a C-2 tonight and the General Plan did not end up being changed.

Town Manager Miller said the Town would not be in conformance with Arizona law. That parcel then would have to be changed in the General Plan.

The Mayor moved to table the agenda item until the Council can get a legal review and legal steps to allow this rezone to be done in complete legal compliance with that state law. **Vice Mayor Simpson seconded** the motion. The vote was five in favor of tabling the item and Council Member Orgeron voted Nay. **Motion Passed.**

The Mayor directed staff to provide Council with a plan to legally amend the General Plan for the property listed in the application.

ADMINISTRATIVE ITEMS:

- 3. MINUTES – Consider approval of the minutes of the Regular Meeting of April 14, 2015.**

Vice Mayor Simpson moved to approve the minutes as presented and **Council Member Orgeron seconded**. The vote was unanimous. **Motion Passed**.

- 4. PARK & CEMETERY PRELIMINARY BUDGET – Presentation and initial review of preliminary budgets.**

Town Manager Miller gave a presentation and stated it was an overview and a first step showing the current breakdown of both the Park Department and Cemetery costs. He reviewed line items of fiscal years 2012-2015. He stated he was looking for general direction from the Council at this time.

There was discussion of water usage on the baseball fields, including keeping one or both fields green year round. Town Manager Miller explained the policy shift with the Town billing itself for water usage. He noted this budget plans for water usage of both fields year round.

Council Member St. Germain suggested using another filter out at the sewer plant and using the recycled water, which would be fit for human contact. This would save roughly \$40,000 per year and both fields would be green.

Town Manager Miller said that was a great idea and would be a capital project that has not been identified yet.

There was discussion of using this recycled water and using a water truck with a sprayer to transport it. Council Member St. Germain spoke of the savings in the long term. Town Manager Miller said it is a possibility.

The Mayor suggested looking for a grant to pipe the recycled water back to Town.

Council Member St. Germain said everything the Town waters could use the recycled water.

Town Manager Miller asked the Council if it had a preference of engineering firms to be contacted for this project.

The Council directed that the lowest priced engineering firm provide cost estimates for this recycled water project.

Budget topics included: Grounds repairs, maintenance, maintaining the existing fleet, no capital projects, a possible canvass canopy project and solar lighting.

The Snack Shack's bathrooms are near functional but still need work, and the Town Manager is still waiting on cost estimates.

Town Manager Miller said the big increase in the proposed Park Department Budget is the water usage and the biggest savings to be had in this department is water usage. This depends on the Council's decision on whether or not to keep both fields green, one field green or have neither be green.

The Cemetery budget was reviewed. There is one dedicated staff member who is responsible for transferring plots to the public, planning projects and providing staff support to the Cemetery Board.

There was a review of the line items of that budget; the Capital Outlay was preliminarily set at \$3,500 for software to computerize the Town's documentation of the cemetery. The new system will have representatives go out to the Cemetery and document plots in the historical districts and in the new who is who and where they are laid to rest. A digitized layout of the Cemetery will be provided. The Town will use that for plot management.

A possible capital improvement project is that of an approximately 600 feet of fencing or some type of berm wall along Kofa to mitigate some of the unauthorized vehicle access into the Cemetery.

The Mayor asked why Workers' Comp. went up so much and asked if the Town has a high claims record.

Town Manager Miller said he thought Workers' Comp. went up across the board and he said he could not think of any major claims since he has been with the Town.

Council Member Warner stated Workers' Comp. is usually set at 2% unless there have been a lot of claims. The State requires a pool of Workers' Comp. money that the Town must keep, and if the pool gets low, they raise the percentage rate.

The Mayor read some of the increases from the budget information over the fiscal years. The Mayor requested an explanation be brought back to the Council.

Town Manager Miller said he would research this and get the information.

5. TRANSIT OPERATIONS - Discussion to review: Current operations, ridership stats and fare considerations. Alternative Transit: 5310 v. 5311 – schedule work session. Branding and marketing of the Quartzsite Transit System. Item requested by Council Member St. Germain and the Health and Development Services Board.

Town Manager Miller called Janet Collier forward to give a presentation regarding transit.

Janet Collier reviewed current operations and ridership statistics.

Janet Collier gave a presentation explaining the current 5310 Transit Program and the expansion system that has been applied for by the Town and the 5311 Public Transportation Program.

The planning study will produce a needs assessment and present a sustainable transit system for the Town.

Council Member St. Germain asked about having structured fares and whether those who could not pay would be taken into consideration.

Town Manager Miller stated the Town has financial assistance if there is a need. He said the Town could identify its thresholds and then provide that assistance.

Council Member St. Germain asked if the Town would still provide pick-up service for those who could not get to a bus stop.

Janet Collier replied that is what a deviation is. She stated when the Town wrote the plan the Town asked for a one-mile deviation. She said the Town would have to look at where the majority of those residents needing a deviation are located and make sure there would be a bus stop within a one-mile deviation.

Branding and marketing of the Quartzsite Transit System were discussed. The Health and Development Board requested that the Council pick a name for the Transit System, from the contest entries: QT "Quartzsite Transit", Hi Jolly Trolley, and Camel Express.

The Mayor directed staff to collect votes for names of the transit system within a thirty-day period.

Town Manager Miller said he would follow-up with that.

Town Manager Miller stated the Health and Development Services Board have voted to recommend to Council that the Quartzsite Transit System go to a fare structure rather than a suggested donation. The financial assistance that is provided by WACOG for the local rides would continue even with the fare structure.

Council Member St. Germain asked about what percent of the ridership is paying to ride.

Janet Collier stated about 2/3 currently pay, and it has gone up considerably since last year.

Council Member Orgeron moved to establish fares in lieu of suggested donations as recommended by the Health and Development Services Board. **The Mayor seconded** the motion. The vote was unanimous. **Motion Passed.**

The Council voted unanimously to recess for five minutes at 8:10 p.m.

The Mayor called the regular session back to order at 8:15 p.m.

6. WATER CONSERVATION - Discussion to review: Development of a resolution regarding water conservation. Metering private wells. *Item requested by Mayor Foster.*

The Mayor explained many businesses in Town have approached him in the past regarding the volumetric sewer rate for commercial customers. He said the Town encourages them to take Town water and thereby receive volumetric on their sewer bill. He stated some of the businesses are insisting the Town does not have enough water to supply their needs and want to stay on their well and want the volumetric rate on their sewer. The Mayor asked, "How do you do that when you don't know how much..."

The Mayor proposed to come up with a rate and a structure to allow these businesses to have a meter connected to their well to record how much water is going into the Town's sewer so that the Town knows how much to charge for sewer.

Water Policy in the Town of Quartzsite was discussed.

Council Member Orgeron moved to open the item to the public.

The Mayor called for the item to be open to the public.

An unnamed gentlemen asked if this scenario applied to residential properties.

Town Manager Miller stated residences could potentially be impacted. Town Manager Miller said these are preliminary numbers but are close: the 75th percentile billing is currently being used for sixteen RV parks, sixteen commercial businesses and sixty-four residences.

The Mayor asked, if the sewer bill of a residence on a well is significantly higher or lower than a residence that is on Town water.

Town Manager Miller said there is not a statistically significant difference in some instances.

Jennifer Jones pointed out that Lake Havasu City forced basically everyone in Town to buy a sewer meter. She spoke of well capping in Quartzsite. She spoke of her concern with the Town being sure not to penalize those who were forcefully encouraged to cap their well when they uncap their well at no expense.

Michael Roth, local resident, said the idea of metering any well is a dangerous and bad idea. He warned capping wells is communism and socialism. He spoke of duckweed and recycling.

Johnson Fraiss, owner of 88 Shades RV Park stated he appreciated the Mayor's idea and expressed his interest in seeing more details.

Town water pressure was discussed and is an on-going issue due to the diversity of user classes and the number of lower pressure residences, said the Town Manager.

Jenny Mills, owner of Al's RV Park, said she is on well water and has it checked every two years. She stated her concern is that when you only favor a few and it only benefits a few, it is not fair. She said there may be political repercussions as well as opportunity for deception.

Jenny Mills suggested that RV parks diversify to increase revenue.

Town Manager Miller stated Ms. Mills brought up a valid point which is this idea does not encourage new users to the Town's system.

Steve Frakes, longtime resident and former employee of the Town, spoke regarding watering the Town's plants during the daytime. He advised everyone that this causes the moisture to evaporate and burns the plants. He stated nighttime watering would conserve water; the water would soak down into the ground and feed the roots.

Starr BearCat spoke regarding the water belonging to the State. She said Al Johnson started capping the wells to try to force people onto Town water. She said this agenda item should have been put to the MUAC Board first and then presented to Council. She stated the rates should be equal for all. She said communities need to work together.

Jennifer Jones said equity is what she always fights for and if there are thirty-two businesses in Town that are not getting the volumetric rate, then that is not equity. She went on to say that if the volumetric is available to the other thousand rate payers and not the thirty-two, then an opportunity to access that volumetric rate is equity and she is for equity.

The Mayor closed the public discussion.

Council Member Orgeron directed staff to send this to MUAC.

The Mayor directed that numbers be put together regarding meters and installation costs to be given to MUAC.

7. EXECUTIVE SESSION –

- **An executive session pursuant to ARS Section 38-431.03(A)(4) for discussion or consultation with the Town Attorneys in order to consider the Town's position and instruct its attorneys regarding the Town's position regarding pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the case Wilcox v. Quartzsite, et al.**

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

Council Member Orgeron moved to adjourn to executive session and Vice Mayor Simpson seconded the motion. The vote was unanimous. Motion Passed at 8:58 p.m.

ADJOURN TO EXECUTIVE SESSION: 8:58 p.m.

RETURN TO OPEN SESSION: 9:54 p.m.

ROLL CALL:

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

Absent: Council Member Kelley.

- 8. WILCOX V. QUARTZSITE – Discussion and possible approval of motion to direct Town Attorney to negotiate settlement Wilcox v. Quartzsite, et al., at a specified maximum dollar amount to be expressly stated in the motion with terms as directed by Council and to authorize the Town Manager to execute the settlement documents on behalf of the Town of Quartzsite.**

The Mayor moved to accept the settlement offer put forth at \$4,500 to settle the matter of Wilcox v. Quartzsite. Council Member Davidson seconded the motion.

The Mayor stated the Town does not need to be spending more money on attorneys at the federal court level. He said the Council needs to recognize that people have been wronged in this Town, to put it right, and to settle these disagreements and get it behind us.

Vice Mayor Simpson stated that simply from a financial perspective it is the least expensive way out, rather than to go with more litigation and drag it into federal court and wind up with many times more than \$4,500.

Council Member Warner stated it was financially the best way to go. She said that she does not agree with the underlying part of it, or that the Town support bad behavior, or that the Town continue this type of policy with just everybody and anybody who doesn't like the way things are run can sue the Town. She stated in this particular instance the Town needs to get this off the books.

Council Member Orgeron said his answer is a definite and resounding no. He said when the Town starts bending and paying anybody who is looking for a payday, the Town is setting a precedent that is wrong because that tells every person out there to sue the Town because it will not challenge you. He went on to say it is wrong. He said if it is meritless, take it to the court. If the Town did something wrong, let the judge assign blame, not the Town.

Council Member Davidson voted aye and explained the reason was that his was strictly an economic reason. He said if it went to federal court it could cost ten times more. He said it must be settled.

Council Member St. Germain voted nay. He said he agreed with some of the things on the financial aspect. He said, yes, the Town would save money on this particular case. He said to then add up all the future cases the Town is opening the door for; let's sue the Town for \$10,000 and it will settle for \$5,000. He said it was a precedence that should not be set. He strongly says no.

Roll Call Vote: Motion passed (**summary:** Yes = 4, No = 2, Abstain = 0).

Yes: Mayor Foster, Vice Mayor Simpson, Council Member Warner, Council Member Davidson.

No: Council Member Orgeron, Council Member St. Germain.

The Mayor directed the attorney to finalize the settlement.

COMMUNICATIONS:

Reports from the MAYOR on current events.

The Mayor reported there is a standstill on the Federal Lands acquisitions. He said he had a talk with a former Council Member who thinks that back in 1991 the Town had some kind of agreement with the BLM. The Mayor directed the clerk to see if there wasn't a resolution by the Council as far as back as 1991 having something to do with exchange of federal lands, or somehow the Town had control of federal lands.

Reports from the COUNCIL on current events.

Council Member Warner stated she would like to find out where the Town stands regarding the sales tax issue, not just with the crafters, but also the vendors and anyone in Town that is supposed to be paying sales tax and is not. She said she provided the Town Manager with documents citing the Arizona Revised Statutes and quotes and so forth that support the fact that the Town needs to be charging and collecting sales tax. Council Member Warner said she would just like to know where all of that is.

Town Manager Miller said he can certainly provide a report as to how the Town did as far as revenue and what percentage of vendors are paying on that. He said he would work on a report.

Reports from the TOWN MANAGER to the Council.

Town Manager Miller stated he and Town staff have been researching and working toward creating a Youth Council.

He spoke regarding finishing up the cemetery projects and donation money for trees for the cemetery.

Town Manger Miller stated he has been in contact with the BLM regarding the numerous applications they have submitted. The earliest they have a meeting for him is in the latter half of May to see if he can get some things on track.

Town Manager Miller spoke regarding working with ADOT in the fall on North Moon Mountain and the enhancements along B-10. An agreement with ADOT needs to be reviewed by Council.

Town Manager Miller had a meeting with the APS regarding air fiber versus co-locating fiber lines and their associated costs.

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

ADJOURNMENT: 10:06 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of April 28, 2015, of the Town Council of Quartzsite, Arizona, held on April 28, 2015.

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

DATED this 12th day of May 2015


Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:


Ed Foster, Mayor