

Minutes of the regular meeting of the Winslow City Council held on April 13, 2021 at 6:30 P.M. in the main hall of the Winslow Visitor's Center, 523 West Second Street, Winslow, Arizona.

MEMBERS PRESENT:

Mayor Cano, Councilmember Boyd, Councilmember Cake, Councilmember Crisp, Councilmember Jackson, Councilmember MacLean

MEMBERS ABSENT:

Councilmember Nelson

STAFF:

John Barkley City Manager, Trish Stuhan City Attorney, Suzy Wetzel City Clerk, David Coolidge Assistant City Manager, Elias Jouen Finance Director, Tim Westover Public Works Director, Ken Arend Police Chief, James Hernandez Fire Chief (via Zoom), Brandy Leary Librarian (via Zoom)

Mayor Cano called the meeting to order. The Pledge was given and the Invocation was offered by Councilmember Jackson. Roll call was taken and Councilmember Nelson was absent. Motion: Moved by Councilmember Boyd, seconded by Councilmember Cake, to excuse the absent member. Motion passed unanimously with Mayor Cano and Councilmembers Boyd, Cake, Crisp, Jackson and MacLean voting yes.

CALL TO THE PUBLIC

None.

MAYOR AND COUNCILMEMBERS REPORTS

A. Current Events and Announcements

Councilmember MacLean announced details of the Friends of the Library book giveaway on Saturday, April 17th at the Visitor's Center parking lot.

Councilmember Crisp announced information regarding the following:

- Registration details for Adult Coed Softball
- Dredging operations at Clear Creek
- Details regarding the Prom Dress Giveaway on April 15th
- Plant Exchange event & Rain Barrel Workshop hosted by Sweetland Community Garden

- Close of Senior Little League registration on May 1st
- Community food distribution event scheduled for Thursday, April 22nd
- Customer Service Workshop at the Chamber on May 22nd
- First Farmers Market held on April 10th that will continue through September

Mayor Cano commented on the Prom Dress Giveaway and thanked the Cherry Bombs and Kelly Freeman, who works with NPC, for their assistance and support of the event. Mayor Cano also stated that she is now working at the Winslow Indian Health Care Center as a Pandemic Response Technician and discussed the details and success of their vaccination clinics.

B. Future Agenda Items

Councilmember Crisp referred to the need for a restroom facility at the Farmers Market and requested that discussion take place on an upcoming agenda regarding public restrooms in the downtown area.

SCHEDULED PRESENTATIONS

A. Presentation from Willdan Financial Services Regarding 2021 Water & Wastewater Rate Study/Analysis and Long-Term Financial Plan

Dan Jackson, Vice President of Willdan Financial Services, provided a PowerPoint presentation regarding the city's 2021 Analysis and Long-Term Financial Plan for water and wastewater rates. The presentation included a wide range of information that Mr. Jackson discussed in detail including the fact that rates have covered costs through fiscal year 2020 resulting in accumulated solid reserve fund balances and debt coverage levels being met. This has been primarily a result of the difficult decisions that the Council and staff have made regarding past years' budgets and rate increases. Mr. Jackson explained that the utility funds are beginning to under-recover and will be at risk without a new rate plan.

The presentation outlined current water and wastewater current rate structures as well as the recommended water and wastewater rate plans for 2022 – 2026. Mr. Jackson also explained the proposed increase to the water rights litigation surcharge.

Mr. Jackson explained the following reasons that a rate plan is beneficial to the city:

- Will enable the Utility Fund to retain financial health
- Will ensure that the General Fund will not have to support the Utility Fund
- Will enable \$5.0 million in investments into the future of the city
- Will only require ratepayers to pay what it is costing the city to provide this service
- Rates will continue to be comparable to surrounding cities and state average

In conclusion, Mr. Jackson explained the statute process for increasing water and wastewater fees, including adoption of a Notice of Intent and the requirement for a public hearing.

As a longtime councilmember, Councilmember Boyd commented on past rate increases and stated that he feels it is by far better to gradually increase fees as opposed to a major one-time increase. Mr. Jackson responded to questions and comments from the Council and there was a brief discussion regarding the water rights litigation surcharge. The City Manager stated that approval of the Notice of Intent is on tonight's Consent Calendar.

STATUS REPORTS

A. Verbal Status Report on Current City Activities by City Manager Including But Not Limited to: Update Regarding Tree Planting Campaign, Splash Pad Update and Costs Associated with 3B's Truck Stop

Following a brief comment about his written report that was previously provided to the Council, the City Manager stated that 25 trees have been ordered so that they can be planted in conjunction with Earth Day. The City Manager commented on the various locations that the trees will be planted and the Public Works Director responded to a question from Councilmember Crisp regarding the kinds of trees that were ordered.

The City Manager then referred to the handout from Barton Architecture that was provided to the Council showing drawings for the Splash Pad and discussed the comprehensive plan for the project. In response to a question from a member of the audience, the City Manager stated that the Splash Pad will be located at Pope Avenue and Maple Street. The City Manager and Public Works Director responded to additional questions from the Mayor and members of the Council.

With regard to the 3B's Truck Stop, the City Manager provided a brief background concerning removal of the barricades last year to open up the truck stop to generate more business and revenue for the city. The City Manager also provided information regarding the amount of \$14,000 for the period June 25, 2020 to March 30, 2021 being spent to maintain and provide electricity to the area which breaks down to a cost of \$1,600 per month. The Police Chief reported that there is an increase in transient population with the truck stop being open, however the police department has not seen a dramatic spike in violent crimes in the area.

Mayor Cano thanked the City Manager for providing the information regarding the costs and asked the City Attorney to prepare a legal opinion on whether expenditures for the truck stop is a misappropriation of taxpayer funds.

Mayor Cano referred to the City Manager's written report and stated that she would like to see the master plan for the property recently sold to Cavan Realty when it becomes available.

B. Monthly Financial Report by Finance Director to Include Balances, Expenditures and Revenues in All Funds

The Finance Director provided a summary of his written report covering the period July 1, 2020 through February 28, 2021. The verbal report included a comparison in General Fund Revenues and various tax revenues compared to this time last year. The Finance Director commented on the fact that cemetery revenues are up 98% from last year as a result of the COVID-19 pandemic. The Finance Director also highlighted some of the City Sales Tax categories provided by the Arizona Department of Revenue.

Councilmember Jackson thanked staff for the detailed written reports that were provided both in the packet and emailed to the Council prior to the meeting. In response to a comment from Mayor Cano stating that she would like to see all of the reports included in the packet material, the City Manager stated that we can begin to bring back in-person reports if the Mayor & Council are comfortable with doing that. The City Manager also explained that there are timing issues with some of the reports and when the agenda is distributed and that is why they are handed out at the meeting.

CONSENT CALENDAR

Councilmember MacLean requested that Item D be pulled for discussion. Motion: Moved by Councilmember Cake, seconded by Councilmember Boyd, to approve the Consent Calendar minus Item D. Motion passed unanimously

with Mayor Cano and Councilmembers Boyd, Cake, Crisp, Jackson and MacLean voting yes.

- A. Check Register**
- B. Minutes – City Council Regular Meeting – March 23, 2021**
- C. Reappointment of Member to Arts Council**
- D. Reappointment of Member to Board of Adjustment**

After Councilmember MacLean declared a conflict with this item due to the fact that the Board of Adjustment member is his son-in-law, Councilmember Jackson made a motion to reappoint Michael Leary to the Board of Adjustment. The motion was seconded by Councilmember Crisp and passed unanimously with Mayor Cano and Councilmembers Boyd, Cake, Crisp and Jackson voting yes.

- E. Reappointment of Members to Historic Preservation Commission**
- F. Memorandum of Understanding with the FBI Arizona Safe Trails Task Force**
- G. Ordinance No. 1361 Authorizing the Sale of City-Owned Real Property to Steven and Linda Pyles**
- H. Resolution No. 1866 Adopting a Notice of Intent to Increase Water and Wastewater User Charges, Setting a Public Hearing on the Proposed Increase and Filing a Written Report Supporting the Proposed Increase with the City Clerk**

COUNCIL CONSIDERATION AND POSSIBLE ACTION

- A. Approve and Adopt Resolution No. 1864 Declaring the Continuation of a Local Emergency in Winslow and Coordinating Emergency Operations to Mitigate the Effect of the Coronavirus on the City of Winslow**

The City Manager provided background information regarding the March 2020 Emergency Declaration at the onset of the pandemic to give local authority to the city for many different purposes. The City Manager explained that on the advice of the City Attorney this item is before the Council to continue the local emergency and so the current mayor can proclaim the Declaration of Emergency. The City Manager also highlighted details of the Governor's most recent Executive Order.

Motion: Moved by Councilmember Boyd, seconded by Councilmember Jackson, to adopt Resolution No. 1864 declaring the continuation of a local emergency in Winslow and coordinating emergency operations to mitigate the effect of the coronavirus on the City of Winslow, Arizona. Motion passed unanimously with Mayor Cano and Councilmembers Boyd, Cake, Crisp, Jackson and MacLean voting yes.

B. Approve and Adopt Proclamation Declaring an Emergency with Regard to the Coronavirus

In response to a question from Councilmember Boyd regarding why this proclamation must be acted on by the Council, the City Attorney explained that it is a statute requirement when an emergency is declared.

Motion: Moved by Councilmember Crisp, seconded by Councilmember Cake, to adopt the proclamation declaring an emergency with regard to the coronavirus. Motion passed unanimously with Mayor Cano and Councilmembers Boyd, Cake, Crisp, Jackson and MacLean voting yes.

C. Approve and Adopt Resolution No. 1865 Adopting the Personnel Policies And Procedures Revised April 13, 2021

Mayor Cano stated that she has expressed concerns regarding the previous policy and felt that some changes were necessary. Mayor Cano referred to the changes shown in the packet material and stated that these changes give more options to the employees.

Councilmember Boyd stated that based on his observation, the city's policy and processes are identical to others that he is familiar with wherein they involve the Human Resources Department. Mayor Cano referred to the proposed changes and stated that she felt more protection was needed for employees and that the Council should be made aware and involved with regard to creation of positions within the city. Councilmember MacLean stated that he has questions regarding some of the changes and would to discuss them so that they can be further explained.

Councilmember MacLean stated that he felt the additional language in Policy No. 210 stating that employees should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the city's Human Resources Director was redundant and already covered in the next sentence of that section. The City Attorney commented on the proposed language and stated that

it was included to provided clarification for employees. There was additional discussion regarding the amendment wherein the City Attorney stated that Human Resources recommends that the language stay in.

Councilmember MacLean expressed concern regarding the proposed amendment to Policy No. 701 under Pay Structure stating that “The City Council reserves the right to review pay structures and establish pay ranges for positions” and asked for clarification on how pay structures are currently established. After the City Manager clarified that the current process involves the pay structure being brought to the City Council for approval once it is established by the City Manager and Human Resources, the City Attorney stated that the City Council always has the right to set pay scales and amend or change them.

Councilmember MacLean stated that he again feels that this language is redundant and if the City Council already has this right that the additional language could be interpreted that the Council is subverting the authority of the City Manager and the Human Resources Department. Councilmember Boyd stated that he agrees with Councilmember MacLean and does not like the proposed language. Councilmember Cake expressed concern regarding how employees might interpret the language wherein they would expect the Council to give them raises.

Mayor Cano stated that she could explain the reason that she asked for the language to be included but that it would require an executive session. Mayor Cano further stated that if everyone understands what their power is, then she agrees that the language can be omitted. Councilmember Jackson stated that after reading and thinking about the proposed language, and since the policy is for the employees, that maybe it is a good idea for it to be spelled out so it is easy to understand. The City Attorney clarified that the intent of the policy is to provide day-to-day guidance to the employees while protecting the city from a legal standpoint. The City Attorney stated that the sentence can remain if the Council feels that it is beneficial or it can be removed if they feel it is redundant.

After further discussion regarding the pros and cons of the language, the following motion was made:

Motion: Moved by Mayor Cano, seconded by Councilmember MacLean, to go into executive session in reference to the policy and procedure revisions. Motion passed unanimously with Mayor Cano and Councilmembers Boyd, Cake, Crisp, Jackson and MacLean voting yes.

After announcing that the meeting is back in open session at 8:57 p.m., the City Attorney read the following legal changes to the Personnel Rules into the record so that if the Council would like to adopt them, they can be adopted as amended:

1. Under Personnel Policies & Procedure, the first change will be under Policy 501, Recruitment. The bottom of the page under “Announcement of Vacant Positions” shall read as amended:

Vacant positions shall be announced internally for all positions, and shall be advertised externally based upon need and budget constraints. Human Resources is responsible for placing all recruitment advertising required by this policy.

2. Under Policy 701, Wage and Salary Administration. The second page, under “Pay Structure”, shall read as amended:

The Human Resources Director is responsible for establishing a pay structure as approved by the City Manager and submitted to Council for adoption based upon job evaluation results. Each position is assigned a pay range and advancement within the pay range shall be contingent upon the available funds and budget requirements of the city, and based upon the employee’s performance.

The City Attorney clarified that the last sentence in all caps will be stricken.

3. Policy 1402, Grievances. The last page, #3, shall read as amended:

The City Manager will render a final decision in absence of a conflict of interest. The City Manager’s decision may not be appealed.

4. Policy 1404, Due Process. The proposed amendment on the last page of the policy under “Finality” will be rejected so that Policy 1404 will remain as it is in the current manual.

Motion: Moved by Councilmember Boyd, seconded by Mayor Cano, to approve the policies as amended. Motion passed unanimously with Mayor

Cano and Councilmembers Boyd, Cake, Crisp, Jackson and MacLean voting yes.

ADJOURNMENT

Motion: Moved by Councilmember Cake, seconded by Councilmember MacLean, to adjourn at 9:00 p.m. Motion passed unanimously with Mayor Cano and Councilmembers Boyd, Cake, Crisp, Jackson and MacLean voting yes.

Mayor

Attest:

City Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Winslow City Council held on April 13, 2021 at 6:30 P.M. I further certify that the meeting was duly called and that a quorum was present.

Dated this _____ day of _____, 2021.

City Clerk