



Town of Wickenburg

Common Council Regular Meeting - Includes Action Items

Agenda Item No. I.2.

Meeting Date: 12/16/2024
Item Requested By: Amy Brown, Town Clerk
Staff Contact: Amy Brown
Contact Phone Number: 928-668-0517
Type of Agenda Item: Item of Business

STRATEGIC PLAN

This project addresses the below Priority Area(s) and relates to the listed Specific Initiative(s):

Economic Growth

Town of Wickenburg will seek diverse, high quality development, that supports the community's economic sustainability and fosters intentional growth and development. Business investment and sustainability will be fostered through streamlined processes, technology, and ongoing partnerships and relationships.

Guiding Principle 1: Ensure development services are continually streamlined, efficient, customer focused and responsive to support new growth, local economic development, and the long-term success of existing local businesses.

Guiding Principle 3: Nurture and support existing business and entrepreneurial efforts in the town. Ensure Town policies encourage and support business growth and success.

Effect of Yes or No Votes:

A "yes" vote will recommend approval of the temporary extension of premises for Vulture Peak Brewing Company until June 2025.

A "no" vote will recommend denial of the temporary extension of premises which would restrict liquor outside the building.

AGENDA ITEM:

Consideration and Action to Recommend Approval of a Temporary Extension of Premises/Patio Permit for Vulture Peak Brewing Company for January 16, 2025 until June 15, 2025 - *Amy Brown, Town Clerk*

BACKGROUND INFORMATION:

Vulture Peak Brewing Company is requesting a temporary extension of the premises permit in order to allow liquor to be brought outside their building from January 16, 2025 until June 15, 2025. They currently have a liquor license for alcohol sales, service, and consumption only inside their building. This permit requires Town Council approval, which will then be sent

to the Arizona Department of Liquor Licenses and Control for final approval.

The request for extension of premises for a liquor license involves an additional seating capacity of 78 persons. The actual permanent building has an occupancy of 35 persons which requires a permanent restroom facility which is in place as of today. Adding the additional 78 persons for an extended period of time in staff's opinion necessitates the addition of a complete restroom as the code requires 1 restroom with sink for each 40 persons. A temporary use is generally approved for 60 days or less and this application is for 5 months of the year. Staff's recommendation is that if the patio extension is granted, a permanent restroom needs to be constructed to accommodate the new capacity. Portable toilets and sinks are generally reserved for special events which last 7 days or less.

SUGGESTED MOTION:

I move to recommend denial of the temporary extension of premises/patio permit for Vulture Peak Brewing Company from January 16, 2025 until June 15, 2025 unless they increase the permanent restrooms to meet the code for this new seating capacity.

Attachments

Temporary Extension of Premises

Form Review

Form Started By: Amy Brown
Final Approval Date: 12/02/2024

Started On: 11/20/2024 07:39 AM



Town of Wickenburg

MINUTES

WICKENBURG COMMON COUNCIL REGULAR MEETING

**Monday, December 16, 2024 - 5:30 P.M.
155 N. TEGNER - COUNCIL CHAMBERS
WICKENBURG, ARIZONA 85390**

- A. CALL TO ORDER** – Mayor Bratcher called the meeting to order at 5:30 PM
- B. PLEDGE OF ALLEGIANCE** - Led by Darcy Wekell
- C. INVOCATION** - Led by Pastor Josh Hitchcock, First Southern Baptist Church
- D. ROLL CALL**

Present: Mayor BG Bratcher
Vice Mayor Brian Jones
Councilmember Kristy Bedoian
Councilmember Shawn Clark
Councilmember Margaret Nyberg
Councilmember Rebecca Rovey
Councilmember Art Rubash (Left at 7:49 PM)

Staff Present: Andy Granger, Interim Town Manager
Trish Stuhan, Town Attorney
Tim Suan, Deputy Town Manager/Economic Development
Steve Boyle, Community Development Director
Amy Brown, Town Clerk
Les Brown, Police Chief
Tarah Mayerhofer, Human Resources Director
Ed Temerowski, Fire Chief
Herschel Workman, Public Works Director

E. MAYOR & COUNCILMEMBERS REPORT ON CURRENT EVENT

- Councilmember Rebecca Rovey thanked the town for a great tree lighting and light parade.
- Councilmember Margaret Nyberg stated that the tree lighting was a great evening.
- Councilmember Shawn Clark thanked the town for the tree lighting as it was an amazing event, and the parade was lots of fun.

- The estimated cost per case is \$400.
- The Wickenburg Municipal Court will be billed annually.
- If no cases are referred, there is no cost to the court.

The Wickenburg Town Court assigned two (2) cases this past fiscal year (FY24) and two (2) cases in the current fiscal year. The invoice paid for FY24 was \$157.28. This is a benefit for veterans to receive treatment services that are offered through the U.S. Department of Veterans Affairs office.

By a 7-0 vote under the Consent Agenda, Council moved to approve the Renewal of the Intergovernmental Agreement (IGA) with the City of Glendale that Allows the Wickenburg Municipal Court to Refer Cases Involving Veterans to the West Valley Regional Veterans Court.

2. Consideration and Action to Recommend Approval of a Temporary Extension of Premises/Patio Permit for Vulture Peak Brewing Company for January 16, 2025 until June 15, 2025

Amy Brown, Town Clerk, reported that Vulture Peak Brewing Company is requesting a temporary extension of the premises permit in order to allow liquor to be brought outside their building from January 16, 2025 until June 15, 2025. They currently have a liquor license for alcohol sales, service, and consumption only inside their building. This permit requires Town Council approval, which will then be sent to the Arizona Department of Liquor Licenses and Control for final approval. All liquor license applications are reviewed by the Community Development and Police departments for compliance. There was an issue identified by the Community Development department.

Steve Boyle, Community Development Director, reported that the request for extension of premises for a liquor license involves an additional seating capacity of 78 persons. The actual permanent building has an occupancy of 35 persons which requires a permanent restroom facility which is in place as of today. Adding the additional 78 persons for an extended period of time in staff's opinion necessitates the addition of a complete restroom as the code requires 1 restroom with sink for each 40 persons. A temporary use is generally approved for 60 days or less and this application is for 5 months of the year. Staff's recommendation is that if the patio extension is granted, a permanent restroom needs to be constructed to accommodate the new capacity. Portable toilets and sinks are generally reserved for special events which last 7 days or less.

Mayor Bratcher asked if it could be for a trial of 4-5 months with the porta potties. She would like to see an enclosure around them and have them locked when they aren't open.

Councilmember Rovey also requested a shield around them for a temporary exception to the code.

Councilmember Bedoian stated that she received a concern from a neighbor with the porta potty being in their back yard. She attended a wedding once where they had a much nicer portable restroom that looked like a building instead of the plastic construction porta potties. She would like to see them work with the neighbors.

Vice Mayor Jones stated that he would like to help a local business but wondered about a rolling 30-day temporary permit to make sure they aren't creating issues in the neighborhood with the porta potties and any other issues.

Director Boyle stated that the town can monitor this under the occupancy issue to see if they are exceeding the number where an additional bathroom is necessary. The code is the code. The restrooms need to be clean and nice bathrooms. They can deal with it on a complaint basis.

Town Attorney Trish Stuhan stated that the application is actually a Temporary Extension of Premises permit from the Arizona Department of Liquor which the Council can either recommend approval or denial. The Council can approve it and tell them to work with Town Hall regarding plans for a permanent solution to the restroom issue, if the occupancy requires it but it would be a code enforcement issue. The state is the final decision on liquor licenses, the town just sends a recommendation to them. The state will either approve or deny for the requested five months, but it will be up to the town to enforce code issues.

Mayor Bratcher asked if there could be a temporary acceptance of the extension. Town Attorney Stuhan stated that this is based in International Building Code of a standard number of restrooms needed per occupancy in order to protect the health and safety of patrons. The codes need to be the same for everyone, without giving exceptions. The town will usually allow temporary exceptions for special events that are only a few days, not five months.

Director Boyle stated that there is little wiggle room in the I-Codes. He would like to see maybe a conditional approval with enforcement protocols such as occupancy issues or complaints about the restrooms not being cleaned.

Susan Webster, In-Town Resident, stated that her husband and herself own the brewery. They visited with Deputy Town Manager Tim Suan in October about the temporary extension of premises. The state doesn't have requirements for restrooms for any extension. She is okay with camouflaging the restrooms and locking them when they are not open. They will be in the rear of the building, so they will not be visible from the street.

Councilmember Clark asked about the cleanliness of the restrooms. Ms. Webster stated that they will be cleaned daily and weekly by the company.

Councilmember Nyberg asked about camouflaging them. Ms. Webster stated that they can put up fencing. The ones they are renting will have a sink and are only available for a month-long rental at a minimum.

Councilmember Bedoian would like to do this in two steps, one to approve the liquor license tonight and then come back to the Council with what they are going to do for the restrooms and talk to the neighbors. Director Boyle expressed that it would be appropriate for the staff to review the installation and any shielding of the units.

Town Attorney Stuhan stated that staff enforces the building codes, so if this is approved, it would be good to give options of what staff should be looking for.

Councilmember Clark stated that the Council should let staff do their job.

MOVED BY Councilmember Rebecca Rovey to recommend approval of the temporary extension of premises permit for Vulture Peak Brewing Company from January 16, 2025 until June 15, 2025 provide temporary restrooms are added that are screened from view and the owners work with staff

SECONDED BY Councilmember Kristy Bedoian

VOTE: 7 – 0 (Yes – Mayor Bratcher, Vice Mayor Jones, Councilmembers Bedoian, Clark, Nyberg, Rovey, and Rubash)

3. Consideration and Action to Approve Payment of \$20,000.00 to Rosenbauer America for a Down Payment of New Fire Department Aerial Apparatus

Ed Temerowski, Fire Chief, reported that the town has reserve fund 110-110-95150 for Fire apparatus replacement currently at \$1.25M. The CIP for this current fiscal year was pushed into next Fiscal year for the Aerial replacement project, with the current status of the 1986 Aerial apparatus being out of useful life cycle, and the build time on firefighting apparatus as the industry standard from time of order to completion 24–36 months. We are requesting to use the current funds for a down payment of \$20,000.00 on the unit that is currently in production and using the CIP for FY25/26 to fully fund the project upon completion in the spring of 2026 at a total cost of approximately \$1.6M. This will save 2 years of build time, \$250,000.00 in increased costs if we hold the order until July 2025. The unit specifications meet the needs of the community and will be the direct replacement for our current unit which will be out of useful service in 2025.

The current unit we have is a 1986 model Aerial apparatus, which had a refurbishment completed in 2015, to extend the duty cycle until 2025. NFPA standard: Fire Apparatus over 20 years is to be placed in reserve status and be removed from service after 25 years. We have the reserve funding for the down payment and will need the additional amount which will be budgeted in CIP for