

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

**TUESDAY JANUARY 14, 2020
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, January 14, 2020.

Present: Mayor Darryl Croft; Vice-Mayor Jack Miller; Councilmember Mike Best; Councilmember Cloyce Kelly; Councilmember Corey Mendoza; Councilmember Annie Perkins

Absent: Councilmember Lon Turner

Staff Present: Town Manager Cecilia Gritman; Town Attorney Andrew McGuire; Economic Development Project Manager Maggie Tidaback; Finance Director Joe Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Assistant Planner Will Dingee; Customer Service Manager Jo Ann Brookins; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk/Records Technician Erin Deskins; Town Clerk Jami Lewis (recorder)

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

Mayor Croft called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

a) Introduction of new hires by Laura Kyriakakis, Human Resources Director.

Ms. Kyriakakis introduced new employee hires dating back to May of 2019: Jessica Kunzler with Customer Service; Brittany O'Neil with the Municipal Court; Senior Center employees Charlie Vadnais, Jean Wonderlich, and Toni Flournoy; Amanda Borja with the Library Police employees: Jonnethen Mitea, Hector Torres, and Bill Burns; and Animal Control employees Mishelle Frame and Scott Unterseher. Police Lt. Randy Chapman also acknowledged new hire David Herrera, who was unable to attend.

b) Present "Outstanding Citizen Award" to citizens who found and reported a young man hit by vehicle. (Chuck Wynn, Police Chief)

Chief Wynn introduced Mr. and Ms. White, who had called 911 after finding Holden lying in the street after being involved in a hit and run accident while riding his bike. The White's participation allowed Holden a complete medical recovery. Chief Wynn presented the Whites with certificates for the Outstanding Citizen Award, and presented a department Challenge coin to the Whites and Holden.

3) **CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council 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.

County Supervisor Craig Brown spoke about Scott Mascher, Sheriff of Yavapai County, desiring a fallen officers memorial located on the downtown Prescott Plaza for the entire County. The memorial will be up within six to eight months and donations were being accepted. Mayor Croft acknowledged the Town's Police Officers in consideration of Law Enforcement Officers Recognition day, which took place the previous week.

Residents Donnie Roskopf, Ryan Roberts, Troy Koski, and Aaron Stafford, and David Roe with Clayton Homes spoke about issues with land splits in the Town. As certain properties were being split, some buyers have been unable to obtain a building permit. Sellers believed they had done due diligence ahead of splitting, and now they needed clarification and resolution. They were concerned about losing money on property investments. The Town was holding up some lot split applications and the applicants felt they were not receiving an adequate or timely response from the Town. They had the impression that Town employees did not want to help them. The delays were affecting the businesses that were to participate in developing the new parcels, as well. They hoped Council would do what they could to move the matter forward.

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.

- a) Request by local business owner to reconsider the restrictions on offsite signage which has resulted in loss of business.

Mayor Croft reported that currently, all offsite signage was prohibited by the current sign ordinance. The property in question received approval in 1991 to construct a sign frame for the business located on the property. At the time, the property was larger and fronted SR 89. In 2004, the property was split into two parcels, at which time the sign frame became non-conforming. Since the sign was still in place, staff issued a permit for a new sign frame for the business in question, but due to circumstances not caused by the Town, the property owner removed the sign and sign frame. Since the sign had been completely removed, staff could not issue a new permit to construct a new sign off site, as it would create a non-conforming situation based on the current UDO. If the Council provided direction, staff would begin looking at possible off-site sign permissions.

Mayor Croft requested that the Town Manager direct staff to prepare an ordinance that would address off-site signage. The Town Manager stated a study session would be scheduled.

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. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a) Status reports by Mayor and Council regarding current events.

Councilmember Best presented the Town's 50th anniversary book that will be available for sale at the end of the month.

Councilmember Perkins reported that as a result of the Town's Christmas event and children's wishes for Santa, the community came together and provided food, clothes, and toys for three families in need.

Mayor Croft reported on the free Citizens Academy beginning January 23.

- b) Status report by Town Manager Cecilia Grittmann regarding Town accomplishments, and current or upcoming projects.

Town Manager Grittmann reported on:

- A citizen who wanted to recognize Officer Herrera for providing a ride to school for a child running late.
- The Town's long-term bond rating improving from A+ to AA-.
- The Town being awarded the Certificate of Achievement of Excellence in Financial Reporting by the Government Finance Officers Association, for the Town's comprehensive annual financial report.
- Benches, counters, and signage on the Peavine Trail, provided by a grant through the Yavapai Trails Association.
- The new Pickleball court and Pickleball Association inviting younger people to learn how to play the game.
- Employee anniversaries.
- A Council study session scheduled for January 21 to discuss impact fees, Town Manager recruitment, and engineering standards.

- c) Status report by Economic Development Project Manager Maggie Tidaback regarding grant awarded to Horses with H.E.A.R.T., Inc. from Arizona Association for Economic Development (AAED).

Ms. Tidaback reported that she was a member of the Arizona Association for Economic Development, whose members could vote for a local charity to receive local charitable donation. She nominated Horses with H.E.A.R.T., Inc., and they won over \$7,000 raised for the donation.

- d) Status report and update by Public Works Director/Town Engineer Frank Marbury regarding Unity Road.

Mr. Marbury reported that:

- There had been many calls about road maintenance on Unity Road, which was on the backside of the Bright Star subdivision, as a secondary access point required by law. The road was so bad, people had begun making their own road off to the side of the road.
- Several years ago, the road had a single chip seal, which had completely failed. It was beyond repair and could not be patched. To resurface the road, it would have to be completely reconstructed.
- The Town will rip the remaining chip, add base course, and maintain the road as a dirt road, which will provide a better surface than its current condition.
- If Bright Star started to construct the remaining lots, staff would work with the developer to get improvements to the road with the subdivision standards. Standards could include resurfacing, curb, gutter, and sidewalks.

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 6a for further discussion.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to approve the Consent Agenda Items as written, 6(b), (c), (d), (e), (f), (g), (h) and (i).

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember
Annie Perkins

6 - 0 PASSED - Unanimously

- a) Consideration and possible action to accept bid and approve purchase from Huber Technology of a Huber Rotamat RPPS Perforated Plate Screen for the wastewater treatment plant in an amount not to exceed \$122,000.00 and approve Addendum to Scope of Supply and Terms and Conditions. (Public Works Director, Frank Marbury)

Mr. Marbury and Town Attorney McGuire related that the Town was having an issue negotiating the Addendum with the vendor. Staff recommended Council approve the contract subject to an agreement on the Addendum.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to accept the bid and approve the purchase from Huber Technology of a Huber Rotamat RPPS Perforated Plate Screen for the wastewater treatment plant in an amount not to exceed \$122,000.00, subject to the approval of the Arizona Addendum.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember
Annie Perkins

6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve a Professional Service Agreement with Kimley-Horn and Associates, Inc. for the Chino Valley Water Reclamation Facility Septage Receiving Study Amendment and industry research in the amount of \$27,400.00. (Frank Marbury, Public Works Director/Town Engineer)
- c) Consideration and possible action to award contract to JEBCO Construction Companies for the Municipal Court patio enclosure in the amount of \$26,007.00. (Frank Marbury, Public Works Director/Town Engineer)
- d) Consideration and possible action to adopt Resolution No. 2020-1152 authorizing the Police Department in conjunction with Compass Training Center to apply for an Arizona Game & Fish Shooting Range Development Grant in the amount of \$50,000 to complete the 200-yard Rifle Range. (Chuck Wynn, Police Chief)
- e) Consideration and possible action to approve the Memorandum of Understanding between Yavapai-Prescott Indian Tribe and the Town of Chino Valley to allow the Town to disburse pass-through funds from the Tribe to Horses with H.E.A.R.T., Inc. (Joe Duffy, Finance Director)
- f) Consideration and possible action to appoint applicants to the Planning and Zoning Commission per recommendation of the Appointments Subcommittee. (Jami Lewis, Town Clerk)
- g) Consideration and possible action to approve the November 12, 2019, regular meeting minutes. (Jami Lewis, Town Clerk)
- h) Consideration and possible action to approve the December 10, 2019, study session minutes. (Jami Lewis, Town Clerk)
- i) Consideration and possible action to approve the December 10, 2019 regular meeting minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Public Hearing and consideration and possible action to recommend approval of an application from Agent Robert Rene Valenzuela for a new Series 03 (In State Microbrewery) Liquor License for Insurgent Brewing Co., LLC, located at 990 N. State Route 89, Suite D, Chino Valley. (JoAnn Brookins, Customer Services Manager)

Recommended Action:

- (i) Hold Public Hearing.
- (ii) Recommend approval for a new Series 03 Liquor License for Insurgent Brewing.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to open Item 7(a) public hearing.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember
Annie Perkins

6 - 0 PASSED - Unanimously

Ms. Brookins reported that Insurgent Brewing Co. already had a valid license, but they were moving location from Suite C to Suite D, so the process needed to be started over.

Applicant Robert Valenzuela explained that a Series 3 liquor license was not transferrable for more than 30 feet away and his business was moving 50 feet away. He thanked the Council and Town for assistance in the process.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to close Item 7(a) public hearing.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember
Annie Perkins

6 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Annie Perkins to recommend approval for a new Series 03 Liquor License for Insurgent Brewing.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember
Annie Perkins

6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve the Infrastructure Reimbursement Agreement with Barnett Management for Utilities extension from Road 2 North to the Burger King site, in an amount not to exceed \$150,000.00. (Maggie Tidaback, Economic Development Project Manager)

Recommended Action: Approve the Infrastructure Reimbursement Agreement with Barnett Management for utilities extension from Road 2 North to the Burger King site, in an amount not to exceed \$150,000.00.

Ms. Tidaback reported that:

- Barnett Management Company (“Barnett”) purchased property north of Walgreens on Road 2 North and SR 89 to put in a new Burger King.
- To bring utilities to their property, they had to cross other properties that would later benefit from the extension of sewer and water to the west of the property. Barnett has asked the Town for relief since utilities were not to the property line. The Town agreed to pay a utility reimbursement for up to \$150,000 for water and sewer extension. The initial estimate for the utilities was \$154,737.
- When the work was completed, Barnett would submit detailed invoices and the Town would reimburse up to \$150,000 for the utility extension. This would benefit the Town as the area grew because the infrastructure would be in place.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to approve the Infrastructure Reimbursement Agreement with Barnett Management for utilities extension from Road 2 North to the Burger King site, in an amount not to exceed \$150,000.00.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember
Annie Perkins

6 - 0 PASSED - Unanimously

- c) Consideration and possible action to determine timeframes for pending ballot measures in the Town's 2020 election cycle. (Jami Lewis, Town Clerk)

Recommended Action: Designate election dates for pending ballot measures and a date for an executive session to review the proposed Franchise Agreement with the Chino Meadows II Water Company.

Ms. Lewis reported that:

- There was a primary election upcoming for August 4 and the General would be November 3. There were two pending ballot measures to be considered. The first was the Alternative Expenditure Limitation-Home Rule Option, which needed to be addressed every four years. The second was a water company franchise for the Chino Meadows II Water Company.
- A franchise was granted to public utility corporations for the purpose of allowing the utility to do business within the city or town. The Council may pass a resolution calling for a franchise election at either the next regular election or a special election called specifically for that purpose. Since there was a regular election this year, it made sense to do it with the regular election. A majority of electors voting in the election was necessary to approve a franchise. It was customary that the public utility for which the election was being held also pay a portion of the election cost.
- The Town currently had voter-approved franchises with APS and Citizens Utilities from the late 90s. The Town's voters had approved a previous franchise with Chino Meadows II Water Company that expired in 2014 and now the utility wanted to negotiate a new franchise agreement with the Council and put it before the voters.
- Historically, the Town scheduled ballot measures on the primary ballot so that if all the Council seats were filled in the primary, there would not be a general election and would save money. The average cost of an election was \$25,000-\$30,000. Staff's recommendation was to place the Home Rule option on the primary ballot, but staff needed some discussion and direction regarding placing the franchise measure on the same ballot as Home Rule or on a separate ballot in November.
- One reason to separate the measures would be to avoid voter confusion as has happened in previous questions. Home Rule required a lot of voter education and the franchise question could fall through the cracks if it was on the same ballot.
- Typically, the Town did not need a general election because Council seats were filled during the primary, but when there was a large amount of people running for Council, there typically had been a runoff election. The chances this year for needing a general election were stronger than usual.
- The cost savings of putting the measures together would be about the same if the Town was required to have a general election, as the utility company will pay a proportional cost for the utility portion of either election.
- The representative for the utility company had indicated that they were eager to get it on

the ballot as soon as possible. They had submitted a draft agreement for Council consideration. Once the Council made a decision on which ballot to place the measure, Council and staff would review the agreement.

Council and staff discussed the options:

- Staff related that if Home Rule did not pass, the Town would lose access to approximately 47% of their income. Council agreed that Home Rule was important and should be separated from the other ballot measure.
- Council asked about placing Home Rule on the November ballot instead. Attorney McGuire explained that sometimes with the federal election, people did not make it all the way down a ballot, and the Town's issue would be at the end, so it may be better to have it on a ballot that the Town's measure was easier to see.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to designate that Home Rule go on the August Primary ballot and the Franchise Agreement go on the November General ballot.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins

6 - 0 PASSED - Unanimously

- d) Consideration and possible action to award contract to Arrow Roofing, Inc. to remove and replace the roofing material and skylights at the Senior Center with an estimated cost of \$28,227.60 plus any additional costs for unseen conditions revealed after shingle removal. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Award contract to Arrow Roofing, Inc. to remove and replace the roofing material and skylights at the Senior Center with an estimated cost of \$28,227.60 plus any additional costs for unseen conditions revealed after shingle removal.

Mr. Marbury reported that:

- This was classified as an emergency purchase. The Senior Center started getting leaks after the rains in November and repairs did not work. With the amount of use the Senior Center received and the damage to the ceiling, staff decided to have the roof analyzed. After consulting with the Town Manager, staff decided that it needed an emergency repair. The skylights and roofing material will be replaced.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to award contract to Arrow Roofing, Inc. to remove and replace the roofing material and skylights at the Senior Center with an estimated cost of \$28,227.60 plus any additional costs for unseen conditions revealed after shingle removal.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins

6 - 0 PASSED - Unanimously

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.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to adjourn to Executive Session at 6:55 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember
Annie Perkins

6 - 0 PASSED - Unanimously

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding subdivision regulations. (Joshua Cook, Development Services Director)
- b) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with attorneys for the Town regarding a potential intergovernmental agreement with the City of Prescott relating to water service. (Cecilia Grittmann, Town Manager)

9) **ACTION ITEMS RESUMED**

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

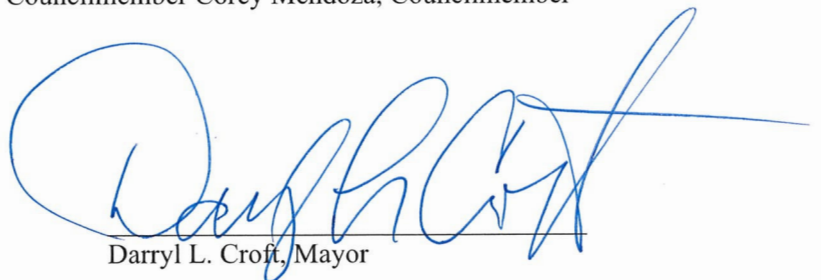
Mayor Croft reconvened the meeting at 8:54 p.m.

10) **ADJOURNMENT**

MOVED by Councilmember Annie Perkins, seconded by Vice-Mayor Jack Miller to adjourn the meeting at 8:57 p.m.

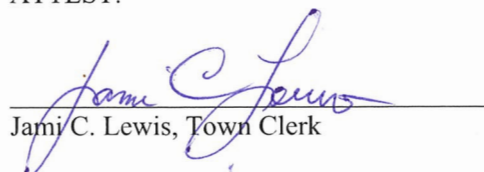
AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember
Annie Perkins

6 - 0 PASSED - Unanimously



Darryl L. Croft, Mayor

ATTEST:

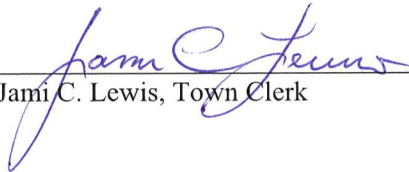


Jami C. Lewis, Town Clerk

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 14th day of January, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of February, 2020.



Jami C. Lewis, Town Clerk