

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, MAY 24, 2016, 7:00 PM

CALL TO ORDER: 7:00 p.m.

INVOCATION: None

PLEDGE OF ALLEGIANCE: Led by Vice Mayor Simpson

ROLL CALL:

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

Absent: Council Member Orgeron.

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

ANNOUNCEMENTS:

None.

CALL TO THE PUBLIC AND COMMUNICATIONS FROM CITIZENS:

Marilyn McFate spoke of the many phone calls she personally received when the Town's water delivery system was temporarily out of service. She asked that the Town phones have a recorded message to provide information during such times.

Town Manager Miller said he would look into the new phone system's capabilities with regard to having specialized messages for times of trouble.

Shanana Rain BearCat talked about Nixle, a software that is available to municipalities and law enforcement agencies. She suggested that the Town look into it because of its usefulness.

The Mayor directed staff to look into the software of which Rain spoke.

Philip Cushman handed out information packets to the Council, and talked about the Quartzsite Area Chamber of Commerce and Tourism, and how the Town's two Chambers could work together. Mr. Cushman talked about how the Quartzsite Area Chamber of Commerce and Tourism has tried to attract businesses to Quartzsite, its accomplishments in Quartzsite, the Chamber's focus on the positive, as well as its plans for the future. Mr. Cushman, as President of the Quartzsite Area Chamber of Commerce and Tourism, asked the Council to consider an annual grant of \$40,000 to keep the doors open, to keep the marketing plan operating, and to pay staff for grant writing and the daily

management of the Chamber. He requested a second annual grant of \$15,000 from the Town to participate meaningfully in the Arizona Office of Tourism's marketing cooperative.

The Mayor said that Mr. Cushman's requests would be considered in future budget discussions.

Town Manager Miller announced that on Memorial Day, starting at 6:00 p.m., at the pavilion, water slides would be set up and music would be played.

CONSENT AGENDA:

1. **LEDGER OF ACCOUNTS PAID – Consider approval of check series 40226 - 40253 and 40264 - 40271, totaling \$60,851.08.**

Vice Mayor Simpson asked questions about check number 40245 for \$21,061.64 made out to Atkins Engineering for the wastewater treatment plant.

The Town Manager explained that the Town is not currently using Atkins Engineering staff for any review of the wastewater treatment plant, but they do have a subcontractor, Pace Engineering, which provides services for the Town. Pace Engineering invoiced Atkins for these services later in the year, and Atkins in turn invoiced the Town. These costs were incurred in the process of securing USDA funding, as was the direction to the Town Manager Miller by the Council.

The Mayor asked where the Town was in the RFQ process for a Town Engineer. Town Manager Miller said it was being reviewed and that the Council would receive it soon.

Mayor Foster asked if the Town was still entangled with Atkins until they are replaced. Town Manager Miller replied that the Town does not use Atkins for any professional services, but under the existing contract, the Town does use their subcontractors.

Council Member St. Germain moved to approve check series 40226 - 40253 and 40264 - 40271, totaling \$60,851.08. **Council Member Kelley seconded** the motion. The vote was unanimous. **Motion Passed.**

ADMINISTRATIVE ITEMS:

2. **MINUTES – Consider approval of the minutes of the Regular Council Meeting of May 10, 2016.**

Council Member St. Germain moved to approve the minutes of the Regular Council Meeting of May 10, 2016, and **Vice Mayor Simpson seconded** the motion. The vote was unanimous. **Motion Passed.**

3. **MAGISTRATE COURT PRO TEM – Discussion and possible consent for the Town Magistrate to appoint one Pro Tem Magistrate.**

Town Manager Miller explained this was a request from Judge Shirley to allow her to appoint the Chief Court Clerk, Lori Brinkerhoff, as Pro Tem Magistrate. He explained there would be no additional cost, other than required training, and he said the appointment would provide better coverage for the Magistrate Court.

Vice Mayor Simpson moved to approve the Town Magistrate to appoint one Pro Tem Magistrate, and **Council Member St. Germain seconded** the motion. The vote was unanimous. **Motion Passed.**

4. **FEDERAL BUREAU OF LAND MANAGEMENT (BLM) GRANT OF ACCESS – Discussion and possible action to review BLM Right-of-Way Grant Serial No. AZA 36905 and discussion regarding naming the new street.**

Town Manager Miller said he included this item in the agenda for the Council to accept the right-of-way and to name the new road. He said that, in the past, Mr. Frank Oulman had appeared before the Council regarding his seven-year struggle to obtain legal public access.

Town Manager Miller announced that the BLM granted right-of-way use stemming off Mockingbird Street just east of Riggles, and it follows a section line and goes south into property thirteen, which belongs to Mr. Oulman.

There was a discussion of naming the road. The Mayor asked the Council what it thought, and he suggested that someone could ask the Quartzsite Historical Society what they thought the name could be.

Town Manager Miller asked for a motion to accept the right-of-way, and that the motion state that the Council accepts the right-of-way per the BLM Right-of-Way Grant Serial No. AZA 36905.

Council Member St. Germain moved to accept the BLM Right-of-Way Grant Serial No. AZA 36905, also directing staff to acquire the other thirty feet and to contact the Historical Society to select a historical name for the new road. **Council Member Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

5. **TOWN MANAGER RECRUITMENT PROCESS – Discussion of a recruitment strategy for a new Town Manager.**

The Mayor said he would like to think that the Council could depend upon the Town Attorneys in the recruitment and selection process for a new Town Manager.

Council Member St. Germain asked that the Council be provided with a current copy of the job requirements for a Town Manager.

The Mayor said there is a requirement that the Town Manager reside in Quartzsite. There was a discussion among the Council regarding this requirement. The Council decided that requirement would be reviewed on a case-by-case basis.

Town Manager Miller listed where the position of Quartzsite Town Manager was advertised.

There was a discussion of desirable qualifications for the position of Town Manager.

The Mayor asked if anyone had a problem with directing the Town Attorney to take care of the vetting of the applicants. No Council Member expressed concern regarding that course of action.

The Mayor directed Ms. Goodwin to vet the Town Manager applicants.

6. **POLICE CHIEF INTERVIEW PANEL – Appointment of two Council Members to serve on the Police Chief Interview Panel.**

Council Member Kelley and Council Member Warner were selected to serve on the panel. Town Manager Miller said the interviews had already been scheduled for June 8, 2016.

The Mayor moved that Council Member Carol Kelley and Council Member Loretta Warner be appointed to be on the screening board for the Police Chief, and **Council Member Davidson seconded** the motion. **Motion Passed.**

7. **EXECUTIVE SESSION**

- **An executive session pursuant to ARS Section 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 General Release agreement in order to avoid litigation related to former Police Chief Jeff Gilbert.**
- **An 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 settlement discussions in order to avoid litigation with Desert Gardens, LLC regarding utility infrastructure improvements and requested reimbursement.**
- **Executive session pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of obtaining legal advice from the Town Attorney regarding the retention of special counsel James Burr Shields of Aiken Schenk Hawkins & Ricciardi P.C. to advise the Town's Personnel Advisory Board.**

Council Member St. Germain moved to adjourn to Executive Session and **Council Member Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

ADJOURN TO EXECUTIVE SESSION: 7:30 p.m.

RETURN TO OPEN SESSION: 8:11 p.m.

Mayor Foster called the Regular Meeting back to order at 8:11 p.m.

ROLL CALL:

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

Absent: Council Member Orgeron.

8. **GILBERT OUTCOME – Consider formal approval to enter settlement General Release agreement with former Police Chief Jeff Gilbert.**

The Mayor explained the former Police Chief Jeff Gilbert filed a claim against the Town government for payment of his attorney fees to defend himself at the AZPOST hearing regarding his certification as a police officer. The Town denied the claim and negotiated a settlement of \$2,500, to be paid to Mr. Gilbert's attorney, in return for a general release of all claims against any past actions between the Town of Quartzsite and Mr. Gilbert.

The Mayor said he had misgivings about the settlement, but he said he realize that it was in the interests of the taxpayers to obtain the release and have an end to the matter.

The Mayor moved to go ahead and pay the agreed \$2,500 settlement fee to the attorneys of record in this case. The Mayor stated there had been a request to have a roll call vote.

ROLL CALL VOTE:

Motion Passed (summary: Yes = 4, No = 2, Abstain = 0).

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

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

9. **SPECIAL COUNSEL TO PERSONNEL ADVISORY BOARD Discussion and/or approval of the agreement for legal services between Aiken Schenk Hawkins & Ricciardi P.C. and the Town of Quartzsite related to the retention of James Burr Shields to advise the Town's Personnel Advisory Board.**

The Mayor said that the Personnel Advisory Board needed special counsel because the Board had not met in several years. He said an employee had been terminated and had appealed to the Personnel Advisory Board. Mayor Foster explained that the Town Attorneys were representing the Town's position, and therefore, could not represent the Board.

Mayor Foster said the Board would need legal counsel for guidance in the matter of the appeal. The Mayor said attorneys had been hired for similar reasons in the past.

The Mayor moved to enter into a contractual agreement with James Burr Shield to advise the Town's Personnel Advisory Board. **Council Member Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

COMMUNICATIONS:

Reports from the MAYOR on current events.

The Mayor reported that just the day before he attended a meeting that turned out to be a very illuminating for him. He said it was about CDBG grant funding. He explained that the Town was free to apply for CDBG funds every three years. At the meeting, Mayor Foster learned of other grant funds for special projects that go unused each year for which the Town could apply. He said one of the conditions for use was that the projects would need to be completed in an expeditious manner.

The Mayor spoke of a recent visit of the County offices when he had a discussion with Dan Field regarding the Ted's Truck Stop building. Mayor Foster said he had received a phone call regarding the people who do not have homes that stay in the boarded up building. The Mayor and Mr. Field discussed razing the property.

The Mayor listed many ideas and suggestions from the community for needed Town projects. He asked that community members attend the next meeting regarding using grant funds with a plan in hand and not just an idea. He explained that a plan must be ready to execute if the funding is granted.

Reports from the COUNCIL on current events.

Vice Mayor Simpson said he drove to the meeting on half a road. He said half of Moon Mountain Road was paved and smooth. He also said that he hoped the other half would be worked on the next day. He announced that the restaurant was open again at its full regular schedule, three hundred sixty-five days a year.

Reports from the TOWN MANAGER to the Council.

Town Manager Miller reminded everyone of the planned community event for Memorial Day at 6:00 p.m.

Town Manger Miller reported that Thursday, June 16, 2016, at 3:00 p.m. was a tentative date for a public forum for community projects, the next CDBG Public Hearing, and a Special Meeting of the Town Council to discuss the merits of the projects.

Town Manager Miller said that the Moon Mountain Road project would be completed soon. He said the Public Works Director, Emmett Brinkerhoff suggested a ribbon cutting for the celebration of its completion. Town Manager Miller asked Vice Mayor Simpson if he would be interested in hosting the ceremony, and there was a discussion of the Chamber hosting it. The Town Manager said the tentative date and time were June 13, 2016, at 10:00 a.m.

Council Member Warner moved to adjourn, and **Council Member Davidson seconded** the motion. The vote was unanimous. **Motion Passed.**

ADJOURNMENT: 8:24 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of May 24, 2016, of the Town Council of Quartzsite, Arizona, held on May 24, 2016.

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

DATED this 14th day of June 2016



Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:



Ed Foster, Mayor