

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

**TUESDAY, APRIL 27, 2021
6:00 P.M.**

**CHINO VALLEY COUNCIL CHAMBERS
202 N. STATE ROUTE 89, CHINO VALLEY, AZ**

Present: Mayor Jack Miller; Vice-Mayor Corey Mendoza; Councilmember Tom Armstrong;
Councilmember Eric Granillo; Councilmember Annie Perkins; Councilmember Lon Turner

Absent: Councilmember Cloyce Kelly

Staff Town Manager Cindy Blackmore; Town Attorney Andrew McGuire (remotely); Finance Director
Present: Joe Duffy; Public Works Director/Town Engineer Frank Marbury; Development Services Director
Joshua Cook; Economic Development / Project Manager Maggie Tidaback; Police Chief Chuck
Wynn; Lieutenant Joshua McIntire; Lieutenant Randy Chapman; Officer David Herrera; Audio
Video Technician Lawrence Digges; Town Clerk Erin Deskins (recorder)

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

Mayor Miller called the meeting together at 6:00 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

a) Presentation and update regarding the 9/11 Memorial Project. (Chuck Wynn, Police Chief)

Larry Holt presented the following:

- All vegetation and tumbleweeds surrounding the Memorial were gone. The new ground cover was nearly complete and leveled. They were also going to install a retaining wall because without it the ground cover would be washed away.
- The three-story boards had been installed.
- The curbs and walkways had been installed.
- The pavers would be set next and would run out to each individual story board.
- The current roadblock was the acquisition and installation of the flag poles. They would be using the 140 mile per hour rated aluminum poles. They had raised enough to purchase the poles, but they did not have enough funds for the installation. Additionally, the concrete for the poles needed to be engineered to withstand the wind.
- The 11th of September would mark the memorial of the 20th year, which was a week after the Town's 50th celebration. They would be working on that and figuring out what would be happening for the event.
- To date they had raised \$11,203 through cash donations and brick sales. They had spent approximately \$4,366.79 on retaining walls, pavers, stone, ground cover and the

story boards, leaving a balance of about \$6,800. That would be enough to pay for the three flag poles.

- There had been several businesses who had made donations of goods and services, including Arizona Ace General, Prescott Home Depot, Jack Miller Enterprises, American Concrete Sales, Cooper Excavation and Septic, Hebrews 17 Ministries and Tom's Print Shop.
- There would be a work date in the upcoming weeks to complete as much of the work as possible.
- The project would be an ongoing project and would continue to get better in the future.
- Suzanne Vicory stated her daughter Elizabeth had raised enough money for a plaque, which would be setup when it was completed.

b) Presentation regarding Professional Clerks Week May 2 through May 8, 2021. (Erin N. Deskins, Town Clerk)

Town Clerk Deskins presented the following:

- The upcoming week would mark the 52nd Annual Professional Municipal Clerks Week which would be hosted by the International Institute of Municipal Clerks.
- The appointment of a Town Clerk was required by law. The law also required a Town to have a Town Marshal and a Town Engineer.
- Although duties of a Municipal Clerk varied for different locations, Arizona Law defined three main functions:
 - Serve the Council and its appointed bodies
 - Administer elections
 - Maintain public records
- Town Clerks followed federal and state law, in addition to local ordinances and must know, understand, and operate under those laws.
- The Clerk's motto was Mission Possible. This mission included accurately recording the actions and proceedings of the Town Council, maintain and preserve the Town's official records, conduct fair and impartial Town elections, and serve internal and external customers with big town efficiency and small town friendliness.
- The Clerk's Office was the official custodian of the Town records. They had to manage records regardless of the format, which included e-mails, databases, audio, video, and social media. Last year in 2020, the Clerk's office processed 108 public records requests.
- Political Science Professor William Bennett Monroe wrote in one of the first textbooks on municipal administrations in 1923, "No other office or municipal service has so many contacts. It serves the Mayor, the City Council, the City Manager, and all administrative departments without exception. All of them call upon it almost daily for some service or information. Its work is not spectacular, but it demands versatility, alertness, accuracy, and no end of patience. The public does not realize how many loose ends of city administration this office pulls together."
- A video put together by the League of Arizona Cities and Towns was played for the Council.
- It was requested that the Mayor and Council officially proclaim May 2-May 8, 2021, as Professional Municipal Clerks Week in the Town.

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. Individuals who wish to speak, please state your first and last name and if you reside in Chino Valley Town Limits.

Ron Romley thanked the Council for putting all the CARES Act money into the roads, where the money was needed. He also wanted to talk about the ongoing slurry seal project. He thanked the Public Works Director, Frank Marbury and his staff, for all the information provided to the homeowners prior to the start of the project. Every home had been mailed at least two flyers, which gave the date and time they would be working in a particular area. They also had people hanging door hangers the day before work began in an area. He had spent 42 years managing road construction projects, and this was one of the best organized projects he had been associated with. He knew that a lot of planning had been done upfront. The Contractor started on the day and time they said they would start. They had only been inconvenienced for about four hours while the slurry on his street cured. He wanted to compliment Council, staff and the Public Works Department for a job well done.

4) 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.

Mayor Miller reported:

- Councilmember Kelly was recovering from surgery and Councilmember Perkins was under the weather and both Members could use community blessings.
- There had been discussions on taking a summer break with fewer meetings so that Members could spend time with family.
- The evenings Executive Session had been canceled.

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

Town Manager Blackmore reported on the following:

- On Friday, May 7th and Saturday, May 8th, the Town would have a cleanup day that was being offered free to the residents. Further details were available on the Town's website.
- The Town Clerk's Office was accepting applications to fill vacancies on the Council appointed boards and committees. More information was available on the Town's

website.

- The Town wanted to recognize Beth Vicory in her achievement in winning the 2020 Arizona Miss Amazing Teen Pageant. Making the achievement even more impressive was the fact that Beth suffers from Autism and a traumatic brain injury. Beth had been an active member of the community by volunteering her time for various causes.

5) **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 Mayor Jack Miller, seconded by Councilmember Lon Turner to approve consent agenda items 5 (a) (b) (c) (d) (e) and (f) as written.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Annie Perkins, Councilmember Lon Turner

6 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve the Service Contracts with Tri City Towing, ACT Towing, and Custom Towing and accept the amended dates of the current Contracts. (Chuck Wynn, Police Chief)
- b) Consideration and possible action to approve the two-year extension of the protected development rights for Chino Valley Properties LLC located at 2144 North Road 1 East, to continue the development of their site for the cultivation of medical marijuana. (Will Dingee, Planner)
- c) Consideration and possible action to approve the Financial Report for the nine months ending March 31, 2021. (Joe Duffy, Administrative Services Director)
- d) Consideration and possible action to approve the March 16, 2021, budget retreat meeting minutes. (Erin N. Deskins, Town Clerk)
- e) Consideration and possible action to approve the March 16, 2021, study session minutes. (Erin N. Deskins, Town Clerk)
- f) Consideration and possible action to approve the March 23, 2021, regular meeting minutes. (Erin N. Deskins, Town Clerk)

6) 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 award a construction contract to Asphalt Paving & Supply, Inc. for the Road 2 North Paving Improvements Project in the amount of \$792,888.88. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Award a construction contract to Asphalt Paving & Supply, Inc. for the Road 2 North Paving Improvements Project in the amount of \$792,888.88.

Frank Marbury reported on the following:

- The Town opened bids on April 13th for the Road 2 North Reconstruction Project. The project consisted of the reconstruction of the pavement section from State Route 89 through the entrance of Country West.
- Engineers estimate was approximately \$789,000. They received six bids, with the low bid that came in at \$792,888.88 was from Asphalt Paving & Supply (AP&S). The amount was within the anticipated \$1.1 million dollar budget for the remaining 2021 roadwork.
- They expected to start this project in early June, which was dependent on organizing traffic control and phasing.
- Staff recommended awarding the project to AP&S.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Lon Turner to award a construction contract to Asphalt Paving & Supply, Inc. for the Road 2 North Paving Improvements Project in the amount of \$792,888.88.

AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Annie Perkins, Councilmember Lon Turner

6 - 0 PASSED - Unanimously

- b) Consideration and possible action to adopt ORD 2021-898 to rezone approximately 8.56 acres of real property from the AR-5 (Agricultural Residential 5-acre minimum) to SR-1 (Single Family Residential 1-Acre Minimum) in order to further subdivide the property. (Will Dingee, Planner)

Recommended Action: Adopt ORD 2021-898 to rezone approximately 8.56 acres of real property from the AR-5 to SR-1 in order to further subdivide the property with the stipulations recommended by staff.

Item approved with amendment to Motion

Mayor Miller recused himself on Item 6(b)

Joshua Cook presented the following:

- This was a rezone request for 8.56 acres.
- An overview of the property's location was provided.
- The subject property was consistent with the General Plan's Use designation of medium density residential, which allowed for anything less than two acres. The General Plan showed that everything on the west side of Road 1 East was designated as multi-family commercial.
- The surrounding property zoning was reviewed and consisted of various zoning designations.
- The Planning and Zoning Commission met on March 2, 2021, and forwarded a recommendation of approval to Town Council with a vote of 7-0. Town Council met on March 23 and the applicant had requested the item be continued until the current meeting.
- Request for continuation was based on stipulations that had been added to the staff report. After further review of the Town's subdivision regulations and discussion with the Town Attorney, staff made modifications to the stipulations based on what was in the Town Code and the unique situation with Center Street's power lines and pavement. The stipulations that required paving and curb, gutter, and sidewalk on the south side of Center Street were removed but would be required on the North side at a future date based on the Multi-family use designation and future commercial to the west. The requirement for curb, gutter, and sidewalk was also removed on Road 1 East because the subdivision regulations granted the zoning administrator the ability to waive sidewalks on one side of the road. Since the west side of Road 1 East was designated for multi-family and commercial, staff felt the sidewalk, curb, and gutter should be on that side of the road.
- The general stipulations that required a designation of right-of-way and infrastructure improvements on Road 1 East would occur at the time of development. In the stipulations, staff incorrectly included a statement requiring cash in lieu at time rezoning. However, during this rezoning process was the time for Council to add or modify any stipulation.
- Staff was recommending approval of the rezoning from AR5 to SR1 in accordance with the stipulations in the staff report, except for the statement of cash in lieu at time of rezoning, which would be cash in lieu at time of development. The stipulations were:

1. *Per the Town Code of Ordinances § 5158(B), Where property borders public rights-of-way or public easements containing an existing serviceable town wastewater main, the property, when developed, shall be connected to the town CTR system. Sewer taps shall extend at right angles from the main to the property, unless otherwise specifically authorized for unusual conditions, and shall be installed in accordance with the most current edition of the YAG standard specifications and details for public works construction, unless otherwise modified and approved by the Town Engineer.*
2. Per the Town Unified Development Ordinance § 5.3.2, Table 5-1, the minimum required right-of-way dedications are as follows:
 - a. Up to 15' south of the section line on Center Street at the intersection with Road 1 East, where prior dedication has not occurred.
 - b. 15 feet east of the existing east ROW line on Road 1 East, dedicated at the time of the earlier to occur of:
 - i. a building permit being issued for a primary structure on the adjacent parcel, or

- ii. a Town initiated roadway project to widen Road 1 East.
3. Per the Town's Unified Development Ordinance § 5.2, Table 5-1, the required offsite half-width roadway improvements are as follows:
 - a. Road 1 East
 - i. 14.5" minimum additional pavement width w/o on street parking, constructed at the time of issuance of a building permit for a primary structure on the property or, at the option of the landowner, contribution of cash in lieu of construction (paid rezoning upon approval) of the estimated cost of the pavement improvements (\$14k).
4. Per the Town's Unified Development Ordinance § 5.3.1(F), Where a proposed subdivision abuts or contains an existing or proposed arterial and collector routes, sufficient right-of-way may be required for access, frontage streets, and/or turning movements or for reverse frontage combined with a one (1) foot non-vehicular access easement abutting the major route; or for such other treatment as may be justified for protection of residential properties from traffic hazards occurring on the major route.

Council, Town Attorney and Staff discussed the following:

- Stipulations were given as a heads-up for people and included items that were required but not set in the ordinance. The stipulations set forth all requirements and Council had the ability to come back to those stipulations and modify them when necessary, when development started.
- The approval would be for rezoning only.
- A Town initiated project prior to the owner requesting a building permit for a new home would most likely require the Town to purchase the home because it was in the right- of -way. If the Town initiated a project on Road 1 East, they would then require the designation of the right- of -way at that time, which would most likely include them purchasing the home from the owner.
- The owner had requested SR1, which was his right and regardless of what his plan was for splitting the lots, it did not preclude future owners from further splitting.

Public Comment:

John Ginn – Property owner – He had met with staff several times. The only stipulation that he still had difficulty with was number three. His current renters wanted to purchase three acres with the house. But if they wanted to build a new house, the stipulations would require them to put 14.5' additional pavement without parking or \$14,000 in lieu of that. He was only going to split the lot three times.

Town Attorney clarified that the cash in lieu payment needed to be paid upon time of development, not the rezoning approval.

MOVED by Councilmember Lon Turner, seconded by Councilmember Annie Perkins to adopt ORD 2021-898 to rezone approximately 8.56 acres of real property from the AR-5 to SR-1 in order to further subdivide the property with the stipulations recommended by staff and also amend what was written that the paid rezoning instead of upon approval would be upon development.

AYE: Vice-Mayor Corey Mendoza, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Annie Perkins, Councilmember Lon Turner

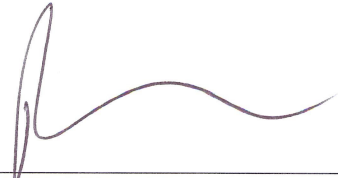
5 - 0 PASSED

7) **ADJOURNMENT**

MOVED by Councilmember Lon Turner, seconded by Vice-Mayor Corey Mendoza to adjourn the meeting at 6:39 p.m.

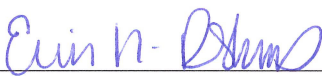
AYE: Mayor Jack Miller, Vice-Mayor Corey Mendoza, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Annie Perkins, Councilmember Lon Turner

6 - 0 PASSED - Unanimously



Jack W. Miller, Mayor

ATTEST:

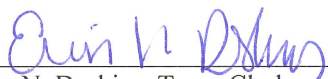


Erin N. Deskins, Town Clerk

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 27th day of April, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of May, 2021.



Erin N. Deskins, Town Clerk