

Mayor Cal Sheehy  
Vice Mayor Jeni Coke  
Councilmember Nancy  
Campbell  
Councilmember Jim Dolan  
Councilmember David Lane  
Councilmember Michele Lin  
Councilmember Cameron  
Moses



Lake Havasu City  
Police Facility  
2360 McCulloch Blvd North  
Lake Havasu City, Arizona  
86403  
www.lhcaz.gov

## City Council Special Meeting Minutes - Final

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Tuesday, November 23, 2021

4:30 PM

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### 1. CALL TO ORDER

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

### 2. PLEDGE OF ALLEGIANCE

The Mayor led in the pledge of Allegiance.

### 3. ROLL CALL

#### Present

4 - Mayor Cal Sheehy, Councilmember Jeni Coke, Councilmember Jim Dolan, and Mayor Michele Lin

### 4. VOTE TO ADJOURN TO EXECUTIVE SESSION

EXECUTIVE SESSION PURSUANT TO A.R.S. § 38-41.03(A):

1.) Discussion or Consultations with the Attorneys of the Public Body in Order to Consider its Position and Instruct its Attorneys on the Public Body's Position Regarding Contracts that are the Subject of Negotiations, in Pending or Contemplated Litigation or in Settlement Discussions Conducted in Order to Avoid or Resolve Litigation (A.R.S. § 38-431(A)(4)); and Discussion and Consultation for Legal Advice with Attorneys for the Public Body (A.R.S. § 38-431(A)(3)).

1.1) Discussion and Possible Action, If Necessary, to Comply with Arizona Open Meeting Law Following the Executive Session Regarding Settlement Discussions Conducted in Order to Avoid or Resolve Litigation with Kate McCullough, 549 Gem Lane

Any records or documents distributed to the City Council or any conversations occurring during executive session shall be kept confidential. Legal action involving a final vote or decision shall not be taken at an executive session.

Ms. Kate McCullough, citizen and property owner of 549 Gem Lane, addressed the Council and thanked the city for giving her the opportunity to speak and hear her situation. She said she was surprised to see that she made the front page of the newspaper and wanted to clarify a few things before making her statement. She said the measurements

they used were not from the sidewalk but from the existing property pins already in place. She said the measurements notated the 25-foot setback on the back of the property according to their plans and believes the plans were misread as the 25-foot setback is to the rear of the property. She said her address is 549 Gem Lane, not Acoma Boulevard; therefore, using the guidebook from the city, the disputed setback is on the side of the property which requires a 5-foot setback from the side. She said they are 11-feet from the property pin; however, after several meetings and discussions with city members they were told that a 25-foot setback is required from the side because they have two front yards. She said because there are no other houses like this in Lake Havasu City she was not able to measure similar properties and the city's guidebook does not address reverse corner lots. Ms. McCullough spoke on the issue regarding a site survey. She said they were told about a site survey during one of their meetings and it was also discussed at the variance meeting; however, for the record, a site survey was never required or mentioned to them prior to those meetings. She stated that during one of their meetings with the city, Tom (city inspector) said he did not recommend that they have a site survey done because he did not think they could afford it.

Ms. McCullough stated that this has caused a great deal of stress on her family and has consumed all of her time since August 4, 2021. She said they were redlined three times, for walls and vents, but never for the placement of the garage. She provided some history and said they submitted plans on March 5, 2021, to build the garages (one large and one small) and received the approved plans and permits on March 6, 2021. She said on the same day they purchased all the lumber and trusses to build the garages, which was during the peak of lumber prices. On May 10, 2021, a city inspector came out to inspect the footings and signed off stating that everything looked great. On March 15, 2021, a city inspector came out to inspect the concrete stating that everything looked great. In June 2021, a city inspector came out to inspect the garages for weather-proofing stating that everything looked great and the only thing they needed to do was put up the brace walls. On July 7, 2021, she received a call from her daughter that someone came to the house with a red piece of paper. She said she immediately knew what it was and called to set up a meeting and was told that someone driving down the street called to complain about the placement of the building and they needed to move it. Ms. McCullough said during their meetings the city admitted to the mistake and was told the only way to rectify it would be to submit a form to the insurance company. She said there has been significant damage to the lumber due to the work that has stopped and added that moving the building back and cutting off the front section would eliminate the small garage altogether with no use for the trusses or any of the lumber that has already been purchased. Ms. McCullough stated that their request for a major variance was denied due to their driveway being a safety hazard backing out onto Acoma Boulevard. She said every house on Acoma Boulevard from Industrial Boulevard to Highway 95 has a driveway that backs out; therefore, their driveway would not be any different from any other property facing Acoma Boulevard.

Ms. McCullough said she is not looking for any monetary gain, only to have this issue rectified and fixed, and added that after having the property resurveyed they gained two feet which would have allowed them to make it even bigger on one side. Ms. McCullough said she hoped to come to a resolution tonight and thanked the council for their time.

Mayor Sheehy requested that Ms. McCullough provide copies of any plans or pictures to the City Clerk to be included with the public record. Ms. McCullough stated that she did not want to provide her original plans; however, a copy is on file with the city. She said she only brought the plans to show that it is clear the 25-feet is to the rear of the property.

Councilmember Lane asked Ms. McCullough who did the measurements for the plans she submitted to the city, to which Ms. McCullough replied her father, Steve McCullough.

Councilmember Dolan asked if Ms. McCullough would be ready to continue and finish the project passed its current stage assuming everyone can get to a point where it is determined that the building is fine where it is or needs to be redone, to which Ms. McCullough said yes for both garages.

## **5. ADJOURN TO EXECUTIVE SESSION**

The City Council adjourned to executive session at 4:44 p.m.

## **6. RECONVENE TO SPECIAL MEETING**

The City Council reconvene the special meeting at 5:40 p.m.

## **7. PUBLIC HEARING**

- 7.1**     [ID 21-3088](#)     Discussion and Possible Action, If Necessary, to Comply with Arizona Open Meeting Law Following the Executive Session Regarding Settlement Discussions Conducted in Order to Avoid or Resolve Litigation with Kate McCullough, 549 Gem Lane

Mayor Sheehy opened the public hearing. There being no comments, he closed the public hearing.

**Vice Mayor Coke moved to direct city staff to proceed as discussed in executive session, seconded by Councilmember Dolan, and carried by the following vote:**

**Aye:**                                 7 - Mayor Sheehy, Councilmember Coke, Councilmember Dolan, Mayor Lin, Lane, Moses and Campbell

## **8. ADJOURN**

Upon motion by Councilmember Lane, and seconded, the meeting adjourned at 5:45 p.m.

## **CERTIFICATION**

I hereby certify that the foregoing is a full and true copy of the Special Meeting Minutes of the Lake Havasu City Council held on the 23th day of November, 2021. I further certify

that the meeting was duly called and posted, and that a quorum was present.

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Kelly Williams, City Clerk/MMC