

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

**TUESDAY, JUNE 9, 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, June 9, 2015.

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

Staff Present: Town Manager Robert Smith; Assistant Town Manager Cecilia Grittmann; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Police Lieutenant Vince Schaan; Police Officer Doug Garrett; Town Engineer/Public Works Director Ron Grittmann; Development Services Director Ruth Mayday; Deputy Town Clerk Liz Hart; Town Clerk Jami Lewis (recorder)

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

Mayor Marley called the meeting to order at 6:02 p.m.

Mayor Marley gave the invocation and led the Pledge of Allegiance.

(Councilmember McKee attended the meeting via conference phone.)

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Proclamation declaring June 20, 2015 as "Marine Corps League Day," in support of the 44th Annual Marine Corps League State Convention, sponsored by the Marine Corps League, Copper State Detachment. (Mayor Marley)

Mayor Marley read the proclamation and presented it to Ron Bursch, Sr. with the Marine Corps League.

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.

Several Lazy Loop Drive residents—Phil Cousineau, Ben Zercher, Adam Newberry, Julie Tessier, Russ Walton, Michelle Kelly, and Renee Dahm—spoke about their road being removed from the CDGB Paving Project and urged Council to reconsider their decision for the following reasons:

- Town employees had been promising to pave the road for 11 years;
- The negative effect on their property values by being one of the only unpaved streets in the subdivision;
- Chip sealing not being effective nor acceptable;
- Various flooding issues on the road;
- Roadway hazards during rain and snow due to adjacent wash, slick road, and lack of guard rail;
- Town grading activity worsening the problems.

Lee Paul, resident, asked several questions about the ethics complaint hearing on May 12.

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)** Comments regarding objections to Ethics complaint procedure.

Mayor Marley spoke about federal and local procedures for legislative bodies to hold one another accountable; the Town's Code of Ethics; the Town's process for addressing ethics complaints; and the records associated with recent ethics complaints.

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.

Councilmember Turner reported on the upcoming 4th of July event.

Mayor Marley reported on councilmembers not asking questions during the Current Event Summaries and Reports item on the agenda.

Mayor Marley read the Monthly Mayor's Report, which pertained to the Prescott water system acquisition.

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

Mr. Smith had nothing to report.

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 Darryl Croft, seconded by Councilmember Mike Best to approve consent agenda items 6a and b.

Vote: 5 - 1 PASSED

NAY: Councilmember Pat McKee

- a) Consideration and possible action to accept the May 7, 2015 study session minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to adopt Ordinance No. 15-800, amending Town Code Title III Administration, Chapter 35 Code of Ethics, Section 35.05 Code of Ethics Complaints; Filing and Procedure to include maximum time allotments for presentations and responses during Council's consideration of Code of Ethics complaints of 10 minutes and 5 minutes, respectively. (Phyllis Smiley, Town Attorney)

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 adopt Ordinance No. 15-799 to rezone approximately 7.39 acres generally located at 743 S. Road 1 West, Assessor's Parcel Number 306-29-050A, from Agricultural Residential 5-acre minimum (AR-5) to Single Family Residential 2-acre minimum (SR-2). Applicant: Todd and Lisa Corbell. (Ruth Mayday, Development Services Director)

Recommended Action: Adopt Ordinance No. 15-799 to rezone approximately 7.39 acres generally located at 743 S. Road 1 West from Agricultural Residential 5-acre minimum (AR-5) to Single Family Residential 2-acre minimum (SR-2).

Ms. Mayday reported on this item:

- *Purpose of Rezone:* Currently, there was a single family residence on the property. The applicant desired to split and sell the parcel with the residence and build a new single family residence on the new parcel.
- *Commission Public Hearing, May 5, 2015:* There were no objections or comments from the public. The Commission, by a vote of 4-0, recommended forwarding the application to Town Council with a recommendation for approval.
- *Compliance:* The request was consistent with the zoning classifications of AR-5 and SR-2 in the surrounding area, as well as with the General Plan. All required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to adopt Ordinance No. 15-799 to rezone approximately 7.39 acres generally located at 743 S. Road 1 West from Agricultural Residential 5-acre minimum (AR-5) to Single Family Residential 2-acre minimum (SR-2).

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to amend the Letter of Commitment to the Economic Development Administration (EDA) from \$85,000 to \$122,750 to provide cash match for waived permit fees. Funds to possibly come from projected carry over in the Capital Improvement Fund. (Ruth Mayday, Development Services Director)

Recommended Action: Approve amended Economic Development Administration Letter of Commitment.

Ms. Mayday reported that:

- Staff received notification on April 30, 2015 that the EDA had made a non-binding commitment to fund \$2,048,000 for improvements at Old Home Manor Industrial Park. In the approved grant application, the Town had indicated that it would provide \$85,000 in matching funds and \$37,750 in waived permit fees.
- Now, the EDA was stating that they could not count the waived permit fees as part of the cash contribution, and the Town must amend its letter of commitment to reflect a total cash contribution of \$122,750. It was not unusual for EDA to make such last minute changes.
- Staff reached out to the private sector for assistance and while there was willingness to contribute, the timing for such contribution(s) would jeopardize the \$250,000 ACA grant, as the deadline for project initiation was mid-July.

Finance Director Duffy added that staff was projecting a \$150,000 carryover in the Capital Improvement Fund.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve amended Economic Development Administration Letter of Commitment.

Vote: 6 - 0 PASSED - Unanimously

- c) Discussion regarding the effect of modifying Sections 50.56, 51.137, and 51.155 of the Town Code, pertaining to the Town sewer ordinance and mandatory hookup requirements. (Mayor Marley)

Recommended Action: Discuss possible modification of Town sewer ordinance.

Mayor Marley reported that at this time, he wanted to discuss concepts and obtain Council's input on what he should research with regard to possible policy changes to the Town Code's sewer connection provisions in order to provide relief to ratepayers.

Council commented on:

- The need to consider safe yield.
- Concern that eliminating mandatory connections would result in a static customer base.
- How to let property owners off the highway develop without hurting residences along

the way.

- More people hooking up if the costs were more reasonable.
- Possibly requiring property owners to hook up only upon septic failure.

- d) Consideration and possible action to approve Resolution No. 15-1060 for authorization of the acquisition of right-of-way for the Chino Meadows Units 2 and 5 Drainage Project and authorize the Mayor to sign the requisite IRS form 8283 for charitable contribution. (Ron Grittmann, Public Works Director/Town Engineer)

Recommended Action: Approve Resolution No. 15-1060 for authorization of the acquisition of right-of-way for the Chino Meadows Units 2 and 5 Drainage Project and authorize the Mayor to sign the requisite IRS form 8283 for charitable contribution.

Mr. Grittmann reported that:

- The Chino Meadows Units 2 and 5 Drainage Project required property dedications along the drainage named Little Doggie Draw between the Peavine Trail and Porcupine Pass. The property owners were willing to dedicate this property free of charge and asked that that the Town execute IRS Form 8283 for a charitable contribution.
- Per IRS regulations, an appraisal had been prepared for the form, and the title company had requested a resolution for the dedications.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve Resolution No. 15-1060 for authorization of the acquisition of right-of-way for the Chino Meadows Units 2 and 5 Drainage Project and authorize the Mayor to sign the requisite IRS form 8283 for charitable contribution.

Vote: 6 - 0 PASSED - Unanimously

- e) *Continued from April 28, 2015:* Discussion, consideration and possible action to determine policy regarding Council/Attorney interaction. (Chris Marley, Mayor)

Recommended Action: Direct staff to draft policy as discussed.

Mayor Marley reported that the Town's monthly budget for legal costs was \$12,000. In the last 60 days, even after two courtesy write-offs by the town attorney, that budget was still over by \$6,000. To keep legal costs down, Council could consider some self-policing guidelines, such as establishing a gatekeeper or limiting themselves with regard to use of the town attorney and records requests.

Town Manager Smith reviewed statistics regarding legal costs from the two recent ethics complaints, multiple records requests, and direct contact to attorney from councilmembers. He added that staff would have to use contingency funds to cover these additional costs.

Town Attorney Smiley stated that a gatekeeper could distill an issue down to the exact questions, to avoid her time in doing so. She also asked if Council still wanted her to copy the entire Council on her responses to individual inquiries.

Council comments:

- Now that they were aware of the issue, they would pay closer attention to incurring legal expenses.

- If Council agreed to police itself and incur legal expense only in cases wherein they would be willing to pay for it themselves, a gatekeeper would not be needed.
- They desired to review the next couple months' billing cycles before taking any further action.
- They wanted Ms. Smiley to continue sending responses via email to the whole Council.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Pat McKee to postpone the item until the first meeting in August.

Vote: 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.

9) ACTION ITEMS RESUMED

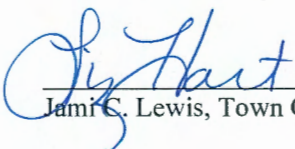
After the Executive Session, Council will reconvene the Regular Meeting.

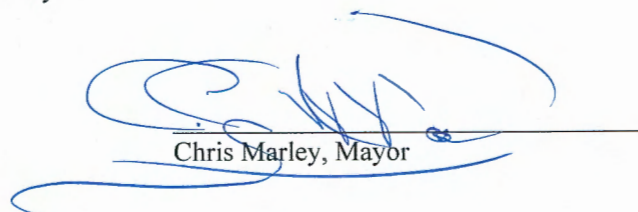
10) ADJOURNMENT

MOVED by Councilmember Don Wojcik, seconded by Councilmember Mike Best to adjourn the meeting at 7:23 p.m.

Vote: 6 - 0 PASSED - Unanimously

ATTEST:

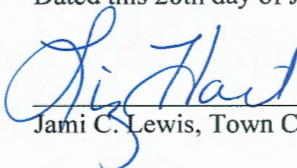
 - for -
Jami C. Lewis, Town Clerk


Chris Marley, Mayor

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 9th day of June, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 28th day of July, 2015.

 - for -
Jami C. Lewis, Town Clerk