

**MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY**

**TUESDAY, JANUARY 13, 2015
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, January 13, 2015.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Linda Hatch; Councilmember Pat McKee; Councilmember Lon Turner; Councilmember Don Wojcik

Staff Present: Town Manager Robert Smith; General Services Director Cecilia Grittmann; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Police Officer Todd Hyslip; Town Engineer/Public Works Director Ron Grittmann; Development Services Director Ruth Mayday; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER, INVOCATION; PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Marley called the meeting to order at 6:00 p.m.

Vice-Mayor Croft gave the invocation; Mayor Marley led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Presentation of Government Finance Officers Association (GFOA) Budget Award for FY 2014/2015. (Mayor Marley)

Mayor Marley presented the GFOA budget award to the Town's Finance Department staff.

3) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

Norman Freeman, resident, spoke about Town regulations being anti-agribusiness and citizens willing to participate revising the UDO.

4) RESPONSE TO THE PUBLIC

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

There were no responses to report.

5) CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

Councilmember Hatch reported on a recent Yavapai Regional Medical Center Nomination Committee meeting.

Mayor Marley read a letter of commendation from a Keno Road resident to the Town regarding a roadway patch. Mayor Marley also re-read his December Monthly Mayor's report, which pertained to the bond election results and its effects on the Town's fiscal condition.

- a) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

Mr. Smith reported that staff was looking forward to more successes in the New Year.

6) CONSENT AGENDA

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

Council set down item 6c.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Consent Agenda items a and b.

Vote: 7 - 0 PASSED

- a) Consideration and possible action to accept the December 9, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept the December 16, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to approve Financial Report for the month ended November 30, 2014. (Joe Duffy, Finance Director)

Councilmember Hatch asked about transfers into the enterprise funds. Mr. Duffy related that from July to June 2014, losses of \$116,000 in the Water Fund were being covered by transfers from the Capital Improvements Fund. The Sewer Fund was using carryovers rather than transfers to cover its losses.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Consent Agenda item c.

Vote: 7 - 0 PASSED

7) ACTION ITEMS

- a) Consideration and possible action to spend up to \$46,775 of Contingency Funds to fund a full-time Human Resources Director position for FY 2014/15. Position will be included in FY 2015/16 budget. (Cecilia Grittmann, General Services Director)

Recommended Action: Approve up to \$46,775 of Contingency Funds to fund a full-time Human Resources Director position for FY 2014/15.

Ms. Grittmann reported that:

- The Town had not had a Human Resources (HR) Director since March 2011. In May 2011, Council created an HR Analyst position that reported to the General Services Director. One of Council's goals for the town manager this fiscal year was to fill an HR Director position.
- The annual wage range for the position was \$79,000-\$103,000, which was the recommended range from the comp and class study done a few years ago. She did not recommend adjusting the range, as it would cause internal inequities and would not be responsible toward the whole compensation plan.
- The person hired would report directly to the town manager.

Council discussion: Council discussed adjusting the range to save money, as well as class studies being a market issue and not being able to obtain certain expertise without adequate pay.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve up to \$46,775 of Contingency Funds to fund a full-time Human Resources Director position for FY 2014/15.

Vote: 7 - 0 PASSED

- b) Consideration and possible action to adopt Resolution No. 15-1053 in support of Arizona SONShine 2015, a free health services event in the Quad-cities area to be held June 17-18, 2015. (Cecilia Grittmann, General Services Director)

Recommended Action: Adopt Resolution No. 15-1053 in support of Arizona SONShine 2015 event.

Ms. Grittmann's staff report stated that:

- The Town was approached to help support Arizona SONShine, a free health services event being held in Prescott Valley, to benefit the citizens in the quad-cities area.
- The sponsoring organization was the Arizona Conference Corporation of Seventh-Day Adventists, an Arizona non-profit corporation. While the Town's role will not be significant, it could assist with arranging transportation, police coverage, or advertising.

- Council had asked for the Town to support this event and the subject resolution formalized said assistance.

A Councilmember expressed concern about possible risk and asked staff to obtain details on insurance coverage, possible Town staff to be involved, and transit services.

Russell Duerksen, representing the sponsor, stated that they were not looking for cash benefits; all volunteers and participants were covered by insurance through the Town of Prescott Valley; and they were only asking for the Town assist with accessing residents in the Town who would benefit from the event.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Pat McKee to table this item to the next meeting and for staff to work with Mr. Duerksen on these issues.

Vote: 7 - 0 PASSED

- c) Consideration and possible action to adopt Ordinance No. 15-792, amending the Town of Chino Valley, Arizona Town Code Title V Public Works, Chapter 51 Utility fees, by amending Sections 51.250 Utility Service Deposits and 51.261 Fees and Assessments Due clarifying termination of utility services. (Ron Gritman, Public Works Director/Town Engineer)

Recommended Action: Adopt Ordinance No. 15-792 amending Chapter 51 of the Town of Chino Valley Town Code.

Mr. Gritman and Town Attorney Smiley reported that:

- The subject ordinance clarified the Town's authority to charge a monthly base sewer fee, whether or not a property was currently using the service, as long as the toilet was hooked up.
- This had been the Town's practice, but it was recently called into question and a hearing officer determined that the Town Code did not support it. Since the officer's determination was not appealable, staff was changing the code to comply.
- The ordinance will also bring the Town into compliance with other municipalities that had non-metered utility services. Sewer was an un-metered service, and as such, the Town had no way to know whether or not sewer was being used. With current technology, it was not practical to attempt to meter it.
- The ongoing problem with some homeowners finding ways to disable the elder valves would not be fixed by this ordinance, but it will make it easier for staff to enforce this portion of the code. Staff was also in the process of revising all of Town Code Title V Public Works to comply with changes in state law.
- As there were restrictions under state law on what the Town could recover from closed accounts with outstanding balances, some dollars were not recoverable. Legally, whoever signed the contract for service was the responsible party; typically, this was the property owner.
- While the Town had not dealt with any foreclosures, some accounts had been written off due to bankruptcies. About three years ago, the Town began filing liens against properties with amounts owing.

Town Manager Smith added that staff had worked with Yavapai Title to ensure as much as possible that these liens were part of the escrow process.

Council comments:

- It was time consuming to file liens.
- Home vacancies and sewer billing had not been handled consistently in the past.

Ms. Smiley advised that she would research owner versus tenants as the contracting party.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to adopt Ordinance No. 15-792 amending Chapter 51 of the Town of Chino Valley Town Code.

Vote: 4 - 3 PASSED

NAY: Councilmember Linda Hatch
Councilmember Pat McKee
Councilmember Don Wojcik

- d) Review and discussion regarding the Council Appointments Subcommittee's recommendations pertaining to the Position Description and selection process for the position of Planning and Zoning Commissioner, as well as proposed amendments to the Unified Development Ordinance (UDO) Section 1.4 Planning and Zoning Commission; and possible action to direct staff to revise the procedural documents and draft an ordinance amending Unified Development Ordinance Section 1.4. (Appointments Subcommittee)

Recommended Action: Review Position Description, selection process, and proposed UDO amendments; and direct staff and/or Subcommittee.

Vice-Mayor Croft reported that:

- On November 18, 2014, Mayor Marley and Vice-Mayor Croft brought an item to Council to discuss developing a 'job description' for prospective Planning and Zoning Commissioners and changing the procedure for appointing members to the Commission. Council referred the matter to the Appointments Subcommittee for discussion and recommendation.
- The Subcommittee met on December 4, 2014 and reviewed desired qualifications and training, as well as the selection process. Development Services Director Ruth Mayday also spoke to the Subcommittee about amending UDO Section 1.4 to provide guidelines to Council for appointment and removal of candidates.

Council discussion:

- Generally, Council had no objection to the proposed 'position description.'
- They did recommend that the requirement for attendance at a citizens academy within 12 months be revised by adding the caveat "if one is scheduled."
- There was some debate as to whether or not state law required a hearing or notice for removing a person from a public body position.

MOVED by Vice-Mayor Croft, seconded by Councilmember Best to approve position description and selection process and proposed UDO amendment, and direct staff and subcommittee to use that with amendment as scheduled.

Town Attorney Smiley advised that the UDO amendments were a discussion-only item and staff's recommendation was to give them or the subcommittee direction.

Vice-Mayor Croft and Councilmember Best WITHDREW their motion and second.

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

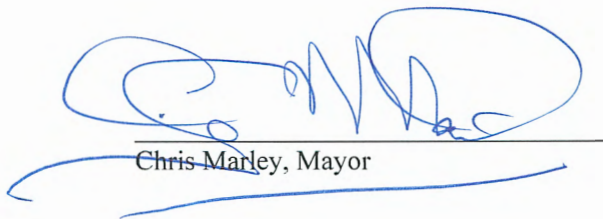
9) ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

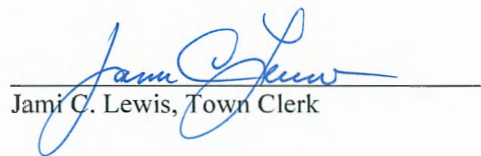
10) ADJOURNMENT

MOVED by Councilmember Don Wojcik, seconded by Vice-Mayor Darryl Croft to adjourn the meeting at 7:07 p.m.

Vote: 7 - 0 PASSED


Chris Marley, Mayor

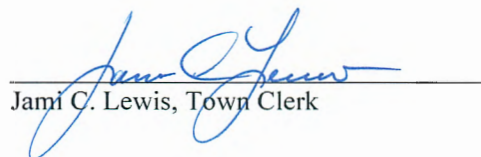
ATTEST:


Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 13th day of January, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 27th day of January, 2015.


Jami C. Lewis, Town Clerk