



## Town of Wickenburg

### MINUTES

**WICKENBURG COMMON COUNCIL  
REGULAR MEETING  
Monday, October 1, 2018- 5:30 P.M.  
155 N. TEGNER - COUNCIL CHAMBERS  
WICKENBURG, ARIZONA 85390**

- A. **CALL TO ORDER** - Mayor Sickles called the meeting to order at 5:31 PM and read the following statement:

Welcome to the Wickenburg Town Council meeting. If you are interested in speaking to the Council during the Call to the Public or Public Hearings, you must fill out a speaker card located at the entrance door and deliver it to the Town Clerk. Public comments are limited to 3 minutes per person.

All persons attending the Council meeting, whether speaking to the Council or not, are expected to observe the Council rules, as well as the rules of politeness and good conduct. State law prohibits the use of town resources to influence an election. Members of the public and Council are prohibited from campaigning during the call to the public.

Please refrain from cheering or booing people during the meeting. Any person interfering with the conduct of the meeting will be removed from the meeting.

- B. **PLEDGE OF ALLEGIANCE** - Lead by Council Member Sam Crissman
- C. **INVOCATION** - Lead by John Bonno, Standing Stones Retreat Center

D. **ROLL CALL**

Present: Mayor Everett Sickles  
Vice Mayor Royce Kardinal  
Council Member Chris Band  
Council Member Kelly Blunt  
Council Member Sam Crissman  
Council Member Ruben Madrid  
Council Member Rui Pereira

Staff Present: Vince Lorefice, Town Manager  
Trish Stuhan, Town Attorney  
Steve Boyle, Community Development & Neighborhood Services Director  
Amy Brown, Town Clerk  
Les Brown, Police Chief  
Matt Egan, Interim Public Services Director  
Ed Temerowski, Fire Chief  
Pamela Green, Economic Development & Community Relations Director  
Stephanie Wojcik, Finance & Technology Director

#### **E. MAYOR & COUNCIL MEMBERS REPORT ON CURRENT EVENTS**

Mayor Sickles stated that the Town Manager has drafted a proposal and is working with Brenda Hershkowitz from the Chamber. This will let the Chamber do what they do best. This will solve the issue that he has been fighting for the past year and a half. He wanted to acknowledge Brenda Hershkowitz's strength and courage to move forward. He is hoping to have a workshop in the future to discuss the plan moving forward.

#### **F. TOWN MANAGER'S REPORT**

Town Manager Lorefice reminded everyone about the following events:

- Bats and Buzzards was last week and there was over 250 people who participated along with Game and Fish.
- Red Sparks are here on Friday to be at the school and Homecoming game. They will perform at 6:25, prior to the game, and award a \$15,000 scholarship to a High School Senior.
- Saturday there will be a rodeo display from 6:00 – 10:00 P.M. at the Rodeo Grounds. There will also be a local country band and a German rock band.
- Sunday will be the farewell at the Henry Wickenburg House starting at 8:00 A.M. If anyone needs a ride, since there is limited parking, you can park at the Gatehouse and a van will drive people to the house.

#### **G. CALL TO THE PUBLIC**

- Robert Edgar, In-Town Resident, stated that he and his wife, Sheila, were the owners of the majority of the roadway on Via Tortuga which crossed Cemetery Wash, when on July 18, 2015, the crossing was washed out by a gigantic flood. After the flood, Mr. Boyle informed them that the Town could not repair the crossing since it was not owned by the Town. The Edgar's agreed to donate more than 0.4 acres for reconstruction, but would only approve any work on their portion of the roadway that followed all the town, county and federal requirements since the wash is in a designated federal flood-plain. In February of 2016, they donated the roadway and the requested land in the wash for reconstruction. They worked with Mr. Wright and Mr. Lorefice to achieve this. The roadway was completed by about July 1, 2016. On November 23, 2016, a dirt access road and ramp was built on Town property down the north side of the crossing spillway. Unfortunately, that ramp guided users directly onto the Edgar's property which was posted with no trespassing signage. Mr. Lorefice responded on May 22, 2017, that "an unauthorized dirt ramp was built as well as a large rock pile" and that those responsible, "have been working within the ROW without Town approval." Mr. Lorefice referred the issue to Mr. Boyle who stated that "there was an apparent unpermitted work conducted on a public road" and "that sediment dirt had been spread on some of the rip-rap rock to possibly create a passable area from one side of the wash to the other." This is "considered a minimal obstruction and does not appear to violate any code section." Therefore, no action was taken. The Town may be liable for accidents, injuries, vandalism or destruction of property by allowing a ramp to be built. The ramp has given access to vehicles, motorcycles, horses and ATVs. Individuals have left trash, had music concerts, participated in paint-ball activities, cut wood and on and on. The 2018 summer monsoon rains have washed out the dirt ramp. The Edgar's request to the Town is to not allow any construction on either side of the Cemetery Wash/Via

Tortuga crossing that would direct trespassers onto any portion of their property. They request whatever legal measures are needed to alter the current code to be implemented to prevent the rebuilding of the ramp. Council Member Madrid asked that this come back to the Council at the last meeting. Town Manager Lorefice stated that this is a single code enforcement issue, so we usually don't bring these to the Council, but we will look at an approach that will meet the Edgar's needs.

- JoAnn Zimpher, In-Town Resident, stated that she has been a citizen and business owner in Wickenburg for 21 years. In the Chamber News on February 22, 2017 they had the ABC's of shopping in Wickenburg and this is when all the issues started. The Chamber promotes Chamber members and that is okay, but why does the Town give them money and let them run the visitor center. She stated that this is what divided this Town.
- Desiree Stokes stated that she is a part-time resident between Wickenburg and Las Vegas. She works in the tourism industry and Wickenburg needs to attract tourists. Vice Mayor Kardinal talks about the good old days. The Town let the bypass go through with no plan to bring visitors into Town. It is the Chamber's responsibility to bring tourists to Town but they need to represent all businesses in Town. As the Chamber, they only deal with Chamber members. Now they have gotten involved in the politics with helping to recall the Mayor and with Stander and Macias' campaigns. Their visitor guide has no numbers to know where the businesses are located. They have no viable numbers for tourism that they report to the state. They need to have trackable goals with fresh ideas. The tourism center is closed on the weekends during the summer. There have been lots of studies of how to make Wickenburg successful and it is to focus on our history with it being a western Town. When I-11 comes in this Town will become a ghost town.
- Nohl Rosen, In-Town Resident, stated that it is great that the Red Sparks are coming to Town but he has a problem with the Mayor signing this proclamation for German/American Day when he didn't sign the proclamation for Hispanic Heritage month. He thinks of himself as an American first. The Mayor can't support one heritage group and not another. You can't have it both ways. He was interested in what the Mayor referenced when he said the Town was going to be working for a solution, but it was very vague. He wants to see Strategies 360 on the agenda to have a discussion. Mayor Sickles stated that anyone coming to his house is a guest and this German group is a quest. This is not one culture over another. We invited them here to spread joy and their energy. We need to treat them as a guest not as a culture.
- Mary Baker, In-Town Resident, wanted to remind Mr. Rosen that the German/American Day proclamation was proclaimed by President Reagan as being on October 6. The Red Sparks could have chosen any Town in the US, but they chose Wickenburg. She wanted to highlight a few other events. There will be horse drawn buggy rides to businesses in Town and to the Henry Wickenburg House on Sunday. The Historical Preservation Society will have tours of the house. They have reached out to TV and newspapers in the valley. They have also reached out to German organizations in surrounding states. Many of them are coming to Town. This group spends about \$3,800 per person when they travel.

## H. NEW BUSINESS

### 1. **Approval of the Consent Agenda -**

All items listed under the Consent Agenda are considered to be routine matters and will be enacted by one motion and vote of the Town Council. There will be no separate discussion on these items unless a Council Member requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

**MOVED BY** Council Member Chris Band to approve items b, c, d, e, and f of the consent agenda

**SECONDED BY** Council Member Rui Pereira

**VOTE:** 7 – 0 (Yes – Mayor Sickles, Vice Mayor Kardinal, Council Members Band, Blunt, Crissman, Madrid and Pereira)

#### a. Approval of Minutes – Regular Meeting of September 17, 2018

Mayor Sickles stated that on page 25 of the packet the statement says that the Mayor doesn't want to hide behind the government when it should say that he said that Ruben shouldn't hide behind the government.

**MOVED BY** Mayor Everett Sickles to approve the minutes of September 17, 2018 with one change

**SECONDED BY** Council Member Kelly Blunt

**VOTE:** 7 – 0 (Yes – Mayor Sickles, Vice Mayor Kardinal, Council Members Band, Blunt, Crissman, Madrid and Pereira)

#### b. Consider Appointment of John A. Kyritsis to the Library Advisory Board with a Term Expiration Date of December 2020

Amy Brown, Town Clerk, reported in her Council routing form that this vacancy was caused by Lisa Jenkins resignation in June. We still have one other vacancy on the Library Board.

By a 7-0 vote under the Consent Agenda, Council moved to approve the appointment of John A. Kyritsis to the Library Advisory Board.

#### c. Consider Resolution No. 2175, Terminating and Releasing the Public Easement Generally known as Working Cowboy Road and Authorizing the Mayor to Execute the Termination and Release of Easement Agreement with Wickenburg Development Company, LLC

Steve Boyle, Community Development Director, reported in his Council routing form that Wickenburg Development Company, LLC who are the developers at the Master Planned Community are looking to abandon a previously approved public easement which was dedicated in 2010. The original intent of the easement has since been changed and the easement is no longer necessary. The owners have decided to process a termination and release agreement with the Town.

By a 7-0 vote under the Consent Agenda, Council moved to approve Resolution No. 2175, terminating and releasing the public easement generally known as Working Cowboy Road and authorizing the Mayor to execute the Termination and Release of Easement Agreement with Wickenburg Development Company, LLC.

d. Consider Approval of a Map of Dedication of Silver Moon Way at Wickenburg Ranch for Roadway Purposes

Steve Boyle, Community Development Director, reported in his Council routing form that the developers have submitted a plat to dedicate private roadway within Wickenburg Ranch. The site consists of approximately 7.4 acres of vacant land and the purposes of the tract will be for roadway, open space and drainage. This is a dedication from the developer to the developer however the purpose of the land will change. If approved the plat will be recorded with Yavapai County and the land will be considered a tract not meant for vertical development.

By a 7-0 vote under the Consent Agenda, Council moved to approve the Map of Dedication for Silver Moon Way at Wickenburg Ranch.

e. Consider Approval of the Final Plat for Parcel L "South" of Wickenburg Ranch

Steve Boyle, Community Development Director, reported in his Council routing form that M3 Builders, LLC has submitted an application proposing to subdivide 77.13 acres into 188 single-family detached residential lots and tracts for private roadways, open space, and drainage. The zoning of the subject property is R1-6 Single Family Residential PAD. Staff review found that the final plat is in compliance with all applicable Town of Wickenburg Zoning and Subdivision ordinances.

The proposed lot areas range from 6,875 square feet to 10,125 square feet; setbacks are to be 8' minimum front setbacks to livable space, 15' rear setbacks, and 5' side setbacks. Home designs are to be in compliance with previously approved design reviews. The streets within the parcel are to be private tracts not maintained by the Town of Wickenburg, but are still to be constructed to the Town's adopted MAG standards. Local streets are to be 40' tracts with 32' of roadway, 4' sidewalks, and 8' public utility easements.

The Town Council approved the preliminary plat on 8/06/2018 and no major changes to the layout of the plat have been made. The improvement plans will be reviewed by the Town Engineer before development works starts.

By a 7-0 vote under the Consent Agenda, Council moved to approve the final plat for Parcel L South at Wickenburg Ranch.

f. Consider Approval of a Final Plat for Parcels H & F2 at Wickenburg Ranch

Steve Boyle, Community Development Director, reported in his Council routing form that M3 Builders, LLC has submitted an application for approval of a final plat for Parcels H & F2 within the Wickenburg Ranch subdivision. The parcels would be subdivided into 208 single-family detached residential lots and tracts for private roadways, open space, and drainage. Staff review finds that all applicable Town of Wickenburg Zoning and Subdivision ordinance requirements have been met.

The proposed lot areas range from 5,175 square feet to 5,750 square feet; setbacks are to be 8' minimum front setbacks to livable space, 15' rear setbacks, and 5' side setbacks. Home designs are to be in compliance with previously approved design reviews. The streets within the parcel are to be private tracts not maintained by the Town of Wickenburg, but are still to be constructed to the Town's adopted MAG standards. Local streets are to be 40' tracts with 32' of roadway, 4' sidewalks, and 8' public utility easements.

The Town Council approved the preliminary plat on 9/04/2018 and no major changes to the layout of the plat have been made. The improvement plans will be reviewed by the Town Engineer before development works starts.

By a 7-0 vote under the Consent Agenda, Council moved to approve the final plat of parcels H & F2 at Wickenburg Ranch.

2. Consider Resolution No. 2173, Approving and Authorizing the Mayor to Execute a Sole Source Contract with Core and Main for the Water Meter AMR Upgrade Project and Authorize the Expenditure of \$341,591.26

Matt Egan, Interim Public Services Director, reported in his Council routing form that several years ago staff was authorized to install new water meters to upgrade the existing water meters with AMR capabilities. At that time only antenna touch type of read was approved. This project replaces the registers on these meters to allow for mobile data collection. Mobile data collection will save manpower, improve billing accuracy and lessen the liability to staff.

The existing meters are Neptune meters. Core and Main is the sole authorized level 1 distributor in Arizona of Neptune meters, per the attached letter. Changing the registers to another meter company would require manual wiring of each register and require new software to be installed. This would increase the project cost by approximately 40%.

This project was budgeted for \$300,000. Staff is requesting that the cost overrun be funded from savings on two other projects, the Manual Transfer Switches Project, 204-500-04 is anticipating a \$30,000 savings due to additional transfer switches done in the previous year; and the Vulture Mine Booster MMC Project 2018-500-24 has quotes coming in approximately \$20,000 under budget.

Matt Egan's presented that the full meter replacement took place in fiscal 2015/16 due to existing meter data accuracy ranging from 70-90% accurate. On the Town's system we installed meters with AMR capability but decided on the manual "Touch Pad" reading system. The AMR was fully implemented in Wickenburg Ranch very successfully. This is a Sole Source Contract that will allow us to continue with the same software already implemented to save time and money.

The benefits of the AMR are as follows:

- The AMR meters have a 99.9% accuracy rating which has increased revenue
- The meter registers store 96 days of data including leak detection, reverse flow indication, tamper detection and rate of flow in gallons per minute
- Mobile read technology will reduce staff time reading meters manually from 14 days a month to 1.5 days which will allow more efficient allocation of employees
- Most important this system alleviates liability and safety risks of staff entering private property to read meters reducing claims and injuries
- Improves Customer Service by being able to generate reports of usage, leak detection and faster resolution of billing disputes
- Eliminates estimated reading due to access conflicts
- Gives us the ability to have any staff member read meters without knowing the physical location of each meter i.e.: vacation, employee retention is a factor
- Promotes Water Conservation by allowing customers to obtain consumption reports
- Registers come with battery that has 20 year life span and have full replacement warranty the first 10 years and prorated the following 10 years

Town staff will be installing the new registers to save on installation charges. The installation process is simple, with no programming needed and will not interrupt water service. The goal is to implement the new reading system within 90 days of approval. We are exploring the option of installing the mobile collector in our garbage trucks.

Mayor Sickles stated that when Mayor Cook was on Council and this item came up, he had concerns about radiation from these devices. Mr. Egan stated that these put out a 100 milli watt pulse every 14 seconds and 1 watt every 7 ½ minutes. The normal cell phone puts out 3 watts constantly and CB radios put out 4 watts constantly.

Vice Mayor Kardinal asked if this is a new idea. Mr. Egan stated that this was proposed at the original presentation, but the Town went with the other option to not have the antenna. It will take an employee about 2 minutes to place each antenna. If we would have gone with this option in the beginning, we could have saved \$150,000.

Mayor Sickles asked if it will broadcast to the office. Mr. Egan said that due to the topography of the Town, we would need 9 collectors at \$13,000 each to get 95% of the homes. To get 100% we could need 12 collectors.

Vice Mayor Kardinal asked if this item was in the budget. Mr. Egan confirmed that it was in the budget.

Mayor Sickles asked if citizens could read it themselves. Mr. Egan stated that these new meters are 99% accurate and all you have to do is shine a flashlight on them to wake them up, then they can read the meter.

Council Member Blunt stated that when Southwest Gas went with these, they were not noticing the corrosion around the gas meters, so he suggested that we get an eye on them once or twice a year. Mr. Egan stated that at some homes, the meter reader has to go through the home to read the meter. This will help with those issues.

Council Member Madrid asked the time to install these. Mr. Egan said it will take about two minutes per meter to install as there is just a safety pin to remove and secure the antenna.

Council Member Crissman asked if there would be a different charge for the new meter. Mr. Egan stated that it will be the same.

**MOVED BY** Council Member Rui Pereira to approve Resolution No. 2173

**SECONDED BY** Council Member Ruben Madrid

**VOTE:** 7 – 0 (Yes – Mayor Sickles, Vice Mayor Kardinal, Council Members Band, Blunt, Crissman, Madrid and Pereira)

3. Consider Approval of a Reimbursement to the Wickenburg Historical Preservation Society for Expenses during the Red Sparks Visit and Authorize a not to exceed amount of \$2,500 from General Fund Contingency

Vince Lorefice, Town Manager, reported that the Wickenburg Historical Preservation Society has requested some financial assistance with the promotion and expenses incurred due to the Red Sparks visit and promotion of the Henry Wickenburg Home. This will be a not to exceed amount of \$2,500, but the amount will have to come from General Fund Contingency as it is not a budgeted item. Primarily they are looking at printing some brochures to hand out at the event as well as throughout the year and they want T-shirts to give to the Red Sparks.

**MOVED BY** Council Member Rui Pereira to reimbursement up to \$2,500 from General Fund Contingency to the Wickenburg Historical Preservation Society for promotion of the Henry Wickenburg Home during the Red Sparks visit

**SECONDED BY** Council Member Sam Crissman

**VOTE:** 7 – 0 (Yes – Mayor Sickles, Vice Mayor Kardinal, Council Members Band, Blunt, Crissman, Madrid and Pereira)

4. Review and Direction to Staff Regarding the Expenditure Authority of the Town Manager to Settle Claims

Vince Lorefice stated that there has been a request to discuss the expenditure authority of the Town Manager to settle claims as set in Town Code 4-2-1-H17. In 2012, the Town Council approved Ordinance 1109 to give the Town Manager the authority up to \$25,000 to settle claims. The reason for this amount is because this is

our deductible for liability claims. It has been requested to discuss this amount to see if there is a desire of the Council to lower this spending authority. If the direction of the Council is to change this amount, this item will come back as an Ordinance to change the Town Code.

Mayor Sickles would like to be informed of all the settlements, but didn't think that it needed to come down to \$5,000 because it would trigger an executive session.

Council Member Band stated that due to the liability, he would like to be aware of all the claims and the settlements. Town Manager Lorefice stated that this would include all claims including trip and falls, vehicles where someone backs into something and also personnel.

Vice Mayor Kardinal thought that the \$25,000 was our deductible so she would like to give the Town Manager the ability to negotiate up to this amount.

Mayor Sickles asked for a clarification on this item from the attorney. Ms. Stuhan stated that this gives the Town Manager the ability to negotiate up to a not to exceed amount of \$25,000 as long as the claim is investigated, the attorney is consulted and the person signs a release of liability for the claim. This does include all types of claims. The Council can write this how they want so if they don't want to see personnel claims but want to see liability claims then we can make a different amount for each type of claim. The goal has always been to not get the Council involved in personnel since it makes them civilly liable. In addition, we would have to have someone on administrative leave until it was solved, so it would cost the Town money to have all these go to the Council.

Mayor Sickles stated that his issue is the message that we might be giving to people that we will settle for \$15,000 or some amount to avoid litigation.

Council Member Band stated that he would like to work with Vince on this but the Council would like to know if there is a pattern such as three trip and falls on a rattlesnake someplace.

Mayor Sickles stated that by reducing the amount we could take the monkey off of Vince's back so he doesn't have to negotiate all of these.

Council Member Blunt stated that he didn't remember the circumstances but thought that Josh Wright used good judgement in negotiating as well as making the Council aware of any issues and looking for patterns and making adjustments. In addition, he thinks that Vince Lorefice will use the same good judgement. Ms. Stuhan stated the Council can change this or keep it the same and there could be a monthly report sent to the Council.

Council Member Pereira stated that we already get a monthly report from Tarah Mayerhofer regarding Human Resources and Risk Management issues. He suggested that maybe the Council needed to read the reports that are sent to them. For example on the Sylvan Lane claim, he contacted staff several times since it took a

long time, but staff updated the information each month in the report. Vince Lorefice uses great judgement and usually saves the Town money since he is a great negotiator.

**MOVED BY** Council Member Rui Pereira to keep the code the same

**SECONDED BY** Vice Mayor Royce Kardinal

**VOTE:** 5 – 2 (Yes – Vice Mayor Kardinal, Council Members Blunt, Crissman, Madrid and Pereira) (No - Mayor Sickles, Council Member Band) (Mayor Sickles clarified at the October 15, 2018 meeting that he meant to vote no on this item, so the minutes have been changed to reflect that change.)

I. **EXECUTIVE SESSION** - (Council May Vote to Go Into Executive Session Pursuant to A.R.S §38-431.03(A)(3) to Receive Legal Advice from the Town Attorney on Any of the Above Agenda Items.)

J. **SCHEDULING OF FUTURE COUNCIL AGENDA ITEMS**

- Mayor Sickles would like to have a workshop regarding the Chamber issue as soon as is agreeable to both parties as he would like to see more people involved. This was seconded by Council Member Pereira.
- Vice Mayor Kardinal stated that she was having a hard time hearing everyone talking tonight as there was some feedback and some people were mumbling. Ms. Wojcik stated that the Town is still waiting for a quote to fix all the issues. Council Member Pereira stated that he thought this item would come back to Council once we have the quote.

K. **ADJOURNMENT**

**MOVED BY** Council Member Sam Crissman to adjourn the meeting at approximately 6:34 PM

**SECONDED BY** Council Member Rui Pereira

**VOTE:** 7 – 0 (Yes – Mayor Sickles, Vice Mayor Kardinal, Council Members Band, Blunt, Crissman, Madrid and Pereira)

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Everett Sickles, Mayor

ATTEST:

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Amy Brown, Town Clerk

CERTIFICATION

I, Amy Brown, the duly appointed and qualified Town Clerk of the Town of Wickenburg, an Arizona Corporation, do hereby certify that the foregoing MINUTES of the REGULAR MEETING of October 1, 2018 is a full, true and correct copy of the Wickenburg Common Council and that a quorum was present at the meeting.

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Amy Brown, Town Clerk