

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

**TUESDAY, JANUARY 23, 2018
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 23, 2018.

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

Staff Town Manager Cecilia Gritman; Town Attorney Phyllis Smiley (via conference phone);
Present: Finance Director Joe Duffy; Police Lieutenant Vince Schaan; Public Works Director/Town Engineer Frank Marbury; Development Services Director Jason Sanks; Associate Planner Alex Lerma; Administrative GIS Technician Celia van der Molen; Community Services Director Scott Bruner; Kathy Frohock (videographer); Town Clerk Jami Lewis (recorder)

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

Mayor Croft called the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Presentation by Yavapai County Board of Supervisors and County Administrator Phil Bourdon regarding the May 2018 ballot measure pertaining to the 1/4 cent sales tax that partially funds the Yavapai County Jail System.

Phil Bourdon, County Administrator, reported that the Board of Supervisors was asking the public to consider extending the existing \$0.25 sales tax that funded 48% of the county jail's \$8.8 million budget. The tax was originally approved by the voters in 1999 and will expire in 2020. The measure will be on a May special election, vote-by-mail ballot.

Captain Jeff Newnam, Jail Administrator, spoke about jail operations, inmate population, programs to reduce recidivism, operations costs, and the various funding sources.

Craig Brown, District 4 Supervisor, reiterated that this was not a new tax or for a new jail, but to retain the status quo, and he spoke about the impacts to county communities should the measure not pass.

- b)** Proclamation declaring January 21-27, 2018 as "School Choice Week," sponsored by National School Choice Week.

Mayor Croft read the proclamation.

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.

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.

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.

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

Mayor Croft reported on the inaugural “Coffee with the Mayor and Manager” at which most of the citizen feedback pertained to roads and trash trucks. He also reported on the upcoming Citizen’s Academy, starting in March.

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

Ms. Grittmann reported on:

- January work anniversaries;
- The Town offering additional community outreach on topics brought up during Coffees with the Mayor and Manager;
- An upcoming agenda item related to Aquatics Center fee updates and schedule changes; and
- Two recent area tragedies occurring in the area, outside Town limits, in which Town police assisted.

- c)** Report on the proposed chip seal program for Spring/Summer 2018.

Town Engineer Marbury reported on:

- *Estimated available funds:* \$300,000-\$350,000, mostly from High User Revenue Funds;
- *Proposed streets:* N. Reed Road from Road 3 North to Road 4 North; W. Road 4 North from Reed Road to Road 1 West; intersection of E. Road 3 North and N. Road 1 East; E. Road 1 North from SR 89 to N. Road 1 East; Outer Loop from SR 89 to S. Johnson Lane; and Jerome Junction from Gavin Court to south of Rodeo Drive.
- *Bid/Timeline:* The town may need to put out its own bid for a construction in the spring.

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.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Mike Best to accept the January 9, 2018 minutes.

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to accept the January 9, 2018 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) Consideration and possible action to: (i) Hold a Public Hearing regarding application from Theresa Morse for the Acquisition of Control of an existing Series 12 (Restaurant) Liquor License for Pizza Hut, located at 312 Market Place Drive, Chino Valley; and (ii) Allow or protest the change of ownership to the Arizona Department of Liquor Licenses and Control. (Jami Lewis, Town Clerk)

Recommended Action: (i) Hold Public Hearing and (ii) Take no action OR Protest the acquisition of control of Pizza Hut's Series 12 Liquor License.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Cloyce Kelly to open the public hearing.

Vote: 7 - 0 PASSED - Unanimously

No one from the public spoke.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Cloyce Kelly to

close the public hearing.

Vote: 7 - 0 PASSED - Unanimously

Council had no comments.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Cloyce Kelly to approve the acquisition of control for the existing series 12 and change of ownership.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve a Conditional Use Permit (CUP17-003) for Primrose Inn & RV to allow a 22-unit RV Park on a 2.84 acre property located approximately 0.25 miles north of the northwest corner of West Road 2 North and State Route 89 at 1304 North State Route 89 and identified as Assessor's Parcel No. 306-20-022 (Owner: Chris & DeEtte Viterbo). (Alex Lerma, Associate Planner)

Recommended Action: Approve a Conditional Use Permit (CUP) to allow a 22-unit RV Park for Primrose Inn and RV with the conditions as presented or discussed.

Mr. Lerma presented this item:

- *Current uses:* A motel was on the front portion of the property and 14 RV units were in back.
- *History:* The Primrose Inn opened in 1942. During the 1980s, two mobile homes were allowed as single-family residences. In 1994, Council approved a rezone from residential to commercial. In 2000 and 2005, Council approved and continued a CUP for 10 RV spaces. In 2009, an issue arose about four RV spaces outside the approved RV park. After researching the matter, the Town concluded that: (i) the two mobile homes were legal non-conforming uses, as they had been present before the 1984 Zoning Code; and (ii) four RV spaces were also legal non-conforming uses and that no more than 14 RV spaces would be allowed.
- *Current request:* The 2005 CUP expired in 2015. Subsequently, ownership of the property changed and the new owners were unaware of the CUP. Staff contacted them and they have applied for a new CUP to approve the 14 RV spaces, plus 8 new spaces. This CUP will do over the legal non-conforming spaces.
- *Conformance:* The request was in conformance with the General Plan land use designation and current zoning.
- *Citizen review:* The only comment was to request that the owner extend fencing to the rear of the property.
- *Recommendation:* Staff and the Planning and Zoning Commission ("Commission") recommended approval with five conditions related to application of an Encroachment Permit and driveway improvements per ADOT; upgrading the septic system per County Environmental; and fencing as a buffer to adjacent properties.

Council asked about UDO regulations related to RV lengths of stay. Tim Hendrickson, agent, related that people could stay as short as overnight to as long as many months and he was unaware of any code that regulated that. Town Manager Grittman clarified that

there were different regulations for RVs on residential properties than those in an RV park.

Mr. Hendrickson added that the owners had done a lot to improve the property and they agreed with the stipulations. They were also asking for a perpetual use permit, since conditional use limits created a hardship with banks. Development Services Director Sanks reported that due to the use's longevity and the owners' conformance with the code, staff felt an expiration date was not necessary.

Vice-Mayor Turner acknowledged the current owners for their upkeep and renovations.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Jack Miller to approve a Conditional Use Permit (CUP) to allow a 22-unit RV Park for Primrose Inn and RV with the conditions as presented and discussed, with the addition that this will have no expiration date.

Vote: 7 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve a Conditional Use Permit (CUP17-004) for Olsen's Grain in order to install an electrical information sign on a 9.88 acre property located approximately 860 feet north of the northwest corner of West Road 1 North and State Route 89 at 334 South State Route 89 and identified as Assessor's Parcel Number 30-29-029C (Owner: Olsen/ Sischka Inv. CV LLC). (Jason Sanks, Development Service Director)

Recommended Action: Approve a Conditional Use Permit for the proposed electrical display for Olsen's Grain, subject to the conditions as presented or discussed.

Mr. Sanks presented this item:

- *Conformance:* The proposed sign met the sign regulations in the Unified Development Ordinance (UDO). Although the sign itself would be taller than the allowed 12-foot maximum, it still met the requirements due to a three-foot offset by the grade.
- *Unique conditions:* As there was some concern about brightness and glare, the applicant agreed to work with staff to mitigate issues if brightness was found to be a nuisance.
- *Recommendation:* Staff and the Commission recommended conditions to control brightness and glare, and match ADOT regulations relative to distraction from message changes, transitions, and messages. The Commission also made a recommendation with regard to the white panel, but the town attorney believed that could not be legally attached to the CUP.

Council pointed out that Olsen's was on Road 1 South, not Road 1 North, as noted in the agenda item title and asked about the necessity of obtaining a CUP for a sign. Mr. Sanks related that electrical message panels were usually under lots of restrictions, but those could be written into the Code so that approval would not require Council action. Councilmember Mendoza asked staff to look into that during the UDO rewrite.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Jack Miller to approve a Conditional Use Permit for the proposed electrical display for Olsen's Grain, subject to the conditions as presented and discussed.

Vote: 7 - 0 PASSED - Unanimously

Mayor Croft recessed the meeting at 7:09 p.m. and reconvened it at 7:14 p.m.

- d) (i) Presentation and discussion regarding the results and findings of the Water and Wastewater Rate Study.
(ii) Consideration and possible action to approve a Notice of Intention to Increase Water and Wastewater Rates, Fees, and Service Charges and set a public hearing date. (Joe Duffy, Finance Director)

Recommended Action: Adopt a Notice of Intention to Increase Water and Wastewater Rates, Fees, and Service Charges and set a public hearing on the proposed rates for March 27, 2018.

Mr. Duffy presented this item:

- *History:* Council last adopted a rate increase schedule in 2013, approved freezing sewer rates in 2016, and modified the rate schedule to clarify how rates were applied to multi-family developments in 2017.
- *Rate study:* The study addressed the water and wastewater systems' current financial condition and projections; water and wastewater buy-in fees; and rate comparisons with other entities in the state.
- *Options:* Three options for water included (i) no rate increase; (ii) 3% increase each year for five years; or (iii) 5% increase for five years. Three options for wastewater were (i) no rate increase; (ii) 3% increase each year for five years; or (iii) a \$2.00 or 3% one-time rate decrease. The decrease was suggested as a one-time action because decreases did not need to go through this process and Council could review it each year.
- *Process:* Upon Council approval of the Notice of Intent, a public review, formal presentation, public hearing, and Council decision will follow.

Council had no comments.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Jack Miller to adopt a Notice of Intention to Increase Water and Wastewater Rates, Fees, and Service Charges and set a public hearing on the proposed rates for March 27, 2018.

Vote: 7 - 0 PASSED - Unanimously

- e) Consideration and possible action to: (i) Hold a Public Hearing for 2018 Community Development Block Grant (CDBG) funding; and (ii) Select a project for CDBG funding. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: (i) Hold Public Hearing; and (ii) Approve the Chino Meadows 5 paving project as the Town's selected project for 2018 CDBG funding.

Mr. Marbury presented this item:

- *CDBG history:* The Town was allocated CDBG funds every four years. Previous projects included Head Start, Food Bank, and Health buildings; sewer and flood prevention projects; and four years ago, paving a portion of dirt roads in Chino Meadows subdivision.
- *Proposed project:* The Town proposed to complete the Chino Meadows V paving project as much as possible.
- *CDBG process:* The first public hearing, at which the public and the Town were allowed to propose projects, was held December 11. Only the Town proposed a project. The grant will be awarded in late spring/early summer, with construction in spring/summer 2019.
- *Funding:* As this cycle's estimate was \$321,357 and the engineer's estimate was \$380,000, staff might ask the Town to contribute some funds, and he will include language in the contract to allow addition or removal of certain streets. In addition to the CDBG funds, he will have Town crews place a gravel base with \$20,000-\$40,000 of Town funds, which was also done in 2014.
- *Latest update:* Even though Cottonwood Lane did not qualify for CDBG, staff learned today that it could still be included in the project.

Isabel Rollins with NACOG, Northern Arizona CDBG funds administrator, reported that staff did a good job with the proposal, the income survey had just completed, and everything was good to go.

MOVED by Vice-Mayor Turner, seconded by Councilmember Cloyce Kelley to hold a public hearing.

Vote: 7 - 0 PASSED - Unanimously

No one from the public spoke.

MOVED by Vice-Mayor Turner, seconded by Councilmember Cloyce Kelley to close the public hearing.

Vote: 7 - 0 PASSED - Unanimously

Council had no comments.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Annie Lane to approve the Chino Meadows 5 paving project as the Town's selected project for 2018 CDBG funding.

Vote: 7 - 0 PASSED - Unanimously

- f) Consideration and possible action to approve the Town of Chino Valley Technology Plan. (Spencer Guest, IT Manager)

Recommended Action: Approve the Town of Chino Valley Technology Plan.

Mr. Guest reviewed the proposed plan, which was drafted (i) to align technology purchases with Town goals and objectives; (ii) due to the expense of technology and setting priorities; and (iii) to facilitate efficient and effective decisions. He presented an overview of the proposed plan. Key points were:

- The plan, a living document, covered 2018 to 2027, and included the Town's IT history and environment today; issues, limitations experienced, and pitfalls; as well as how current IT trends impacted decisions and selection.
- The plan provided for the establishment of a tech review committee, initiative request guidelines, and initiative prioritization; review and selection suggestions to get the right tool for the job; and revisions every five to ten years as necessary.
- The plan outlined continual projects, short-, mid-, and long-range projects, implementation schedule, and project descriptions and details, along with rough purchase estimates and ongoing support costs.

Council asked about the eliminating the Town's CableOne connection to reduce costs. Mr. Guest and Town Manager Gritman related that they would prefer that too, but staff was concerned about data integrity and was unaware of any other way for the Town facilities to be connected at this time. However, staff will revisit this matter if options got better.

Council expressed support for the plan.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Jack Miller to approve the Town of Chino Valley Technology Plan.

Vote: 7 - 0 PASSED - Unanimously

- g) Consideration and possible action to adopt Ordinance No. 18-843, declaring the document entitled "The 2012-2014 Amendments to the Tax Code of the Town of Chino Valley" to be a public record; and adopting "The 2012-2014 Amendments to the Tax Code of the Town of Chino Valley" by reference; establishing effective dates; providing for severability and providing penalties for violations. (Jami Lewis, Town Clerk)

Recommended Action: Adopt Ordinance No. 18-843, declaring the document entitled "The 2012-2014 Amendments to the Tax Code of the Town of Chino Valley" to be a public record and adopting the same by reference.

Mayor Croft reported that staff was recommending that this item be postponed to next meeting as the town attorney had some changes.

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.

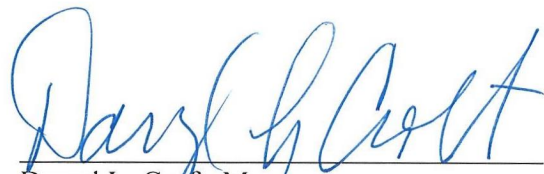
9) ACTION ITEMS RESUMED

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

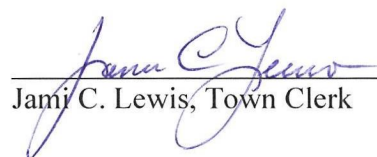
10) ADJOURNMENT

MOVED by Councilmember Cloyce Kelly, seconded by Councilmember Annie Lane to adjourn at 7:45 p.m.

Vote: 7 - 0 PASSED - Unanimously


Darryl L. Croft, Mayor

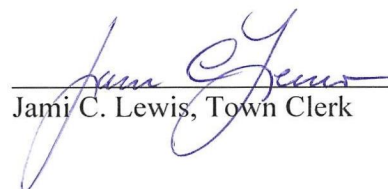
ATTEST:


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 23rd day of January, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of February, 2018.


Jami C. Lewis, Town Clerk