

Action Minutes
Regular City Council Meeting
City Council Chambers, Sedona City Hall,
102 Roadrunner Drive, Sedona, Arizona
Tuesday, October 26, 2021, 4:30 p.m.

1. Call to Order/Pledge of Allegiance/Moment of Silence/Roll Call

Mayor Moriarty called the meeting to order at 4:30 p.m.

Council Present: Mayor Sandy Moriarty, Vice Mayor Scott Jablow, Councilor Kathy Kinsella, Councilor Tom Lamkin, Councilor Holli Ploog, Councilor Jon Thompson, Councilor Jessica Williamson.

Staff Present: City Manager Karen Osburn, Deputy City Manager Joanne Keene, City Attorney Kurt Christianson, Director of Financial Services Cherie Wright, Public Works Director/City Engineer Andy Dickey, Facilities Maintenance Manager Larry Farhat, Parks & Recreation Manager Dawn Norman, Director of Community Development Jess McNeely, Planning Manager Cari Meyer, Principal Planner Cynthia Lovely, City Clerk Susan Irvine.

2. City's Vision

The City's Vision was read by Councilor Thompson.

3. Consent Items

- a. **Minutes - October 5, 2021 City Council Special Meeting - Executive Session.**
- b. **Minutes - October 12, 2021 City Council Regular Meeting.**
- c. **Approval of Proclamation, Yavapai Big Brothers Big Sisters 50th Anniversary, December 31, 2021.**
- d. **AB 2736 Approval of: 1. a lease purchase of two police hybrid vehicles from Peoria Ford in the approximate amount of \$126,800, plus interest, via the Arizona State Cooperative Purchasing Contract; and 2. a Resolution approving the form of the lease/purchase agreement with Zions Bancorporation, N.A., Salt Lake City, Utah and authorizing the execution and delivery thereof.**

Motion: Councilor Williamson moved to approve consent items 3a, 3b, 3c, and 3d. Seconded by Councilor Thompson. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Jablow, Kinsella, Lamkin, Ploog, Thompson, Williamson) and zero (0) opposed.

4. Appointments

- a. **AB 2741 Discussion/possible action regarding appointment of Paul Schlegel as Magistrate Judge and approval of a two-year contract.**

Presentation by Kurt Christianson.

Motion: Councilor Williamson moved to approve the appointment of Paul Schlegel as Magistrate Judge for the City of Sedona and approve the two-year employment contract, subject to approval by the City Attorney. Seconded by Vice Mayor Jablow.

Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Jablow, Kinsella, Lamkin, Ploog, Thompson, Williamson) and zero (0) opposed.

5. Summary of Current Events by Mayor/Councilors/City Manager

Councilor Kinsella stated that there is a presentation and book signing for “Shadow Chasing in Sedona” by Diann Kincaid on November 4th at 10:00 a.m. at the Sedona Heritage Museum. Vice Mayor Jablow advised that Trunk or Treat will take place at the Posse Grounds Park lower softball field on October 31st from 5:00 to 7:00 p.m. Parks & Recreation also has the following events taking place: Pumpkin Drop at the Posse Grounds Park parking lot on November 1st from 9:00 to 11:00 a.m. and 4:00 to 6:00 p.m. and November 8th from 4:00 to 6:00 p.m., and registration for Coed Youth Grasshopper Basketball for grades 1-6 online through November 11th. There are many more events and programs which can be found on the City’s website under Parks & Recreation.

6. Public Forum

Tamara Van Gorden, Sedona, spoke about the lack of police officers and asked that the City hire more as she would like to see more of a presence.

John Martinez, Sedona, spoke about the 2021 Verde Valley Sinfonietta season and upcoming events which take place at the Sedona Performing Arts Center. Information and tickets can be found at www.VVSinfonietta.org.

7. Proclamations, Recognitions, and Awards

a. Presentation of Proclamation, Yavapai Big Brothers Big Sisters 50th Anniversary, December 31, 2021.

Mayor Moriarty read the Proclamation and presented it to Erin Mabery. Ms. Mabery thanked the Council for their recognition and spoke about the Yavapai Big Brothers Big Sisters program and their anniversary.

8. Regular Business

a. AB 2731 Discussion/possible action regarding approval of a Linking Agreement, through Mohave Cooperative, with Play It Safe Playgrounds, Inc. for the Shade Structures and Playground Replacement Project at Posse Grounds Park in an amount not to exceed \$434,470.24.

Presentation by Andy Dickey, Dawn Norman, and Larry Farhat.

Questions and comments from Council.

Motion: Councilor Williamson moved to approve a Linking Agreement, through Mohave Cooperative, with Play It Safe Playgrounds, Inc. for the Shade Structures and Playground Replacement Project at Posse Grounds Park in an amount not to exceed \$434,470.24, subject to approval by the City Attorney’s office. Seconded by Vice Mayor Jablow. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Jablow, Kinsella, Lamkin, Ploog, Thompson, Williamson) and zero (0) opposed.

b. AB 2714 Discussion/possible action regarding regulation of Off-Highway Vehicles within the Sedona City limits and the surrounding area.

Presentation by Kurt Christianson, Cari Meyer, and Karen Osburn. Amy Tinderholt, District Ranger with the Red Rock Ranger District, Keith Brekhus, staffer for U.S. Representative Tom O'Halleran, and Candace Carr Strauss President and CEO of the Sedona Chamber of Commerce and Tourism Bureau also presented on this item.

Questions from Council.

Jerry Hartleben answered questions from Council.

Opened to the public at 7:00 p.m.

The following spoke regarding this item: DeAnna Bindley*, Sedona, Janet Johnson, Sedona, John Hobson, Village of Oak Creek, Guy Lamunyon, Sedona, Dustin Ross, Sedona, Craig Swanson, Sedona, Shaeri Richards**, Sedona, Frank Matthews, Sedona, Kate Joy***, Sedona, Lauren Broberg, Sedona, Nena Barlow, Clarkdale, James Curry, Sedona, Dale Casey, Sedona, Birgit Lowenstein, Sedona, Julie Friess, Sedona.

The following deferred their speaking times to speakers listed above: Mark Chelak*, Sedona, Ron Khosla**, Sedona, Janet Hartleben**, Sedona, Kathryn Khosla**, Sedona, Dominique Olszer**, Sedona, Christine Adams**, Sedona, Lauren Olszer**, Sedona, Bailey Coughlin***, Sedona.

Brought back to Council at 8:13 p.m.

Further questions and comments from Council.

Motion: Councilor Ploog moved to approve the letter to the USFS requesting their consideration of a limited entry permit system for motorized use trails in the greater Sedona area. Seconded by Councilor Williamson. Councilor Thompson offered a friendly amendment to add to the letter that: "The City is eager to consider how we might encourage and support this progress in the future, including financially." to the final paragraph before the last sentence. Councilors Ploog and Williamson accepted the amendment. Further discussion by Council. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Jablow, Kinsella, Lamkin, Ploog, Thompson, Williamson) and zero (0) opposed.

Break at 8:23 p.m. Reconvened at 8:41 p.m.

c. AB 2737 Discussion/possible action regarding approval of a Resolution authorizing the City of Sedona to enter into a Development Agreement with Son Silver West Gallery, Inc., in order to describe and regulate the existing retail business being conducted by Son Silver West pursuant to a conditional use permit (CUP 92-3) approved by the City on September 15, 1992 which allowed a legal nonconforming commercial art gallery and to resolve ongoing litigation.

Presentation by Kurt Christianson, Cari Meyer, and Karen Osburn. Attorney Buzz Slavin, Rio Robson, and Bill Robson also presented on behalf of Son Silver West, Inc. and the Robsons.

Questions and comments from Council.

Motion: Councilor Thompson moved to enter into Executive Session to discuss legal advice with the City Attorney related to the Son Silver West Development Agreement at 10:02 p.m. Seconded by Vice Mayor Jablow. Vote: Motion carried with

five (5) in favor (Jablow, Kinsella, Lamkin, Ploog, Thompson) and two (2) opposed (Moriarty, Williamson).

Break at 10:02 p.m. Reconvened in Executive Session in the Vultee Conference Room at 10:08 p.m.

Break at 10:44 p.m. Reconvened in open session in Council Chambers at 10:48 p.m.

Further comments from Council.

By majority consensus, Council agreed that the borders and measurements were not an issue, but they wanted further negotiation on the Development Agreement including the penalties, notice provisions, out of country exceptions, specific individual contact (Rio Cody Robson), and fine structure. They also requested an Executive Session to review the Development Agreement prior to bringing it back to Council for consideration.

d. AB 2571 Discussion/possible direction regarding issues surrounding the COVID-19 pandemic and the City's response.

No presentation was given.

e. Reports/discussion regarding Council assignments

Councilor Lamkin stated that NAMWA admitted Arizona Water Company as a member which will result in lower dues for the City next year.

f. Discussion/possible action regarding future meeting/agenda items.

Mayor Moriarty advised that there is a Council meeting tomorrow at 3:00 p.m.

9. Executive Session

Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).**
- b. Return to open session. Discussion/possible action on executive session items.**


No Executive Session was held.

10. Adjournment

Mayor Moriarty adjourned the meeting at 10:57 p.m. without objection.

I certify that the above are the true and correct actions of the Regular City Council Meeting held on October 26, 2021.


Susan L. Irvine, CMC, City Clerk


Date