



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING
TUESDAY, JUNE 22, 2021
6:00 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

A majority of the Councilmembers may attend a private invocation in the Council Conference Room immediately prior to the Council meeting. No Town business will be discussed.

AGENDA

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL**
2. **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
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.

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

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.

- a. **p.7** Consideration and possible action to approve the Agreement for Presiding Magistrate Services with Joan Dwyer, Magistrate, to serve as the Presiding Town Magistrate effective July 1, 2021, through June 30, 2023, in an amount not to exceed \$67,485 for the twelve-month period between July 1, 2021, and June 30, 2022, and \$69,510 for the twelve-month period between July 1, 2022 and June, 30 2023. (Laura Kyriakakis, Human Resources Director)
- b. **p.15** Consideration and possible action to appoint applicants to the Parks and Recreation Advisory Board, Roads and Streets Committee, Senior Center Advisory Board, Industrial Development Authority, and Municipal Property Corporation per recommendation of the Appointments Subcommittee and begin a recruitment process to fill the vacant alternate position on Planning and Zoning. (Erin Deskins, Town Clerk)
- c. **p.17** Consideration and possible action to approve the May 11, 2021, regular meeting minutes. (Erin N. Deskins, Town Clerk)
- d. **p.25** Consideration and possible action to approve the May 18, 2021, study session minutes. (Erin N. Deskins, Town Clerk)
- e. **p.33** Consideration and possible action to approve the May 25, 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. **p.47** Consideration and possible action to approve the Accountability Contract with the Chamber of Commerce in the amount of \$60,000.00.(Maggie Tidaback, Economic Development Project Manager)

Recommended Action: Approve the Chamber of Commerce Accountability Contract in the amount of \$60,000.00.

- b. **p.57** Consideration and possible action to amend the Final Plat for the Safeway Store 1747 Subdivision in order to separate the store and gas station to two individual parcels. (Will Dingee, Planner)

Recommended Action: Approve the Final Plat amendment to the Safeway Store 1747 Subdivision to separate the store and gas station into two individual parcels with the following stipulation:

- That cross access between the two newly created parcels through means of a newly created easement or note on the plat.

- c. **p.61** Public Hearing and possible action regarding application from Ditch Beer & Wine (Beer and Wine Store), for a new Series 10 Liquor Licenses located at 856 South State Route 89. (Will Dingee, Senior Planner)

Recommended Action:

- (i) Hold Public Hearing.
- (ii) Recommend approval for a new Series 10 Liquor License for Ditch Beer & Wine

- d. **p.69** Public Hearing and possible action regarding application from Alie Amato, Winey Cats Vineyard for a new Series 7 (Beer and Wine) Liquor License located at 2515 N Road 1 East, Chino Valley. (Will Dingee, Senior Planner)

Recommended Action:

- (i) Hold Public Hearing
- (ii) Recommend approval for a new Series 7 Liquor License for Winey Cats Vineyard.

- e. **p.81** Public Hearing regarding Resolution No. 2021-1183, relating to the Town's Final Budget for Fiscal Year 2021/2022 and the proposed expenditure limitation for the same year, in the amount of \$41,300,000. (Joe Duffy, Finance Director)

Recommended Action: Hold the Public Hearing.

- f. **p.83** Public Hearing regarding (i) Resolution No. 2021-1184, relating to the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2021/2022, which shall constitute the budgets of the Districts for fiscal year 2021/2022 and (ii) the tax levy anticipated in conjunction with the budgets of the Districts. (Joe Duffy, Finance Director)

Recommended Action: Hold the Public Hearing.

7. **ADJOURNMENT**

**SPECIAL MEETING
TUESDAY, JUNE 22, 2021
6:05 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

AGENDA

a. CALL TO ORDER; ROLL CALL

- b. p.85** Consideration and possible action to adopt Resolution No. 2021-1183, relating to the Town's Final Budget for Fiscal Year 2021/2022 and the proposed expenditure limitation for the same year, in the amount of \$41,300,000. (Joe Duffy, Administrative Services Director)

Recommended Action: Adopt Resolution 2021-1183, adopting the FY 2021-22 Final Budget and establishing the FY 2021-22 expenditure limitation.

- c. p.101** Consideration and possible action to adopt Resolution No. 2021-1184, relating to the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2021/2022, which shall constitute and are approved as the final budgets of the Districts for fiscal year 2021/2022. (Joe Duffy, Finance Director)

Recommended Action: Adopt Resolution No. 2021-1184, relating to the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2021/2022, which shall constitute and are approved as the final budgets of the Districts for fiscal year 2021/2022.

d. ADJOURNMENT

**EXECUTIVE SESSION
TUESDAY, JUNE 22, 2021
6:30 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

AGENDA

a. CALL TO ORDER; ROLL CALL

- b.** An executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, promotion, or salary of Cindy Blackmore, Town Manager (Laura Kyriakakis, Human Resources Director)

c. ADJOURNMENT

Dated this 17th day of June, 2021.

By: *Erin N. Deskins, Town Clerk*

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter>, and in the Public Library and Town Clerk's Office.

Council meetings are live-streamed on Town of Chino Valley Facebook page, and Zoom.

Join Zoom Webinar: <https://us02web.zoom.us/j/81326335529>

Telephone: 877 853 5247 (toll free) or 888 788 0099 (toll free)

iPhone one-tap:US: +13462487799,,81326335529# or +16699009128,,81326335529#

Webinar ID: 813 2633 5529

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Erin N. Deskins, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. a.

Meeting Date: 06/22/2021
Contact Person: Laura Kyriakakis, Human Resources Director
 Phone: 928-636-2646 x-1204
Department: Human Resources
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve the Agreement for Presiding Magistrate Services with Joan Dwyer, Magistrate, to serve as the Presiding Town Magistrate effective July 1, 2021, through June 30, 2023, in an amount not to exceed \$67,485 for the twelve-month period between July 1, 2021, and June 30, 2022, and \$69,510 for the twelve-month period between July 1, 2022 and June, 30 2023. (Laura Kyriakakis, Human Resources Director)

RECOMMENDED ACTION:

Approve the Agreement for Presiding Magistrate Services with Joan Dwyer, Magistrate, to serve as the Presiding Town Magistrate for the Town effective July 1, 2021 through June 30, 2023, in an amount not to exceed \$67,485 for the twelve-month period between July 1, 2021 and June 30, 2022, and \$69,510 for the twelve-month period between July 1, 2022 and June, 30 2023.

SITUATION AND ANALYSIS:

The Town solicited internal applications from existing pro-tem Presiding Magistrate candidates. An interview with Joan Dwyer was conducted with Town Council, on 5/25/2021. Town Council directed Town Attorney to draft up an agreement for Joan Dwyer's review. Included in the agreement were the same terms as the previous Presiding Magistrate Agreement and a salary amount that corresponds to the budgeted COLA/merit adjustment being provided to Town staff who meet or exceed satisfactory performance standards. The minimum term for a magistrate is 2 years pursuant to state law. The agreement, which will become effective 7/1/2021, is attached to this agenda item for Town Council approval.

Fiscal Impact

Fiscal Impact?: yes
If Yes, Budget Code: 00-0000
Available: 67485.00
Funding Source:

**AGREEMENT FOR PRESIDING MAGISTRATE SERVICES
BY AND BETWEEN
TOWN OF CHINO VALLEY, ARIZONA
AND
JOAN S. DWYER**

THIS AGREEMENT FOR PRESIDING MAGISTRATE SERVICES (“Agreement”) is made and entered into June 22, 2021, by and between the Town of Chino Valley, Arizona, an Arizona municipal corporation (“Town”), and Joan S. Dwyer (“Magistrate”).

RECITALS

A. On June 22, 2021, the Town’s Mayor and Council (the “Town Council”) appointed Joan S. Dwyer as the Presiding Town Magistrate of the Town of Chino Valley Municipal Court (the “Court”) for two years, effective July 1, 2021.

B. The Magistrate possesses the knowledge, skills, and experience to be the Town of Chino Valley Municipal Court’s Presiding Magistrate.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and Magistrate hereby agree as follows:

1. **Judicial Independence.** In keeping with the separation of powers between the judicial and legislative, and the judicial and executive branches of government, Magistrate, so long as she competently performs her duties and commits no act nor failure to act in such a manner that is determined to be good cause for the Town to terminate this Agreement, shall be independent of the Town’s other branches of government and shall be free of restrictions in performing her judicial duties.

2. **Duties.** Magistrate’s powers and duties as the Town’s Magistrate include those set forth in the Chino Valley Town Code §§ 34.02 and 34.03; the proceedings of the Court are and shall continue to be governed by the Arizona Constitution, Arizona Revised Statutes, Arizona Code of Judicial Administration, and Arizona Rules of Court pertaining to the type and nature of the cause being heard; and the Court shall abide with Chino Valley Town Code and Arizona Revised Statutes with respect to fees and penalties that may be assessed.

2.1 **Work Hours.** Magistrate shall maintain reasonable work hours Monday through Thursday except for legal holidays and shall be available as necessary on Fridays, weekends, and legal holidays to conduct initial appearances as required by law. In the event the Town changes its current days of operation from Monday – Thursday to any other schedule, Magistrate shall adjust her work hours accordingly to ensure she is available on all days when the Court is regularly open for business.

2.2 Case Adjudication. Magistrate shall preside as Judge over all assigned court calendar dockets in a timely fashion and shall, if necessary, secure the services of Judges Pro Tem or hearing officers to facilitate the timely adjudication of cases in the Court.

2.3 Judicial Conduct. Magistrate shall, at all times during the term of this Agreement, ensure that her conduct as Presiding Magistrate Judge does not violate Arizona Supreme Court Administrative Order No. 93-30 (as amended by Order No. 96-32) and any other applicable order; the Code of Judicial Conduct, Rule 81 of Rules of the Supreme Court of Arizona; the Arizona Code of Judicial Administration; and any other rule or law governing the conduct of judges.

2.4 Externally-Imposed Obligations. The Town and Magistrate agree and understand various Judicial Commissions, the State Legislature, or the Arizona Supreme Court may impose additional obligations, duties, and limitations upon Magistrate. In this event, the provisions of this Agreement shall be modified or terminated, as the case may be, to the extent such Commission, Legislative, or Court directives are imposed and enforced.

3. Limited Administrative Duties. Magistrate shall have limited administrative duties insofar as it is necessary to administer the Court and its personnel, and as set forth in the Chino Valley Town Code; however, said duties shall not interfere with the Town personnel assigned to the Court insofar as the Town's Personnel Policy is concerned. Court personnel salaries and wages, as well as their rights and obligations, shall remain under the Town's control; however, this provision shall not in any way deprive Magistrate of the sufficient, adequate, and competent personnel necessary for Magistrate to perform her judicial duties and limited administrative duties properly.

4. Court Facilities. With the assistance of Magistrate, the Town shall make available, at all times during the term of this Agreement, adequate and comfortable physical facilities in which Magistrate shall perform her duties, including filing facilities, supplies, and equipment deemed necessary for the expedient and orderly operation of the Court.

5. Pro Tem Magistrate.

5.1 Eligibility; Appointment. Magistrate may appoint qualified individuals to serve in the position of Pro Tem Magistrate or hearing officer to provide services in her absence and in cases where she may not act pursuant to a change of judge being filed. A Pro Tem Magistrate may be appointed pursuant to Chino Valley Town Code § 34.02; if the appointee is not a sitting or retired judge, judge pro tempore, or magistrate, or a hearing officer who meets the qualifications of an associate or special magistrate, his or her appointment shall require prior approval by the Town Council. Pro Tem Magistrates may also perform Magistrate's duties in cases where Magistrate may be prohibited by law, ethics, illness, vacations, overload, and other reasonable reasons from performing her duties. Pro Tem Magistrates must meet all eligibility requirements set forth in the Town Code and Arizona Revised Statutes and shall comply with the Arizona Code of Judicial Administration.

5.2 Payment for Pro Tem Services. The Town shall pay for costs of a Pro Tem Magistrate assigned by the Yavapai County Justice and Municipal Court Administrator, the presiding Criminal Judge of Yavapai County Superior Court, or Magistrate, when such assignment is required for any of the following reasons: (i) pursuant to any provision of Rule 10 of the Arizona Rules of Criminal Procedure; (ii) because of a conflict of interest preventing Magistrate from serving; (iii) for absence by Magistrate due to attendance at an educational program; or (iv) for absence by Magistrate for sick leave or vacation time not to exceed a total of three weeks per year. the Town's costs incurred for using a Pro Tem Magistrate for any other reason shall be deducted from any payment due to Magistrate.

6. Extended Absences. Extended periods during which Magistrate is unable or unwilling to perform her duties due to illness, absences, incapacitation, or suspension by higher judicial authority may be cause for the Town to terminate this Agreement or, at Magistrate's option, shall allow the Town to withhold installment payments to Magistrate and use said sums to compensate temporary or permanent replacement of Magistrate. For purposes of this Agreement, "extended periods" means periods longer than three consecutive weeks.

7. Compensation.

7.1 Base Salary. The Town shall pay Magistrate, in 26 equal installments each year, paid every two weeks, \$67,485.00 for the 12-month period between July 1, 2021, and June 30, 2022; and \$69,510.00 for the 12-month period between July 1, 2022, and June 30, 2023. Magistrate expressly agrees and understands that no adjustment to her base salary shall occur relative to any merit increases provided to the Town's employees as part of the FY 2021-2022 annual budget.

7.2 Employee Benefits. Magistrate shall accrue and exercise benefits at the rate of a department head under the Town's policies.

7.3 No Reduction of Benefits. The Town shall not, at any time during the term of this Agreement, reduce Magistrate's salary, compensation, or other financial benefits. Magistrate agrees and understands that changes to employee benefits affecting all the Town's department heads shall not be deemed a reduction in benefits.

8. No Assignment Permitted. Magistrate recognizes this Agreement is personal to her, and the benefits accruing to her and duties imposed on her hereunder may not be transferred or assigned, except for the limited, temporary carrying-out of such duties by Pro Tem Magistrates as set forth in Section 5, above.

9. Term. This Agreement shall be effective on July 1, 2021, and shall remain in full force and effect through June 30, 2023, unless sooner terminated for cause as set forth below. After commencing her official duties, and thereafter during the term of this Agreement, Magistrate shall not accept other employment or carry out any other business in conflict with the position of Presiding Magistrate unless authorized to do so by the Town Council, in writing, prior to Magistrate engaging in such other activity; provided, however, that any such additional duties shall

be conducted outside of regular work hours and without the use of the Town's resources or equipment.

10. Termination. During the term of this Agreement, Magistrate may be removed from office by the Town Council for cause. Cause includes, but is not limited to, failure to comply with the Code of Judicial Conduct, the Arizona Code of Judicial Administration, and the Judicial Canons of Ethics embodied in the Arizona Code of Conduct for Judicial Employees, failure to comply with federal, state, and local laws, and failure to perform the duties set forth herein. Notice of removal of office shall be delivered in writing to Magistrate following action by the Town Council. Magistrate may terminate this Agreement and resign her appointment as Presiding Magistrate upon 30 days' written notice to the Town Mayor and the Town Manager. In addition to the provisions set forth above, the Town may terminate this Agreement and cease installment payments hereunder if, during the term of this Agreement or any renewal(s) hereto, either the Judicial or Legislative Branch, or both, or the State of Arizona, modify, merge, or abolish the lower Court Judicial System so as to make performance of this Agreement by Magistrate impossible or impractical.

11. Professional Development.

11.1 Professional Associations. The Town agrees to budget for and to pay for Magistrate's expenses of professional and official travel, meetings, and occasions as necessary to continue her professional development and to adequately pursue necessary official functions for the Court; provided, however, that such expenses shall be approved in advance by the Town Manager or authorized designee and Magistrate promptly provides receipts thereof to the Town's Finance Department.

11.2 Continuing Education. The Town also agrees to budget for and to pay for Magistrate's expenses for continuing education courses, institutes, and seminars necessary for her professional development as a judge and the good of the Court.

12. Bonding. The Town shall bear the full cost of any fidelity or other bonds required of Magistrate under any law or ordinance.

13. Notices and Requests. Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if (i) delivered to the party at the address set forth below, (ii) deposited in the U.S. Mail, registered or certified, return receipt requested, to the address set forth below, or (iii) given to a recognized and reputable overnight delivery service, to the address set forth below:

If to the Town: Town of Chino Valley
 202 N. State Route 89
 Chino Valley, Arizona 86323
 Attn: Cindy Blackmore, Town Manager

With copy to: GUST ROSENFELD, P.L.C.
 One East Washington Street, Suite 1600

Phoenix, Arizona 85004-2553
Attn: Andrew J. McGuire

If to Magistrate: To the then-current address on file with the Town's Human Resources Department.

or at such other address, and to the attention of such other person or officer, as any party may designate in writing by notice duly given pursuant to this Section. Notices shall be deemed received (i) when delivered to the party, (ii) three business days after being placed in the U.S. Mail, properly addressed, with sufficient postage or (iii) the following business day after being given to a recognized overnight delivery service, with the person giving the notice paying all required charges and instructing the delivery service to deliver on the following business day. If a copy of a notice is also given to a party's counsel or other recipient, the provisions above governing the date on which a notice is deemed to have been received by a party shall mean and refer to the date on which the party, and not its counsel or other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

14. Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by the Town or Magistrate of the breach of any covenant of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or any other covenant or condition of this Agreement.

15. Attorneys' Fees. In the event either party finds it necessary to bring any action at law or other proceeding against the other party to enforce any of the terms, covenants or conditions hereof, or by reason of any breach or default hereunder, the party prevailing in such action or other proceeding shall be paid all reasonable costs and reasonable attorneys' fees by the other party and, in the event any judgment is secured by said prevailing party, all such costs and attorneys' fees shall be included therein, such fees to be set by the court and not by jury.

16. Headings. The descriptive headings of the sections of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

17. Time of the Essence. Time is of the essence in this Agreement.

18. Assignment. This Agreement may not be assigned, in whole or in part.

19. Entire Agreement. This Agreement constitutes the entire Agreement between the parties hereto pertaining to the subject matter hereof. All prior and contemporaneous agreements, representations, and understandings of the parties, oral or written, are hereby superseded and merged herein.

20. Amendment. No amendment or waiver of any provision in this Agreement will be binding (i) on the Town unless and until it has been approved by the Town Council and has become effective or (ii) on Magistrate unless and until it has been executed by Magistrate or her authorized representative.

21. Governing Law. This Agreement is entered into in Arizona and shall be construed and interpreted under the laws of the State of Arizona.

22. Severability. Every provision of this Agreement is and will be construed to be a separate and independent covenant. If any provision in this Agreement or the application of the same is, to any extent, found to be invalid or unenforceable, then the remainder of this Agreement or the application of that provision to circumstances other than those to which it is invalid or unenforceable, will not be affected by that invalidity or unenforceability. Each provision in this Agreement will be valid and will be enforced to the extent permitted by law, and the parties will negotiate in good faith for such amendments of this Agreement as may be necessary to achieve its intent, notwithstanding such invalidity or unenforceability.

23. Covenant of Good Faith. In exercising their rights and in performing their obligations pursuant to this Agreement, the parties will cooperate with one another in good faith to ensure the intent of this Agreement can be attained. The Town and its Town Council shall not unreasonably withhold appropriation authority to fund the salary, benefits, and other provisions of this Agreement.

24. Conflict of Interest. The Town may cancel this Agreement pursuant to ARIZ. REV. STAT. § 38-511.

25. Counsel Assistance; Fair Interpretation.

25.1 Counsel for Magistrate. Magistrate has either been assisted by counsel in connection with the preparation and execution of this Agreement or has chosen to forego such legal representation. Magistrate acknowledges that this Agreement constitutes written notice from the Town that it advises her to seek legal counsel before signing this Agreement.

25.2 Counsel for the Town. The Town has been assisted by counsel of its own choosing in connection with the preparation and execution of this Agreement.

25.3 Fair Interpretation. This Agreement shall be construed according to the fair meaning of its language. The rule of construction that ambiguities shall be resolved against the party who drafted a provision shall not be employed in interpreting this Agreement.

26. Records and Audit Rights. To ensure that Magistrate is complying with the warranty under Section 27 below, Magistrate's books, records, correspondence, accounting procedures and practices, and any other supporting evidence relating to this Agreement (all the foregoing hereinafter referred to as "Records") shall be open to inspection and subject to audit and/or reproduction during normal working hours by the Town, to the extent necessary to adequately permit (i) evaluation and verification of any invoices, payments or claims based on Magistrate's actual costs (including direct and indirect costs and overhead allocations) incurred, or units expended directly in the performance of work under this Agreement and (ii) evaluation of Magistrate's compliance with the Arizona employer sanctions laws referenced in Section 27 below. To the extent necessary for the Town to audit Records as set forth in this Section,

Magistrate hereby waives any rights to keep such Records confidential. For the purpose of evaluating or verifying such actual or claimed costs or units expended, the Town shall have access to said Records from the effective date of this Agreement for the duration of the work and until three years after the date of final payment by the Town to Magistrate pursuant to this Agreement. Magistrate shall provide the Town with adequate and appropriate workspace so that the Town can conduct audits in compliance with the provisions of this Section. The Town shall give Magistrate reasonable advance notice of intended audits.

27. E-verify Requirements. To the extent applicable under ARIZ. REV. STAT. § 41-4401, Magistrate warrants compliance with all federal immigration laws and regulations that relate to Town Court employees and compliance with the E-verify requirements under ARIZ. REV. STAT. § 23-214(A). Magistrate's failure to comply with such warranty shall be deemed a material breach of this Agreement and may result in the termination of this Agreement by the Town.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first set forth above.

TOWN OF CHINO VALLEY, ARIZONA

PRESIDING MAGISTRATE

Jack W. Miller, Mayor

Joan S. Dwyer, Presiding Magistrate

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. b.

Meeting Date: 06/22/2021
Contact Person: Erin Deskins, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Estimated length of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to appoint applicants to the Parks and Recreation Advisory Board, Roads and Streets Committee, Senior Center Advisory Board, Industrial Development Authority, and Municipal Property Corporation per recommendation of the Appointments Subcommittee and begin a recruitment process to fill the vacant alternate position on Planning and Zoning. (Erin Deskins, Town Clerk)

SITUATION & ANALYSIS:

The Council Appointments Subcommittee met on June 14 to review applications and make recommendations for the public bodies below. Based on their review of the applications, they and staff recommend the following appointments:

- Parks & Recreation Advisory Board - Donna Armstrong, Richard Coleman, Guy Roginson, and Laury Holt to 2-year terms of July 1, 2021 - June 30, 2023.
- Roads & Streets Committee - Dean Echols, Wayne Napier, and Ron Romley to 2-year terms of July 1, 2021 - June 30, 2023.
- Senior Center Advisory Board - Mary Johnson, Elaine Erb, and Christine Christy to 2-year terms of July 1, 2021 - June 30, 2023.
- Industrial Development Authority - Michael Ditta to 6-year term of July 1, 2021 - June 30, 2027.
- Municipal Property Corporation - Travis Bard, and Michael Ditta to 3-year terms of July 1, 2021 - June 30, 2024.

The Appointments Subcommittee recommends to Town Council to begin a recruitment process to fill the vacant alternate position on Planning and Zoning.

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. c.

Meeting Date: 06/22/2021

Contact Person: Erin Deskins, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type:

AGENDA ITEM TITLE:

Consideration and possible action to approve the May 11, 2021, regular meeting minutes. (Erin N. Deskins, Town Clerk)

RECOMMENDED ACTION:

Approve the May 11, 2021, regular meeting minutes.

Attachments

5-11-21 draft mins - corrected

DRAFT

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

**TUESDAY, MAY 11, 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 Cloyce Kelly; Councilmember Annie Perkins

Absent: Councilmember Lon Turner

Staff Town Manager Cindy Blackmore; Finance Director Joe Duffy; Human Resources Director Laura

Present: Kyriakakis; Community Services Director Scott Bruner; Assistant Engineer Steven Sullivan; Officer Dave McNally (Sergeant at Arms); Audio Video Technician Lawrence Digges; Town Clerk Erin Deskins (recorder)

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Presentation and update from Mackenzie Rodgers with Arizona Public Service (APS). (Cindy Blackmore, Town Manager)

Mackenzie Rodgers presented the following:

- APS had been serving Arizona for over 135 years and their top priority was to provide safe and reliable energy.
- Safety for their customers and the communities they served was the most important thing.
- Arizona had faced heightened wildfire risks due in part to more residential developments in forests and the continued buildout in the wildland-urban interface, in combination with climate disruption and changing forest structure.
- In coordination with first responders and forest management agencies, APS was working seasonally and year-round to support public safety, and had been working for years on fire risk reduction issues to protect customers, communities, and equipment.
- In the year 2020, Arizona had over 2,500 fires, which was 700 more than in 2019.

Yavapai County had 21% of those fires.

- Based on early numbers and what they had seen, there was a substantial increase in risk for 2021. From the start of 2020 through April, there had been 80 fires, in the current year of 2021, there had already been over 300 fires in that same time.
- Most fires were human caused, due to dragging chains or not putting out campfires in the forest. The fires can start or spread where APS has equipment, and they want to protect and ensure that customers had the resources they needed to protect their homes.
- The APS Fire Mitigation Plan was broken down into three areas:
 - Prevention
 - Mitigation
 - Response
- Prevention included maintaining and clearing right-of-way's and ensuring that fuels were mitigated around their infrastructure. APS also completed a pole-by-pole certified inspection of every distribution feeder in a cycle. In addition, each area had teams identified to control and correct any concerns in heavily vegetated areas, which covered over 4,400 miles across the State, with 1500 of that in Yavapai County. During the patrols, teams physically walked down each line and used drones, and UTV's to monitor the equipment. The defensible space around the poles was similar to the methods used to protect individual homes, which included clearing hazardous fuels around equipment and poles. These methods equated to faster restoration of services and safety for first responders and firefighters.
- Customer programs were available on their website, including information on safe vegetation that could be planted to shield the power lines that did not create a safety concern, safety tips for homeowners, and contact information to report any safety concerns.
- APS would send notifications, safety and fire wise tips through postcards and emails to all customers and businesses in high fire risk areas.
- Longer outages for customers were a result of increased operation's protocol. If a fault occurred on the line that caused the power to go out, before they restored power, they ensured first responders patrolled sections of the line with increased rigor. This often occurred at night and in difficult terrain, causing longer outages.
- Reliability was important, but safety of the communities and customers was prioritized above the reliability of services. They had installed thousands of fault indicators across the system and devices that allowed them to isolate customers directly affected by the fault and rerouted the power to other customers to get them back online sooner.
- Customer information could be found on their website or the app that included an outage map, or information could be sent through customer text alerts. Customers should report outages to help APS respond quicker. Safety measures were overviewed for customers.
- APS had a team of fire mitigation specialists that responded to local incident command in conjunction with the local fire agencies to protect the communities and had trained local support available 24 hours per day.

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.

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.

Councilmember Perkins reported:

- The National Law Enforcement Memorial Week was May 9-15th. She wanted to give a special shout out to the local Police Department for leaving the “Keeping watch when you can’t” cards on local businesses. Many businesses greatly appreciated the cards. Additionally, she thanked the officers who took time to play basketball with some local young adults.
- Thanked the Chino Valley Police Foundation and Hertz Donuts for their donut fundraiser, and meeting their goal of selling 100 dozen donuts. There was also a dodgeball tournament between 8th graders and the Police Department on May 13th.
- The 9/11 Memorial co-op group, with the Police Foundation and Parks and Recreation Department were able to lay the bricks over the past weekend. The Patriots Path was completed.

Councilmember Armstrong reported:

- Thanked the Town for the free dump day.

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

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 Cloyce Kelly to approve items (a), (b), and (c) as written.

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

6 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve the Cooperative Purchasing Agreement with Play it Safe Playgrounds And Park Equipment, Inc. in the amount not to exceed \$174,413.78, to remove and replace the Community Center playground equipment. (Scott Bruner, Community Services Director)
- b) Consideration and possible action to award a construction contract to Combs Construction Company, Inc. for the Rodeo Drive Improvement Project in the amount of \$1,580,910.10. (Steven Sullivan, Assistant Town Engineer)
- c) Consideration and possible action to approve the Old Home Manor Integrated Water Master Plan (IWMP) and Old Home Manor 5-Year Capital Improvement Plan (CIP). (Steven Sullivan, Assistant Town Engineer)

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 approve the Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officers Association. (Laura Kyriakakis, Human Resources Director)

Recommended Action: Approve the Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officer's Association.

Laura Kyriakakis presented the following:

- The recommended action for the item was to approve the Memorandum of Understanding (MOA) between the Town and the Chino Valley Police Officers Association (CVPOA).
- Per Town Code, the CVPOA had the right to meet and confer with Town Management on items such as benefits, wages, safety regulations and other working conditions.
- The Town received a proposal from CVPOA, and a meet and confer process occurred. Town Manager Blackmore and Ms. Kyriakakis met with the President of the CVPOA, Steve Sellers and the Vice- President Dave McNally in late March. They had submitted two areas for consideration. Town Management felt it could accommodate both requests on a Town wide employee level. The final action needed to come from Mayor and Council to approve the MOA.
- The requests were:
 - Provide performance increases for employees who were currently at or above the established maximum of their salary in their pay grade. The employees that had capped out in their pay range would be evaluated annually. Based on the evaluation and Council approval of the necessary budget, each year the capped out employees would be paid out in a lump sum supplemental payment that would be equivalent to the value of the employee's merit increase. It would be paid out at the same time as the annual merit increases were paid out in July. The supplemental payment would not increase their set annual wage, but it would give them a one-time payment equivalent that was equal to their merit

increase. It would be a benefit that was a pay for performance which was currently in place with the Town. They currently had one employee that could fall into that situation the next fiscal year (July 2022). The plan was to do a comp in class to ensure pay grades were set properly, addressing potential compression issues, and that the Town was paying a competitive wage to the Police Officers.

- o Increase standby pay for detectives from \$1 per hour to a flat \$250 per week. They had conducted an Arizona wide survey of like entities, and 15 entities responded. Based on the information, management agreed that the standby pay needed to be increased. Their recommendation was to increase the standby pay from \$1 to \$2 per hour in lieu of the \$250 per week. It was equivalent. The only reason for that recommendation was for ease of the administrative process through the payroll system. The projected cost for the standby pay would double from the previous year of \$13,174 to \$26,500 for the upcoming fiscal year.

Council and staff discussed the following:

- The performance increase for capped out employees would come before Council every year through the budget approval process.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Annie Perkins to approve the Memorandum of Understanding between the Town of Chino Valley and the Chino Valley Police Officers Association.

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

6 - 0 PASSED - Unanimously

7)

ADJOURNMENT

MOVED by Councilmember Eric Granillo, seconded by Councilmember Tom Armstrong to adjourn the meeting at 6:22 p.m.

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

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

Dated this _____ day of _____, 2021.

Erin N. Deskins, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. d.

Meeting Date: 06/22/2021

Contact Person: Erin Deskins, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type:

AGENDA ITEM TITLE:

Consideration and possible action to approve the May 18, 2021, study session minutes. (Erin N. Deskins, Town Clerk)

RECOMMENDED ACTION:

Approve the May 18, 2021, study session minutes.

Attachments

5-18-21 draft mins - corrected

DRAFT

MINUTES OF THE STUDY SESSION OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

TUESDAY, MAY 18, 2021
6:00 P.M.

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

1) CALL TO ORDER; ROLL CALL

Present: Mayor Jack Miller; Vice-Mayor Corey Mendoza; Councilmember Tom Armstrong (remotely); Councilmember Eric Granillo; Councilmember Cloyce Kelly; Councilmember Annie Perkins; Councilmember Lon Turner

Staff Present: Town Manager Cindy Blackmore; Administrative Services Director Joe Duffy; Human Resources Director Laura Kyriakakis; Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Lieutenant Josh McIntire (Sergeant at Arms); Audio/Visual Technician Lawrence Digges; Deputy Town Clerk Traci Lavelle (recorder)

Mayor Miller called the meeting to order at 6:04 p.m.

2) Presentation and discussion regarding the preliminary budget for Fiscal Year 2021/2022. (Joe Duffy, Administrative Services Director)

Cindy Blackmore presented the following:

- Staff would be presenting their recommended budget.
- Recognition was given to the staff for their hard work, with attention given to Finance Director Joe Duffy.
- Mr. Duffy and Mrs. Blackmore would be co-presenting the budget slides.
- Staff began the process by putting together the Council goals and priority list.
- All the priorities were not directly addressed through funding, but through work processes that staff would be implementing. Staff would explain the process during the presentation.

Council Goals and Priorities – Staff would focus their efforts in the following areas:

- Increased Planning Efforts
 - General Plan and Master Plan – These items were addressed in the budget.
- Infrastructure Needs
 - Roads – Reconstruction and Maintenance Work
 - Water and Sewer Systems – Expansion of the system.

- Treatment Plant – Plant upgrades and expansion.
- Improvement of Service Response Times
 - Customer Service Focus – This process had already started, and staff had their first training sessions, with focus on improving customer service. Staff already did a great job, but they could always take it to the next level to ensure customer needs were addressed. Training would continue throughout the year.
 - Evaluation of processes and ensuring expectations were set and communicated correctly for the staff.
- Update Code Enforcement Strategies
 - Ensure proper education was provided to staff and that the public was properly educated on the Town's rules and enforcement.
 - Consistency
 - Improve the Town's public image throughout the community.
- Quality of Life Issues
 - Focus on needs and special events in the community. Events included the 50th Year Anniversary and the Fourth of July celebration, both of which were reflected in the budget.
 - Dog Park Improvements – This had already begun and there was a budget item to keep the project moving forward.
 - Focus on Recreational Tourism and Entertainment – This included both community members and bringing in out-of-town visitors.

Joe Duffy presented the following:

- The Town Manager had extensive experience with a larger community that used a different budget process structure. Although staff knew that the Town would someday use that type of structural process, they believed now was a good time to begin.
- The format was changed to set the foundation for the community to grow going forward.
- The Town had already taken a large step forward. Revenues had increased and more projects were being done.
- The budget was formatted in such a way that it would be easier for management and Council to see the projects as they were being done, and to evaluate how well staff progressed in meeting the goals in completing budget items.

Structurally Balanced Budget – Staff was working at having a structurally balanced budget.

- A structurally balanced budget was one in which reoccurring revenues equaled or exceeded reoccurring expenses. The ongoing expenses should never exceed the revenue.
- All funds would be balanced structurally.
- There were four primary funds in the existing budget format.
 - General Fund and a subcategory for Capital Improvement Plan (CIP).
 - HURF
 - Water
 - Sewer
- The CIP had been funded by using 1% of the sales tax revenue and that was the money used to do the capital projects.
- The capital projects for the other funds were not separated into a subcategory. A Capital Improvement Plan was now added to each of those funds and would be reflected as follows:
 - **HURF** – Ongoing operating expenses such as personnel, travel, office supplies, etc.

- **HURF CIP** – Money from HURF would be moved to the CIP fund for major capital projects such as road projects.
- **Water**
- **Water CIP**
- **Sewer**
- **Sewer CIP**
- **Capital Asset Replacement Fund** – This fund, as required by Town Resolution, was for one time revenue funds for such things as insurance dividends, sales tax audit proceeds, etc. The funds were used to buy equipment. This year the funds would be used for various vehicles.

New Budget Process and Department Budget Requests

- A significant amount of money in each budget cycle was spent on the same items: personnel, electricity, gas, general supplies, travel, etc. These costs were consistent, and the cost did not change significantly. Staff was instructed to put in a budget request for an increase for those items if it was needed, which would become part of the proposed budget requests that Council would consider during the budget cycle review.
- Staff proposed budget requests also included any one time items and personnel changes.
- The Proposed Budget Requests were highlighted into two categories: Additional Personnel Expenses, One Time Expenses and any other new expenditures.
- To submit a budget request, staff was required to fill out a form, provide justification for their request and then meet with staff to discuss the request. Not all budget requests were approved. The only requests approved were those that staff thought were within the budget and that were top priorities.

Budget Highlights for 2021/2022

- The Town budget would be increasing from \$24,000,000 to \$41,000,000 for the upcoming year. The largest budget in the Town's history.
- Revenues had increased from \$22,000,000 to \$36,000,000. The revenue was the source of all Town's funds. This was a projected increase of \$14,000,000.
 - **General Fund -Sales Tax Revenues** – Increased by approximately \$1.3 million.
 - **General Fund - State Revenue Sharing** – Increased by approximately \$250,000
 - **General Fund - Capital Improvement Funds** – Included \$7 million for the police department, which was overfunded to account for possible additional construction costs.
 - **General Fund - Capital Improvement Sales Tax Funds** – Increased by \$619,000
 - **American Rescue Plan** – \$1.5 million would be coming to the Town before the end of June 2021, and the same amount would come to the Town in 2022, for nearly \$3 million
 - **Water Enterprise** - An allocation of \$2 million dollars was added for Old Home Manor (OHM) sales.
 - **Sewer Enterprise** – Included WIFA Reserves and a transfer from the Sewer Fund \$479,000
 - **Other** – A combination of other revenues \$400,000
- These funds accounted for the funding to increase the Town's budget.
- Due to Covid, the Town shut down and did very little because of not knowing the impact of circumstances. The Town ended up with \$7,884,000 in the Fund Balance, meaning the Town started the year with \$1.8 million more than was anticipated.

- Due to the Town expenditures being less than expected and revenues being higher than expected, the Town was approximately \$4 million ahead of where they thought they would be one year ago.
- In the upcoming budget, the Town was expected to spend less than they would be bringing in, but they would still be \$3 million ahead of where they anticipated they would be last year at the same time.
- The Town needed to spend some of that money and reduce the Fund Balance because it was three times what it needed to be. That money would be used to do many projects.
- Staff shared a graph showing the structurally balanced budget, showing ongoing revenues, one time revenues, fund balance less revenue, reserves, ongoing expenditures, and one time expenditures.
- The proposed budget was still operating under the same conservative revenue estimating basis that staff has used since 2012. The Town could afford everything being proposed.

New Positions

- Police Officer would go from part-time to full time, with the ability to hire an additional officer due to high turnover.
- Animal Control Specialist moving from part-time to full time.
- Parks Maintenance Worker
- Management Analyst and Project Manager for Public Works
- Two Roads Maintenance Positions
- Water/Wastewater Utility Technician
- There had been more requests, but staff wanted to slowly add positions each fiscal year.

Budget Highlights

- Building Inspector Contract in an as needed basis – for several large commercial structures under development.
- MIS Training Specialist – The Town had many new software packages that staff had not been adequately trained to use.
- GIS Professional Services
- Fiber and Server Replacement on the North Campus
- Town Hall Landscaping and Maintenance – To include new paint, carpet, and other maintenance work. Landscaping would include work on the front and side of the building. Staff thought it was important that the Town set the example with their properties when asking community members to properly maintain their own properties.
- Pool re-plaster and new cover – This rollout cover would allow the pool to be covered in the winter and prevent the growth of algae. The pool re-plaster had been budgeted for the current year but had been postponed.
- Playground Equipment – Approved in the previous budget but would not be delivered until after the new fiscal year.
- Dog Park Gazebo/Other – This protected the animals and people from heat.
- Nine Hole Frisbee Course
- Park Maintenance Equipment – Town had been trying to upgrade equipment for the last few years.
- Street Maintenance Equipment – pressure washers, chipper, plow, etc.
- Increased Operating Water/Wastewater – The increase was primarily wastewater because the budget had been cutback several times, and they always went over budget. Staff was trying to find the appropriate budget for the Department.
- Police Building

- General Plan and Utility Master Plan
- Water Resources and Drainage Projects
- Welcome to Chino Valley Signs – Staff explained the location was to be decided, and new developments may require the existing sign to be moved. There were also discussions about improving the sign located at Road 4 North. The signs had not been designed yet.
- Staff explained how the project funds would be transferred and the fund transfer accounts.

Budget Highlights – Roads

- Rodeo Drive at OHM \$1,600,000 – This contract had been approved by Council
- Road 2 North \$700,000 – Staff was hoping much of the work would be completed before the end of the fiscal year, but the funds could be carried over.
- Road 4 ½ N. Reed Rd to N Rd 1 W. \$1,205,000 – Included Road 1 South and 2 South that had been adopted by the Roads Committee.
- E. Perkinsville Rd from SR 89 to Rd 1 E. \$500,000 – May use OHM land sale funds.
- Reconstruct Local Streets \$250,000 – Staff thought it was important to show the community that the smaller streets matter as well. The local streets would be addressed as the budget permitted.
- Other \$100,000 – This included the roads yard and fencing and Road 1 East from Fletcher Court to Road 3 South.

Budget Highlights – Water Fund

- New Fill Station East Side, similar to the one next to Walgreens
- OHM Capital Projects - \$2,000,000
- 16" Water Main on Perkinsville/89 to Rd 1 East \$250,000
- Head Start Water Main Extension \$55,000
- Staff explained the funding list for roads, water and sewer, the Perkinsville Road 89 to Road 1 East project was built as one project, so the work could be done together to minimize the funding and work.

Budget Highlights – Sewer Fund

- New Building, aprons/fence/equipment \$100,000
- EQ Basin Engineering \$100,000
- Repair Air Lines \$200,000
- RotoMat Repair \$70,000
- Screw Press \$242,500
- Lift station Crane \$75,000
- 12" Sewer Main on Perkinsville/89 Other \$250,000
- All the sewer projects were recommendations from the staff. Staff was falling behind on getting some projects accomplished. If the Town did not put resources into these projects, it would cost more money in the long run and put the plant in danger of not being used for what it was initially built for because of the changes taken place over time. These projects had been previously approved but if the funds were not spent by the end of the fiscal year, then the projects needed to be re-budgeted.

American Rescue Plan

- The Town was anticipating receiving \$2.9 million dollars by the end of fiscal year 2021/2022, split between the current and next fiscal year.
- The Town's funding would need to go to water, sewer, and infrastructure. It included improving access to clean drinking water, supporting vital wastewater and storm water infrastructure, and expanding access to broadband internet.
- The Town had a lot of choices on where they could spend those funds.

Council and staff discussed the following:

- Town would be utilizing plans that had already been paid for on some highlighted projects. There was no engineering included in any of the costs for the projects listed.
- The Police Building listed under General Capital Funds indicated the loan funds that Town would need to construct the building. The amount was to be determined by Council. The only proposed item in the budget that would utilize a loan was the Police Building.
- Staff explained that any funds not spent would flow over to the next fiscal year.
- The fill station's location was to be determined, but staff thought it may need to be located at OHM because that was the only place Town had good resources. The Utility Committee could help determine a good location. It was needed because there would be some development near the existing fill station, and it would need to be relocated. Also, if the fill station went down, the Town needed another one for people that needed water. It provided the necessary redundancy. The Town owned wells located at Sycamore Vista and Road 2 North. Town would need to check with ADWR about using the site for a second fill station location. There could be some water rights requirements or other requirements necessary for the Town to use it.
- Old Home Manor money for property sales was difficult to count as actual revenue. Staff explained that although nothing had been sold, if Council wanted to fund future projects using possible sale proceeds, they could not use them if they were not specifically put in the budget. It was considered a placeholder and if it did not come to fruition, then those funds would not be spent. It was up to Council's discretion what those funds would be used for or how those projects could be funded if not by using OHM funding.
- The American Recovery Funds stipulations had changed. With the Cares Act funding, they were able to use it for the Police Department officers until the money was used up. This freed up money in the General Fund, which was transferred to the HURF fund to do road projects. So far, the criteria for the current recovery funds only allowed the Town to use the money for water and sewer.
- New pickleball courts would not be in the upcoming budget, but in the fiscal year after that (2022/2023).
- The playground equipment was being replaced because the current equipment was unsafe.
- The Capital Asset Replacement would include one patrol car, one administrative car and one evidence van. It also included a new building department Escape, and recreation F150. The Town would be ordering two patrol cars because production was 9 months behind.
- The fund balance would end the fiscal year with approximately \$250,000.
- There were no firm costs on the Police Department Building. Once the bidding was complete with contractors bid, the prices were firm and could not be changed unless there was some unseen condition, which would be modified by a change order. There could be flex put into the bid, but it would be up to the architect.
- If an unforeseen event happened, the Council did not have to do the projects.
- The next meeting would have the tentative budget.

3) ADJOURNMENT

Mayor Miller adjourned the meeting at 7:02 p.m.

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

Dated this _____ day of _____, 2021.

Erin N. Deskins, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. e.

Meeting Date: 06/22/2021

Contact Person: Erin Deskins, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type:

AGENDA ITEM TITLE:

Consideration and possible action to approve the May 25, 2021, regular meeting minutes. (Erin N. Deskins, Town Clerk)

RECOMMENDED ACTION:

Approve the May 25, 2021, regular meeting minutes.

Attachments

5-25-21 draft mins-corrected

DRAFT

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

TUESDAY, MAY 25, 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 Cloyce Kelly; Councilmember Annie Perkins;
Councilmember Lon Turner

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire (remotely); Administrative
Services Director Joe Duffy; Human Resources Director Laura Kyriakakis; Public Works
Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Senior
Planner Will Dingee; Economic Development/Project Manager Maggie Tidaback; Officer Steve
Jones (Sergeant at Arms); Audio/Visual Technician Lawrence Digges; Deputy Town Clerk Traci
Lavelle (recorder); Town Clerk Erin N. Deskins (recorder)

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

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.

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 the following:

- The June 8th Council meeting was cancelled.

Councilmembers Perkins and Kelly congratulated the Chino Valley High School Graduates.

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

Cindy Blackmore reported on the following:

- The customer service initiative had started, and it was going well, with great staff participation and input.
- The pool would open on May 29th.
- Town offices would be closed in observance of Memorial Day on May 31st.

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.

Mayor Miller stated that an error was found on the April 27, 2021, minutes Item 6(b), in which he recused himself and should not have been listed as a voting member.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Cloyce Kelly to approve items (a), (b), (c), and item (d) with the amended changes as stated by Mayor Miller.

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

7 - 0 PASSED - Unanimously

- a) Consideration and possible action to adopt Resolution No. 2021-1186 authorizing the use \$300,000 out of the Town's General Fund Contingency Account to reduce the Public Safety Personnel Retirement System (PSPRS) unfunded liability amount. (Joe Duffy, Administrative Services Director)

- b) Consideration and possible action to adopt Resolution No. 2021-1182, approving the proposed statements and estimates of expenses of the Town of Chino Valley Street Lighting Improvement Districts for fiscal year 2021/2022. (Joe Duffy, Administrative Services Director)
- c) Consideration and possible action to approve the April 20, 2021, study session minutes. (Erin N. Deskins, Town Clerk)
- d) Consideration and possible action to approve the April 27, 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.

Mayor Miller stated the schedule would change to move Item 6(f) to be heard first.

- a) Consideration and possible action to adopt Resolution No. 2021-1181, approving a Tentative Budget for the fiscal year 2021-2022 and proposed expenditure limitation for the same year, in the amount of \$41,300,000 and setting a public hearing date of June 22, 2021, on the tentative budget and adoption of the final budget. (Joe Duffy, Administrative Services Director)

Recommended Action: Adopt Resolution No. 2021-1181, approving a Tentative Budget and proposed expenditure limitation for FY 2021-2022, in the amount of \$41,300,000 and setting June 22, 2021, as the date for the public hearing on the tentative budget and for adoption of the final budget for FY 2021-2022.

(This item was heard after item 6(f) but is retained here for clarity.)

Joe Duffy presented the following:

- The budget helps to meet some of Council's goals and priorities by increasing planning efforts, focusing on roads, water, and sewer treatment plant infrastructure, improving service response times and customer service, updating code enforcement strategies, better education, improving the Town's public image, and continuing the quality of life through special events, recreation, and tourism.
- They would be adopting a tentative budget.
- The budget would be on the Town's website and published in the paper twice.
- The final budget would be adopted on June 22, 2021. State law required that a tentative budget be adopted on or before the third Monday of each July.
- The tentative budget set the upper amount that the Town could spend, which meant the final budget could not be higher than the tentative budget, but changes could be made and a lower budget could be approved.
- The proposed budget increased from last year's budget of \$24 million to \$41 million. The increase in expenditures was partly due to increase in the Town's revenue. Through the pandemic, they significantly cut expenses, and ended the last two fiscal years better

than was anticipated. The State Shared Revenues ended up increasing instead of decreasing. These situations allowed the Town to do more in the upcoming fiscal year than in prior years. The Town also received federal funding, and they would be borrowing money for the Police building.

- Projects included: Roads, water, sewer, two police vehicle, evidence van and administrative car, playground upgrade, new cover and replaster for the pool, and new employees for the Roads Department, Parks Department, Utility Department, Public Works Department, and Police Department. The General Plan and Utility Master Plan would be updated. There would be water resources and drainage projects and a welcome to Chino Valley sign.
- The big project was the Police Department Building, which had a \$7 million budget, but staff was hoping it would come in below the budgeted amount.
- The Roads Capital Improvement Plan included Rodeo Drive at Old Home Manor (OHM), Road 2 North, and various other road and local road projects.
- The Sewer Capital Improvement Plan included finishing the building and additional equipment. The engineering would begin for the equalization basin, which was the first step on expanding the facility. Several repairs would be funded through the WIFA reserve funds. A lift station crane and possibly a 12-inch sewer line on Perkinsville to State Route 89.
- The Town had received nearly \$3 million from the American Rescue Plan, but it had not yet been allocated for any projects. The funding could be used on water and sewer infrastructure projects. It had been budgeted for use, but the specific projects would be determined at a later time.
- Staff was recommending approving the Town budget for fiscal year 2021/2022 for \$41,300,000.

Council and staff discussed the following:

- The American Rescue Plan funding had not been received, but staff had been notified that it was coming. There were no clear guidelines on its use yet.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Annie Perkins to adopt Resolution No. 2021-1181, approving a Tentative Budget and proposed expenditure limitation for the fiscal year 2021-2022 in the amount of \$41,300,000 and setting June 22, 2021, as the date for the public hearing, on the tentative budget and adoption of the final budget for the year 2021/2022.

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

7 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve the Park View at Bright Star Preliminary Plat to subdivide approximately 3.72 acres of real property into 31 lots developed over a single phase. (Will Dingee, Planner)

Recommended Action: Approve the Park View at Bright Star Preliminary Plat to subdivide approximately 3.72 acres of real property into 31 lots developed over a single phase.

Will Dingee presented the following:

- The location of the property and surrounding properties were reviewed.
- The two properties totaled approximately 3.712 acres, and they were currently vacant.
- Access to the properties were from Meridian Parkway or Galileo Court.
- The General Plan called for Medium Density Residential 2 acres or less.
- The properties were zoned Multi-Family Commercial with a Planned Area Development (PAD).
- The properties entitlements were defined through the PAD, which was adopted in late 2000.
- The land use map denotes the property as residential tracts, and the Master Plan called for the central area of the development to be single or cluster units.
- The proposed subdivision conformed with the adopted PAD for the subdivision.
- The preliminary plat for Park View consisted of 31 lots with an average lot size of 2,248 square feet, with a density of 8.3 units per acre.
- There would be 1.65 acres of open space proposed.
- The lots would be accessed through a one-way private drive, with sidewalks on either side.
- The proposal met all requirements of Section 5.2.3 of the Unified Development Ordinance (UDO).
- The development would hook to Town water and sewer.
- Staff had found no outstanding issues with the plat. If approved by Council, it would go through the technical review process and come back to Council for the final plat approval.
- It was heard by the Planning & Zoning Commission on May 4th under the current configuration. The Commission commended the developer for the changes incorporated to the proposal. The applicant informed the Commission that he had a neighborhood meeting, and it had been positively received. The Commission voted unanimously in favor and to forward a recommendation of approval to Council.
- Staff and the Planning & Zoning Commission recommended approval of the preliminary plat

Council and staff discussed the following:

- The driveways would not be backing out onto Meridian Parkway.
- The mailboxes were on the alley and would not create any issues with traffic.

Public Comment:

- Randy Odum – Questioned where the sidewalks would be located. He was concerned that there was no sidewalk on either Galileo or Meridian and children would need to ride in the street to go to the park. There was some sidewalk that had been started 20 years ago but never finished. Staff explained the Bright Star Agreement and PAD allowed for no sidewalks within the development.
- Dean Schlarbaum – He noticed there was no mention that the housing was very dense and very close together. He questioned if this was okay with Council that older developments had large lots of an acre or more and newer development lots were much smaller and closer together. Members and staff explained that the General Plan designated all residential areas as medium density residential 2 acres or less. Any developer that had a desire to develop their land that proposed SR-0.16 was consistent with the General Plan. Staff recommended creating multiple areas with very low density, low density, medium density and high density in future General Plans. The PAD for the development pre-dated the General Plan and the entitlements were granted in 2002. The General Plan was required to be reviewed, amended or re-written every 10 years. It then

went to the Planning Commission and Council for hearings and votes and then went to referendum for a vote.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Annie Perkins to approve the Park View at Bright Star Preliminary Plat to subdivide approximately 3.72 acres of real property into 31 lots developed over a single phase.

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

NAY: Councilmember Eric Granillo, Councilmember Cloyce Kelly

5 - 2 PASSED

- c) Consideration and possible action to approve the Heritage Pointe Final Plat Phase 2, 3 and 4 to subdivide approximately 62 acres into 55 lots with an average lot size of 1.02 acres developed over three (3) separate phases. (Will Dingee, Planner)

Recommended Action: Approve the Heritage Pointe Final Plat Phase 2, 3 and 4 to subdivide approximately 62 acres into 55 lots with an average lot size of 1.02 acres developed over three (3) separate phases.

Will Dingee presented the following:

- This was to approve the final plat, phases two through four of the 62 acre Heritage Pointe subdivision.
- The location of the property and the surrounding properties were reviewed.
- The project preliminary plat was approved in September 2019 and Phase 1 of the final plat was approved in December 2019. In March 2021, the Town issued grading and civil improvement permits for Phase 1.
- Phase 2 was 25 acres with 20 lots, Phase 3 was approximately 22 acres with 20 lots, and Phase 4 consisted of 15 acres and 15 lots.
- The final plat met all the requirements set forth by 5.2.4 of the UDO.
- Access was through West Road 4 North.
- The development would utilize onsite wells and septic systems.
- Staff found no issues with the final plat.
- The item went to Planning and Zoning on May 4, 2021, and there were no questions asked of staff. The applicant provided a status update on Phase 1.
- The Commission voted 4-0 in favor of forwarding a recommendation of approval.
- Staff and the Planning Commission recommended approval.

Council and staff discussed the following:

- A Member understood that Arizona Department of Water Resources had approved the wells, but they were displeased with the decision at allowing an additional 100 wells being approved.
- The primary access point was West Road 4 North and Talia Way was a secondary access point.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Annie Perkins to approve the Heritage Pointe Final Plat Phase 2, 3 and 4 to subdivide approximately 62 acres into 55 lots with an average lot size of 1.02 acres developed over three (3) separate phases.

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

NAY: Councilmember Tom Armstrong, Councilmember Cloyce Kelly

5 - 2 PASSED

- d) Consideration and possible action to adopt ORD No. 2021-900 to rezone approximately 11.94 acres of real property located at the northwest and southwest corners of the intersection of East Road 4 ½ south and South Road 1 East from the CL (Commercial Light) zoning district to CH (Commercial Heavy) zoning district in order to further develop the property. (Will Dingee, Planner)

Recommended Action: Adopt ORD No. 2021-900 to rezone approximately 11.94 acres of real property located at the northwest and southwest corners of the intersection of East Road 4 ½ south and South Road 1 East from the CL (Commercial Light) zoning district to CH (Commercial Heavy) zoning district in order to further develop the property.

Will Dingee presented the following:

- The request was to rezone property from Commercial Light to Commercial Heavy in order to develop an RV Park.
- The property location and surrounding properties were reviewed.
- The General Plan Land Use Designation was commercial and multi-Family, which was the same for surrounding properties to the west, south and north. The east property was state land that was designated as a future growth area and two community core areas to the north and south.
- The requested zoning conformed with the General Plan and general area. It was also located off site of the highway, so it is better as a heavier commercial use.
- The neighborhood meeting was April 21, 2021, and one neighbor attended and questioned if water and sewer were available. The proposal was for an upscale RV Park and there were no utilities available to the site, so the applicant was proposing onsite well and septic.
- The Planning and Zoning Commission considered the item on May 4th. One neighbor favored the rezoning but thought the sidewalk was not necessary for the area. Four members spoke against the proposal due to concerns with the water table and traffic that would be generated.
- The Commission voted 6-0 in favor of forwarding a recommendation of approval
- Staff and the Commission forwarded a recommendation of approval with the following stipulations:
 - Right-of-Way dedication and street improvements be made on East Road 4 ½ South and South Road 1 East.

Council, applicant Keith Hughes and staff discussed the following:

- Commercial heavy allowed for all the uses in commercial light and heavier uses such as contractors yards, light manufacturing, RV Parks with 26 or more units and other heavier uses that fell between light commercial and industrial. Staff reviewed the allowed uses.

- The rezone would not be tied to the owner and would be open to future owners.
- The surrounding area businesses were reviewed.
- The Town had no utilities in the area. Prescott had water in the area, but the applicant had old wells onsite that may be used if the State allowed.
- There was no plat associated with the application. The RV spots would be on one parcel with spaces.
- Site plan would be handled through the site plan review process and a technical review. The Council would not see this application again.
- If the RV Park did not go in, the property could be used for any commercial heavy use. There were no stipulations requiring the property be used specifically as an RV Park. A PAD would allow the Town to restrict the uses. The intention of the park was to be available to the traveling public.
- The RV park would mostly be short term stays by the week. He would provide daily, weekly, and monthly uses.
- They had 7 acres and were anticipating 90 unit spaces. The spots would be larger than other RV parks, and they were considering this a luxury park. They would not be allowing any RVs older than 10 or 15 years old. The applicant did not feel 90 units was high density for the size of the lot.
- They were also wanting to do RV storage, with covered storage for larger RV's and also regular storage units. The applicant felt the RV Park and storage were consistent with the surrounding businesses.
- There were two entrances to the property.
- The commercial heavy allowed for RV spaces of 26 units or more.
- Members asked for the rezoning request to come back with a PAD attached.
- The business would be privately owned and not a franchise.
- Most RV Parks had guidelines, and they could mandate what they wanted for their private parks.
- The applicant wanted to get the RV Park developed immediately.
- Staff suggested working with the attorney to add the PAD through the current rezoning process, so it would not be delayed. The Attorney stated that the PAD was a Council judgement call. He explained that the PAD overlay was a more restrictive zoning category over a less intensive use. It would have more constraints over the property than usual. They were usually sent back through the process, so the public knew what was going on. It did not change the nature of what was in front of them. The preference would be that the Planning and Zoning Commission look at it as an overlay and then have it come back to Council. They could allow for an abbreviated process and not require the applicant to go through the entire re-application process. Staff over viewed the PAD Overlay process for the applicant. The Attorney explained that typically a PAD had a narrative and site plan, and it would spell out all the restrictions, therefore it would be better to have it submitted to the Planning and Zoning Commission. Staff explained the applicant would need to provide a conceptual development plan for the proposal and a narrative that provided space information, landscaping, etc. It also provided the Town flexibility in their requirements.
- Staff was unsure how long it would take for the applicant to hire an engineer for the plans and get it submitted back to Planning and Zoning. Staff would look at how Council and Planning meetings could be scheduled to speed up the process.
- The applicant stated he could not start the project until he had the appropriate zone change because of the large expense. The applicant questioned what detriment a Commercial Heavy zone would be to that area. Council stated that since it was an area just coming into Town, they would love to see an RV Park but not a contractor's yard. The applicant stated if the Council could assure him they would approve the zone change with a PAD overlay, he would be comfortable spending the money and moving forward.

Council liked the idea and the area for the proposed development.

- Staff explained when making a motion, if a project, rezone, conditional use, etc. was denied, the applicant had to wait at least one year before resubmittal. The Attorney thought the best way to handle a motion, was to refer it back to the Planning and Zoning Commission for review.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Lon Turner to send this item back to Planning and Zoning Commission for further discussion.

John Buss questioned if he could make a comment on the zoning change request. Council and staff stated that he needed to wait until the next meeting or attend the Planning and Zoning Commission meeting to share his comments.

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

7 - 0 PASSED - Unanimously

- e) Consideration and possible action to adopt ORD No. 2021-901 to rezone approximately 5 acres of real property located approximately 650 feet east of the intersection of South Road 1 east and Easy Street with a physical address of 1155 Easy Street from AR-5 (Agricultural Residential 5 acre minimum) zoning district to SR-1.6 (Single Family Residential 1.6 acre minimum) zoning district in order to further subdivide the property. (Will Dingee, Planner)

Recommended Action: Adopt ORD No. 2021-901 to rezone approximately 5 acres of real property located approximately 650 feet east of the intersection of South Road 1 east and Easy Street with a physical address of 1155 Easy Street from AR-5 (Agricultural Residential 5 acre minimum) zoning district to SR-1.6 (Single Family Residential 1.6 acre minimum) zoning district in order to further subdivide the property.

Will Dingee presented the following:

- The application was a request for a rezone in order further subdivide the five acre property.
- The property location and the surrounding property were reviewed.
- The property was being used as a single family residence.
- The General Plan Land Use Designation for the property and surrounding property was Medium Density Residential 2 acres or less. The requested single family 1.6 acres zoning request was consistent with the General Plan.
- The property and surrounding property were predominantly 5 acre minimum, but there were other zones surrounding the property, which staff reviewed.
- The neighborhood meeting was held on April 28, 2021, and one property owner attended who questioned the number of lots, and if there were road improvements required. Staff explained the applicant had proposed three lots and there were road improvements required.
- The application was sent the Planning and Zoning Commission on May 4, 2021, and there were no questions from the Commission or the public. The vote was 6-0 in favor of recommending approval.
- Staff and the Planning and Zoning Commission recommended approval with the

following stipulations:

- Dedication of Right-of-Way and road improvements be made on Road 1 East.
- Road surfacing improvements be made on Easy Street.
- Legal access on Easy street to accommodate new owners of the created parcels.

Council and staff discussed the following:

- Easy Street was a designated private road and would remain the same. Private roads had standards and would need improvements.
- The three lots would be 1.6 acres or greater.
- The applicants neighbor has discussed doing a similar project in the future.

Public Comment:

- Dean Schlarbaum – Questioned if water and sewer would be provided by the Town or if it would be private septic and well. Staff explained the properties would be on well and septic. The Town sewer fell outside the required connection area.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Cloyce Kelly to adopt ORD No. 2021-901 to rezone approximately 5 acres of real property located approximately 650 feet east of the intersection of South Road 1 East and Easy Street with a physical address of 1155 Easy Street from AR-5 (Agricultural Residential 5 acre minimum) zoning district to SR-1.6 (Single Family Residential 1.6 acre minimum) zoning district in order to further subdivide the property.

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

7 - 0 PASSED - Unanimously

- f) Consideration and possible discussion to provide direction to Town Staff regarding the Argonauts Airsoft Arena wishing to locate on Public Land at Old Home Manor. (Will Dingee, Planner)

Recommended Action: Provide direction to Town Staff to allow or not allow this use on Public Land.

Council heard this item before 6(a), but is retained here for clarity.

Joshua Cook presented the following:

- The Town had received a request to use public land for a private purpose by creating an Argonauts Airsoft Arena.
- The property location was off Perkinsville Road on the Town owned Mud Run course.
- Town Code defined public land uses as allowing government uses that were necessary to serve the public in particular locations in the Town, and to distinguish them from private uses. But Item 8 in the list of uses allowed for other uses as approved by Town Council.
- In staff discussions with the Town Attorney, it was determined that this use needed to be discussed and a Council decision made to allow that type of use on public land.
- There had been no license agreement created to date.

Council and staff discussed the following:

- It was questioned how this use was different from the model aviators and the shooting range, who both used public lands. Staff explained that they were not aware of how the model aviators were able to use the public land because it pre-dated his time with the Town. The shooting range was still owned by the Town, but they had contracted with a private contractor to run the Town owned shooting range. This was monitored by a license agreement. The Airsoft license would be like that license, but not as expensive.

Maggie Tidaback presented the following:

- This had been an ongoing process for almost six months.
- The recreation staff was thanked for their continued communication with the company and keeping the process going forward.
- The airsoft presentation had already been given to the Economic Development Subcommittee and it had been so good that they decided to have the Council see it as well.
- Airsoft was very popular and this would be the only Northern Arizona Airsoft field.
- Crystal, Wyatt and Guss Patton, owners of Ichor Airsoft, LLC., were introduced to Council.

Crystal, Wyatt, and Guss Patton of Ichor Airsoft, LLC presented the following:

- Ichor Airsoft was previously The Airsoft Store in Prescott Valley, which was owned by a relative that retired in September 2020, when they took over the business.
- Airsoft was a sport of honor in which players would shoot each other. It was like paintball but less painful and less messy. The airsoft gunshot only 6 mm plastic bb's, and they only used and sold biodegradable ammunition made from renewable resources. It broke down within two to three months in rain or sun. It was also not harmful if ingested by animals
- The airsoft gun was powered by rechargeable batteries, CO2, green gas or springs and none of the guns produced sparks. There was also no way for the airsoft gun to be modified to shoot real bullets. Airsoft guns did not shoot further than 200-250 feet, and at that distance the force of the bb was negligible.
- There currently was no specified airsoft field anywhere in the Quad-Cities. They had been using public lands to get away from non-players.
- Ichor wanted to take the sport to the next level by opening an airsoft field, which would be a year-round location for both adults and youth.
- The Mud Run site had been suggested and would be ideal for the sport.
- Ichor would maintain the land year-round by controlling weeds, scaring away wildlife and safeguarding the existing trees. They would close the airsoft course the weekend of the Mud Run, and the event course would take less work to prepare for the event with the Ichor maintaining the grounds.
- The hours of operation would be Saturday's and Sunday's 11:00 a.m. to 5:00 p.m. September through May and Fridays and Saturdays from 4:00 p.m. to 10:00 p.m. in June through August. The change in hours allowed for players and employees to get out of the heat.
- They would also have a field dedicated to Nerf games, providing a place for families with younger children to come and enjoy the camaraderie of battle.
- They anticipated the draw for players from across the state.
- For the Covid pandemic, the nature of the game provided a natural social distance because players did not want to be too close to one another and face coverings were standard procedure.

- The projected number of players per day was 50 to 75 people or higher.
- An outline of the course was shared with members, and the location of game barriers was explained. All props were made from recycled material and could be moved easily.
- Their fees would be low, so the sport was available to everyone. The fields would be manned with staff members to outline the game scenario and ensure safety and welfare for all players. The Nerf field would be unmanned, and players had to pick up the darts at the end of their playing time.
- The projected financial blueprint showed they could operate with all necessary safety protocols, liability insurance, employees, rentals, and merchandise sales.
- The construction timeline ran for over eight-weeks, but they would still need to run their store during that time. They were prepared to start working on the field immediately.

Council, the Patton's, and staff discussed the following:

- This would be their only site for the Airsoft field.
- They would continue having their business location in Prescott Valley.
- They would get their business license in Town to sell merchandise at the field.
- Airsoft would be open every weekend that the Town did not need to use the land. Staff explained that in the license agreement, there would be language that allowed the Town to use the land.
- They hoped to entice the local police departments to come and play with the kids.
- The logo "Make Them Bleed", was focused on the business name of Ichor. Ichor meant the blood of the gods, and the gods bled gold. Ichor tied into the Greek philosophy of making them bleed gold, which sounded aggressive, and the kids loved it.
- Airsoft was little bb's with no paint. Players relied on the honor system to report when they had been hit.
- They would be maintaining the field and would help reduce staff hours getting the Mud Run course ready for their annual event.
- Staff wanted the Town Attorney to direct the Council in the proper way to approve the use of the Public Lands. The approval of Council would be necessary at a later date for the license agreement.
- The Town Attorney specified that the Council should make a motion that it was proper use of the property and staff and the attorney would work on a license agreement to bring back to Council.

MOVED by Vice-Mayor Corey Mendoza, seconded by Councilmember Annie Perkins to provide direction to Town staff to allow this use on public land, and move forward with a license agreement to bring back at a later date.

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

7 - 0 PASSED - Unanimously

7) **ADJOURNMENT**

MOVED by Councilmember Lon Turner, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 7:13 p.m.

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

7 - 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 _____ day of _____, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2021.

Erin N. Deskins, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. a.

Meeting Date: 06/22/2021
Contact Person: Maggie Tidaback, Economic Development Project Manager
 Phone: 928-636-2646 x-1201
Department: Town Manager
Estimated length of staff presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve the Accountability Contract with the Chamber of Commerce.(Maggie Tidaback, Economic Development Project Manager)

RECOMMENDED ACTION:

Approve the Chamber of Commerce accountability contract.

SITUATION AND ANALYSIS:

Last year, the Chamber of Commerce entered into the 5th year of the contract renewal period. The new contract will be from July 1, 2021 until June 30, 2022, with automatic renewal each year for up to five successive one-year terms, effective July 1st of each subsequent year.

The following outlines the Scope of Services to be provided by the Chamber:

1. Visitor Center - Chamber to maintain and staff a state-designated Local Visitor Center ("LVIC")
2. Promotion and Marketing
3. Volunteer program - Develop, promote and maintain a wide range of volunteer opportunities with the organization and the community.
4. Community outreach - The Chamber's mission is to promote community growth and engagement, to serve as a voice for the business community, and to promote the Town and its projects, initiatives and goals.
5. Participation with the Town - annual meeting with Town Council, with the town conduct "Citizen's Academy," participate and/or collaborate with various community partners in Town sponsored and other Community events.

Fiscal Impact

Fiscal Impact?: y

If Yes, Budget Code: 01-95-5563

Available: \$60,000

Funding Source:

Funds will be paid out of the Outside Agency Funding Account.

Attachments

3350 Chamber Contract - Final 2021

ACCOUNTABILITY CONTRACT

BETWEEN THE TOWN OF CHINO VALLEY, ARIZONA AND

THE CHINO VALLEY CHAMBER OF COMMERCE

This Contract is entered into on _____, 2021, by and between the Town of Chino Valley, Arizona, an Arizona municipal corporation ("Town"), and the Chino Valley Chamber of Commerce, an Arizona non-profit corporation ("Chamber").

BACKGROUND

A. The parties entered into an accountability contract effective October 13, 2015, through June 30, 2016 ("2015 Contract"), and automatically renewing each year for up to five successive one-year terms, effective July 1 of each successive year. The parties have renewed the 2015 Contract five times, and its last renewal terminates June 30, 2021.

B. It is the Chino Valley Town Council's finding that Chamber is offering services that benefit the Chino Valley community and should receive public funds in support of its facility, services, and operation.

C. The parties desire to change their obligations hereunder from those under the 2015 Contract.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and covenants between the parties and other good and valuable consideration, the parties agree as follows:

1. Contract Duration: The Contract's duration shall be from July 1, 2021, until June 30, 2022, with automatic renewal each year for up to five successive one-year terms, effective July 1 of each subsequent year. If initial funds for this Contract are not appropriated or budgeted by July 1, 2021, Town may terminate this Contract by giving written notice to Chamber.

2. Scope of Services:

2.1 Chamber Responsibilities. Chamber agrees to use the funds received from Town to provide services meeting the criteria outlined in the Scope of Services ("Services"), attached hereto as Exhibit A and incorporated herein, and to use the funds from Town for those purposes only. Such Services include maintaining and staffing the Town Visitor Center, promoting and marketing, organizing and operating a volunteer program, doing community outreach, and participating with Town to benefit the Chino Valley community. Chamber also agrees to maintain accurate and timely financial records to enable Town to verify that the funds provided under this Contract are expended

in accordance with this Contract. Chamber shall be responsible for compliance with all applicable federal, state, and local laws and regulations.

2.2 Town Responsibilities. Town Shall:

2.2.1 Pay the match portion (a total of \$3,000) of the match grant received by Chamber from the Arizona Office of Tourism for the fiscal year 2021-2022, due upon Contract renewal.

2.2.2 Provide Chamber with new and renewed business license information monthly and, as available, provide Chamber with other pertinent economic development information.

2.2.3 Act as a pass-through agent for and, at its discretion, otherwise partner with Chamber in seeking out and applying for grant funds.

2.2.4 At Chamber's request, if Town has access to or collects such information, assist Chamber by providing statistical information or gathering the necessary information for grant applications.

2.2.5 Provide to Chamber a used computer to facilitate Chamber's program to assist small businesses.

2.2.6 Not produce events that compete with the Chamber Fall Fest and Chino Valley Heritage Festival events.

2.2.7 In Town's sole discretion and in compliance with its internet and social media policies, integrate Chamber events on its calendar and website.

2.2.8 At Chamber's request, disclose to Chamber information that pertains to the Chino Valley business community that may be reasonably, legally, and practically released.

3. Compensation: Town shall compensate Chamber in the amount of \$60,000 for the Services outlined in Exhibit A.

4. Annual Reporting: At the completion of the Services, Chamber shall submit to Town an itemized report evidencing how Chamber expended the funds received from Town.

5. Annual Review: On an annual basis, at least 30 and not more than 60 days before the end of the term of this Agreement, Town and Chamber shall meet to conduct a comprehensive evaluation and review of Chamber's performance.

6. Inspection: Within five days of receipt of a written request from Town, Chamber agrees to open for inspection and to make available all financial records relating to the Services.

7. Contract Noncompliance: If Town, in its sole discretion, determines Chamber is in breach of this Contract, Town shall give Chamber written notice of the specific area of noncompliance. Chamber shall comply within 30 calendar days of the date of the notice.

8. Termination For Cause: Town may terminate this Contract for cause if Chamber does not comply within 30 calendar days from the date of the notice of Chamber's breach. If Town terminates this Contract for cause, Chamber shall immediately return to Town all funds not spent for the services described in Exhibit A.

9. Termination Pursuant to A.R.S. § 38-511: Town may terminate this Contract pursuant to A.R.S. § 38-511.

10. Indemnification: Chamber agrees to hold harmless and indemnify Town from any loss, damage, liability, cost, charge, or expense, whether direct or indirect, including reasonable attorney's fees, and whether to any person or property to which Town, its agents, employees, or said parties may be subject to related to the Services, including, but not limited to, actions for bodily injury, illness, death, or property damage.

11. Independent Contractor: Chamber is an independent contractor and not an agent or employee of Town. Chamber shall supervise and direct the Services using Chamber's best skill and attention. Chamber shall be solely responsible for all staffing, curriculum, scheduling, supplies, equipment for, and transportation of participants to events for Services. Chamber shall be responsible to its employees, volunteers, Town employees, and other persons performing any services related to the Services outlined in this Contract.

12. Entire Contract; Amendments: This Contract represents the entire Contract between the parties concerning the subject matter. The parties may only amend this Contract through an appropriate writing signed by both parties.

13. Assignment Prohibited: Chamber shall not assign any rights acquired through this Contract without first obtaining Town's written consent.

14. No Discrimination: Neither Chamber nor its employees or agents will discriminate on the basis of race, religion, handicap, gender, or national origin in providing the Services.

15. Immigration Law Warranty: As required by A.R.S. § 41-4401, Chamber hereby warrants its compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). Chamber further warrants that after hiring an employee, Chamber verifies the employee's employment eligibility through the E-Verify program. If Chamber uses any subcontractors in the performance of the Services, subcontractors shall warrant their compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A), and subcontractors shall further warrant that after hiring an employee, such subcontractor verifies the employee's employment eligibility through the E-Verify program. A breach of this warranty shall be deemed a material breach of the Contract that is subject to penalties up

to and including termination of the Contract. Chamber is subject to a penalty of \$100 per day for the first violation, \$500 per day for the second violation, and \$1,000 per day for the third violation. Town, at its option, may terminate the Contract after the third violation. Chamber shall not be deemed in material breach of this Contract if Chamber or its subcontractors establish compliance with the employment verification provisions of Sections 274A and 274B of the federal Immigration and Nationality Act and the E-Verify requirements contained in A.R.S. § 3-214(A). Town retains the legal right to inspect the papers of any Chamber or subcontractor employee who works on the Contract to ensure that the Chamber or subcontractor is complying with the warranty. Any inspection will be conducted after reasonable notice and at reasonable times. If state law is amended, the parties may modify this paragraph consistent with state law.

16. Notices: All notices provided for herein shall be hand-delivered, delivered by overnight courier (e.g., Federal Express), or sent by certified or registered mail, return receipt requested, addressed to all parties hereto at the address designated for each party beside its signature or at such other address as the party who is to receive such notice may designate in writing. Notice shall be deemed completed upon: (i) such hand delivery or courier delivery or (ii) three days after the deposit of same in a letterbox or other means provided for the posting of mail, addressed to the party and with the proper amount of postage affixed thereto. Except as otherwise herein provided, actual receipt of notice shall not be required to effect notice hereunder.

17. Non-Disparagement: The parties shall not disparage the other, its agents, or employees, or otherwise take any action that one could reasonably expect to adversely affect the other party, its agents, or employees. Address concerns about Town or Chamber activities or policies with the Economic Development Project Manager or designee or the Chamber Board President or designee, respectively.

[SIGNATURES ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names

For Chamber

For Town

(Signature)

Jack W. Miller, Mayor

Print Name

Town of Chino Valley
202 North State Route 89
Chino Valley, AZ 85323
(928) 636-2646

Title

Attest:

Address

Erin N. Deskins, Town Clerk

City State Zip Code

APPROVED AS TO FORM:

Telephone No.

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

EXHIBIT A

Scope of Services

For the consideration provided in the Contract, Chamber shall provide the following services:

1. **Visitor Center.**

a. The Chamber will maintain and staff the Visitor Center located within the Town limits. The Visitor Center will abide by the criteria set forth by the Arizona Office of Tourism (“AOT”) to be a state-designated Local Visitor Information Center (“LVIC”). The Visitor Center will regularly be open to the public between 9:00 a.m. and 3:00 p.m., Monday through Friday, and staffed adequately to answer all correspondence, telephone, email, or walk-in inquiries for general information relating to Chino Valley. The Town understands that due to volunteers’ availability and staff’s need to be in the community routinely, there will be times during these regular business hours when the office will not be staffed. This shall be limited to less than 25% of stated regular hours. When the office is closed, or it cannot be staffed, a 24/7 kiosk on Chamber premises will be available with community information.

b. With advance coordination, the Town may use meeting space at the Chamber facilities.

2. **Promotion/Marketing.** Chamber will continue or begin the following promotion and marketing activities:

a. Distribute relocation/community guides and maps of the Chino Valley area in coordination with Town and its GIS division or other resources.

b. Host or publish Town “Talk of the Town, Chino Valley” radio shows or dedicated podcast episodes at least monthly.

c. Maintain “Chairman’s Circle Sponsorship” for Town at all Chamber events.

d. Promote and enhance Chamber’s “Small Business Saturday” campaign.

e. Partner with businesses in the community to host bi-monthly networking opportunities including, but not limited to, mixers, trade shows, dining, or educational presentations.

f. Provide a link on Chamber’s website to Town’s business directory. Make printed copies of the listing available at the Visitor Center.

g. Provide a display in Chamber’s office stocked with materials regarding various attractions, events, and dining options, including content from both members and nonmembers. Audit and update this display monthly.

h. Ensure that electronic and printed promotional materials created and distributed by or on behalf of the Chamber include the Town logo and a statement acknowledging that the Town of Chino Valley has provided sponsorship.

i. Maintain a social media presence on Facebook, Instagram, Twitter, YouTube, and relevant similar platforms to promote Chamber and Town, including but not limited to events, upcoming ribbon cuttings, and Small Business Saturday.

3. Volunteer Program. Town and Chamber are partners in the Community Volunteer Program. Chamber shall work closely with Town staff to:

a. Develop, promote, and maintain a wide range of volunteer opportunities within the organization and the community;

b. Maintain Volunteer Service descriptions for each volunteer assignment. Ensure volunteers are staffed to support the various areas of operations, including visitor service areas and events;

c. Arrange for volunteer orientation, training, and scheduling, including for Town and Chamber activities;

d. Evaluate all aspects of the volunteer program to ensure effectiveness and to recommend or implement changes as appropriate;

e. Maintain accurate records and provide timely statistical and activity reports on volunteer participation. Recruit and interview potential volunteers;

f. Work with the President and CEO of the Chino Valley Area Chamber of Commerce on marketing, public relations, and professional associations to publicize volunteer opportunities seeking participants. Develop and maintain relationships with other volunteer organizations;

g. Provide ongoing support and guidance for volunteers as a single point of contact for communications and provide status reports to the Board of Directors;

h. Exercise creativity in volunteer recruitment and maintain kiosk with volunteer activities and information.

4. Community Outreach. To maintain fairness between the many industries and retail businesses in Town, Chamber shall practice the concept of being community-focused. The Chamber's mission is to promote community growth and engagement, to serve as a voice for the business community, and to promote the Town and its projects, initiatives, and goals in a productive way. The Chamber shall develop the following activities in its role in community outreach for the Town:

a. Participate as an active member of the Town Council's Economic Development Subcommittee, representing the interests and needs of existing businesses in the Town.

b. Develop and maintain strong relationships with existing local businesses and organizations regardless of Chamber membership status.

c. Meet with the Town Manager and Economic Development Project manager at least quarterly to report on visitor center traffic and maintenance, community outreach goals and initiatives, upcoming events, and a summary of the Chamber's needs.

d. Continue to offer employers and job seekers a minimum of one Job & Career Fair per year.

e. Communicate, network, and engage with the other Quad-City Chamber of Commerce Directors.

5. Participation with the Town. In addition to the scope of work listed above, the Chamber agrees to perform the following functions:

a. Upon request, the Chamber Board will participate in an annual joint meeting with the Town Council.

b. With the Town, jointly conduct a "Citizen's Academy" annually.

c. Work with the Town's technology department to incorporate, where appropriate, both parties' event calendars in each others' websites and provide links to each other's pages and, where applicable, participate as a committee member of the development team for the Town's tourism website's content.

d. Participate and/or collaborate with various community partners in Town-Sponsored and other Community Events in such a manner that fits well with the Chamber's abilities to best enhance and contribute to the community's interests.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. b.

Meeting Date: 06/22/2021
Contact Person: Will Dingee, Planner
 Phone: 928-636-4427 x-1233
Department: Development Services
Estimated length of staff presentation: None
Physical location of item: 1031 North State Route 89

AGENDA ITEM TITLE:

Consideration and possible action to amend the Final Plat for Safeway Store 1747 Subdivision in order to separate the store and gas station into two individual parcels. (Will Dingee, Planner)

RECOMMENDED ACTION:

Approve the Final Plat amendment to the Safeway Store 1747 Subdivision to separate the store and gas station into two individual parcels with the following stipulation:

- That global cross access between the two newly created parcels is added to the plat.

SITUATION AND ANALYSIS:

The applicant, TAIT & Associates, are requesting to amend the final plat known as Safeway Store 1747 Subdivision that was recorded in March 2004. The request is to separate the Safeway store and the gas station into two individual parcels. The applicant has indicated that this request stems from the recent Albertsons and Safeway merger.

Town staff has completed a review of the submitted final plat amendment and have identified the cross access as an issue that will need to be addressed prior to the Final Plat. Staff is comfortable stipulating the changes and proceeding with a recommendation to Council.

Other Pertinent Documents Available Upon Request:

See attached Final Plat Amendment

Fiscal Impact

Fiscal Impact?: N/A

If Yes, Budget Code:

Available:

Funding Source:

Attachments

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. c.

Meeting Date: 06/22/2021
Contact Person: Will Dingee, Planner
 Phone: 928-636-4427 x-1233
Department: Development Services
Estimated length of staff presentation: 5 minutes
Physical location of item: 856 South State Route 89

AGENDA ITEM TITLE:

Public Hearing and possible action regarding application from David Joss, Ditch Beer & Wine (Beer and Wine Store), for a new Series 10 Liquor Licenses located at 856 South State Route 89. (Will Dingee, Senior Planner)

RECOMMENDED ACTION:

- (i) Hold Public Hearing.
- (ii) Recommend approval for a new Series 10 Liquor License for Ditch Beer & Wine

SITUATION AND ANALYSIS:

A.R.S. § 4-201 provides that a person desiring a new or amended liquor license shall apply with the State Liquor Board. Upon receipt of such application, the State forwards the application to the local governing body (Council), which is tasked with making a recommendation to the Board for granting or denying the license. The local governing body may also vote to make no recommendation should they prefer that approval or denial be up to the State. A recommendation for disapproval requires a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval. The attached Arizona Administrative Code, Rule R19-1-702 provides guidelines for determining whether to grant a license for a certain location.

Upon reviewing the material provided by the Department of Liquor Licenses and Control, and conducting a public hearing, the Council may recommend that the state liquor board grant or deny the license, or vote to make no recommendation.

David Joss has applied with the State for a new Series 10 (Beer and Wine Store) Liquor License. This non-transferable, off-sale retail privileges liquor license allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of delivery. Series 10 (beer and wine store) licensees and applicants may apply for unlimited sampling privileges by completing the Sampling Privileges form. Internet sale of liquor is not permitted in the state of Arizona. Liquor must be delivered to an Arizona liquor-licensed wholesaler, then an Arizona liquor-licensed retailer prior to delivery to the consumer.

The Police and Planning Departments reviewed the application and offered no comments. Staff posted the establishment with the necessary notices to meet the required 20-day period. As of the date of this report, staff has not received any written arguments in favor of or in opposition to the application.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Ditch Beer & Wine Application

Acceptable Reasons to Protest

Guidelines for Granting License

21 MAY 27 Lic. Lic. AM 9:02

State of Arizona
Department of Liquor Licenses and Control

Created 05/27/2021 @ 09:01:11 AM

Local Governing Body Report

LICENSE

Number:	Type:	010 BEER AND WINE STORE
Name:	DITCH BEER & WINE	
State:	Pending	
Issue Date:	Expiration Date:	
* Original Issue Date:		
Location:	856 S STATE ROUTE 89 CHINO VALLEY, AZ 86323 USA	
Mailing Address:	44047 N 43RD AVENUE #75122 PHOENIX, AZ 85087 USA	
Phone:	(602)573-1226	
Alt. Phone:	(602)518-7550	
Email:	DITCH@DITCHHOCKEY.COM	

AMENDMENT

AGENT

Name:	DAVID JOSS
Gender:	Male
Correspondence Address:	44047 N 43RD AVENUE #75122 PHOENIX, AZ 85087 USA
Phone:	(602)518-7750
Alt. Phone:	
Email:	DITCH@DITCHHOCKEY.COM

OWNER

Job # 150404
Ditch Beer & Wine
Joss, David



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

21 MAY 27 147. Lic. AM 9 04

QUESTIONNAIRE

A.R.S. § 4-202, 4-210
Type or Print with Black Ink

The fees allowed by R19-1-102 will be charged for all dishonored checks.

ATTENTION APPLICANT: This is a legally binding document. Please type or print in black ink. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A BLUE OR BLACK LINED FINGERPRINT CARD ALONG WITH A \$22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL \$13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.

Liquor License#: 150 404

1. Check the
Appropriate
Box →

☒ Controlling Person

☒ Agent

☐ Premises Manager

(complete all questions except #12)

2. Name: Joss David Birth Date: / /
Last First Middle (NOT a public record)

3. Social Security #: Driver License #: State:

4. Place of birth: Height: Weight: Eyes: Hair:
City State COUNTRY (not county)

5. Name of current/most recent spouse: Birth Date: / /
Last First Middle (NOT a public record)

6. Are you a bona fide resident of Arizona? ☐ Yes ☐ No If yes, what is your date of residency:

7. Daytime telephone number: E-mail address:

8. Business Name: Ditch Beer & Wine Business Phone: / /

9. Business Location Address: 856 S State Route 89 Chino Valley Arizona Yavapai 86323
Street (do not use PO Box) City State County Zip

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
	CURRENT		

(ATTACH ADDITIONAL SHEET IF NECESSARY)



Arizona Department of Liquor Licenses and Control

800 W Washington 5th Floor

Phoenix, AZ 85007-2934

www.azliquor.gov

(602) 542-5141

21 MAY 27 Lir. Lic. #1904

QUESTIONNAIRE

A.R.S. § 4-202, 4-210

Type or Print with **Black Ink**

The fees allowed by R19-1-102 will be charged for all dishonored checks.

ATTENTION APPLICANT: This is a legally binding document. Please type or print in **black ink**. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A **BLUE OR BLACK LINED** FINGERPRINT CARD ALONG WITH A \$22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL \$13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.

Liquor License#: _____

1. Check the
Appropriate
Box →

☒ Controlling Person

☐ Agent

☐ Premises Manager

(complete all questions except #12)

2. Name: Namanny Mitch Jon Birth Date: ____/____/____
Last First Middle (NOT a public record)

3. Social Security #: _____ Driver License #: _____ State: _____

4. Place of birth: _____ Height: _____ Weight: _____ Eyes: _____ Hair: _____
City State COUNTRY (not county)

5. Name of current/most recent spouse: _____ Birth Date: ____/____/____
Last First Middle (NOT a public record)

6. Are you a bona fide resident of Arizona? ☐ Yes ☐ No If yes, what is your date of residency: _____

7. Daytime telephone number: _____ E-mail address: _____

8. Business Name: Ditch Beer & Wine Business Phone: ____/____/____

9. Business Location Address: 856 S State Route 89 Chino Valley Arizona Yavapai 86323
Street (do not use PO Box) City State County Zip

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
	CURRENT		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

Type of Application		Acceptable Protest
1	New License	May Protest Person and Location
2	Person Transfer	May Protest “ONLY” Person
3	Location Transfer	May Protest “ONLY” Location
4	Location and Person Transfer	May Protest Person and/or Location

Types of Liquor License Applications and Acceptable Reasons to Protest



**Arizona Laws and Regulations Relating to
Granting a Liquor License for a Certain Location
(pursuant to Arizona Revised Statute §4-201(I))**

R19-1-702. Determining Whether to Grant a License for a Certain Location

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
 2. Number and types of licenses within one mile of the proposed premises;
 3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
 4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
 5. Residential and commercial population density within one mile of the proposed premises;
 6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
 7. Effect on vehicular traffic within one mile of the proposed premises;
 8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
 9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
 10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
 11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
 12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. d.

Meeting Date: 06/22/2021

Contact Person: Will Dingee, Planner
Phone: 928-636-4427 x-1233

Department: Development Services

Estimated length None

of staff presentation:

Physical location of item: 2515 North Road 1 East (Granite Creek Vineyards)

AGENDA ITEM TITLE:

Public Hearing and possible action regarding application from Alie Amato, Winey Cats Vineyard for a new Series 7 (Beer and Wine) Liquor License located at 2515 N Road 1 East, Chino Valley. (Will Dingee, Senior Planner)

RECOMMENDED ACTION:

- (i) Hold Public Hearing
- (ii) Recommend approval for a new Series 7 Liquor License for Winey Cats Vineyard.

SITUATION AND ANALYSIS:

A.R.S. § 4-201 provides that a person desiring a new or amended liquor license shall apply with the State Liquor Board. Upon receipt of such application, the State forwards the application to the local governing body (Council), which is tasked with making a recommendation to the Board for granting or denying the license. The local governing body may also vote to make no recommendation should they prefer that approval or denial be up to the State. A recommendation for disapproval requires a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval. The attached Arizona Administrative Code, Rule R19-1-702 provides guidelines for determining whether to grant a license for a certain location. Upon reviewing the material provided by the Department of Liquor Licenses and Control, and conducting a public hearing, the Council may recommend that the state liquor board grant or deny the license, or vote to make no recommendation.

Alie Amato has applied with the state for a new Series 007 (Wine and Beer) Liquor License. The beer and wine bar (series 7) liquor license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows the holder both on & off sale retail privileges. This license allows a beer and wine bar retailer to sell and serve beer and wine (no other spirituous liquors), primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

The Police Department has reviewed the application and recommended approval with no comment. Staff posted the establishment with the necessary notices to meet the required 20-day period. As of the date of this report, staff has not received any written arguments in favor of or in opposition to the application.

Fiscal Impact**Fiscal Impact?:** N/A**If Yes, Budget Code:****Available:****Funding Source:**

Attachments

Winey Cats Application

Acceptable Reasons for Protest

Granting Licenses for Certain Locations

State of Arizona
Department of Liquor Licenses and Control

Created 03/31/2021 @ 12:01:50 PM

Local Governing Body Report

LICENSE

Number:	007130011312	Type:	007 BEER AND WINE BAR
Name:	WINEY CATS VINEYARD WINE & BEER GARDEN		
State:	Pending		
Issue Date:		Expiration Date:	08/31/2021
Original Issue Date:	04/24/2020		
Location:	2515 N ROAD 1 EAST CHINO VALLEY, AZ 86323 USA		
Mailing Address:	18200 S WOLF RUN TRAIL MAYER, AZ 86333 USA		
Phone:	(928)636-2003		
Alt. Phone:	(928)273-1467		
Email:	ALIECATAMATO@AOL.COM		

Currently, this license has pending applications.

AGENT

Name:	ALIE AMATO
Gender:	Female
Correspondence Address:	18200 S WOLF RUN TRAIL MAYER, AZ 86333 USA
Phone:	(928)273-1467
Alt. Phone:	
Email:	ALIECATAMATO@AOL.COM

OWNER

Name:	WINEY CATS LLC	
Contact Name:	ALIE AMATO	
Type:	LIMITED LIABILITY COMPANY	
AZ CC File Number:	23175181	State of Incorporation: AZ
Incorporation Date:	01/25/2021	
Correspondence Address:	18200 S WOLF RUN TRAIL MAYER, AZ 86333 USA	
Phone:	(928)273-1467	
Alt. Phone:		
Email:	ALIECATAMATO@AOL.COM	

Officers / Stockholders

Name:
ALIE AMATO

Title: % Interest:
MEMBER/STOCKHOLDER 100.00

WINEY CATS LLC - MEMBER/STOCKHOLDER

Name: ALIE AMATO
Gender: Female
Correspondence Address: 18200 S WOLF RUN TRAIL
MAYER, AZ 86333
USA
Phone: (928)273-1467
Alt. Phone:
Email: ALIECATAMATO@AOL.COM

APPLICATION INFORMATION

Application Number: 144606
 Application Type: Owner Transfer
 Created Date: 03/31/2021

QUESTIONS & ANSWERS

007 Beer and Wine Bar

- 1) Are you applying for an Interim Permit (INP)?
 Yes
 A Document of type INTERIM PERMIT (INP) NOTARY PAGE is required.
- 4) Does the Business location address have a street address for a City or Town but is actually in the boundaries of another City, Town or Tribal Reservation?
 No
- 8) Did the Premises phone number change?
 No
- 10) Provide name, address, and distance of nearest school and church. (If less than one (1) mile note footage)
 TERRITORIAL EARLY CHILDHOOD CENTER
 1088 MAHAN LANE CHINO VALLEY AZ 86323
 6,072 FT

 CHURCH OF THE NAZARENE
 2945 AZ 89 CHINO VALLEY 86323
 2,459 FT
- 11) Are you one of the following? Please indicate below.
 Property Tenant
 Subtenant
 Property Owner
 Property Purchaser
 Property Management Company
 TENANT
- 12) Is there a penalty if lease is not fulfilled?
 Yes
 What is the penalty?
 TERMINATION
- 13) What is the total money borrowed for the business not including the lease?
 Please list lenders/people owed money for the business.
 \$0.00
- 14) Is there a drive through window on the premises?
 Yes
- 15) If there is a patio please indicate contiguous or non-contiguous within 30 feet.
 contiguous
- 16) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
 No
- 23) Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store (license only)
 \$35,000.00

State of Arizona
Department of Liquor Licenses and Control

Created 03/31/2021 @ 12:08:33 PM

Local Governing Body Report

LICENSE

Number: INP130013414 Type: INP INTERIM PERMIT
Name: WINEY CATS VINEYARD WINE & BEER GARDEN
State: Active
Issue Date: 03/31/2021 Expiration Date: 07/14/2021
Original Issue Date: 03/31/2021
Location: 2515 N ROAD
 1 EAST
 CHINO VALLEY, AZ 86323
 USA
Mailing Address: 18200 S WOLF RUN TRAIL
 MAYER, AZ 86333
 USA
Phone: (928)636-2003
Alt. Phone: (928)273-1467
Email: ALIECATAMATO@AOL.COM

AGENT

Name: ALIE AMATO
Gender: Female
Correspondence Address: 18200 S WOLF RUN TRAIL
 MAYER, AZ 86333
 USA
Phone: (928)273-1467
Alt. Phone:
Email: ALIECATAMATO@AOL.COM

OWNER

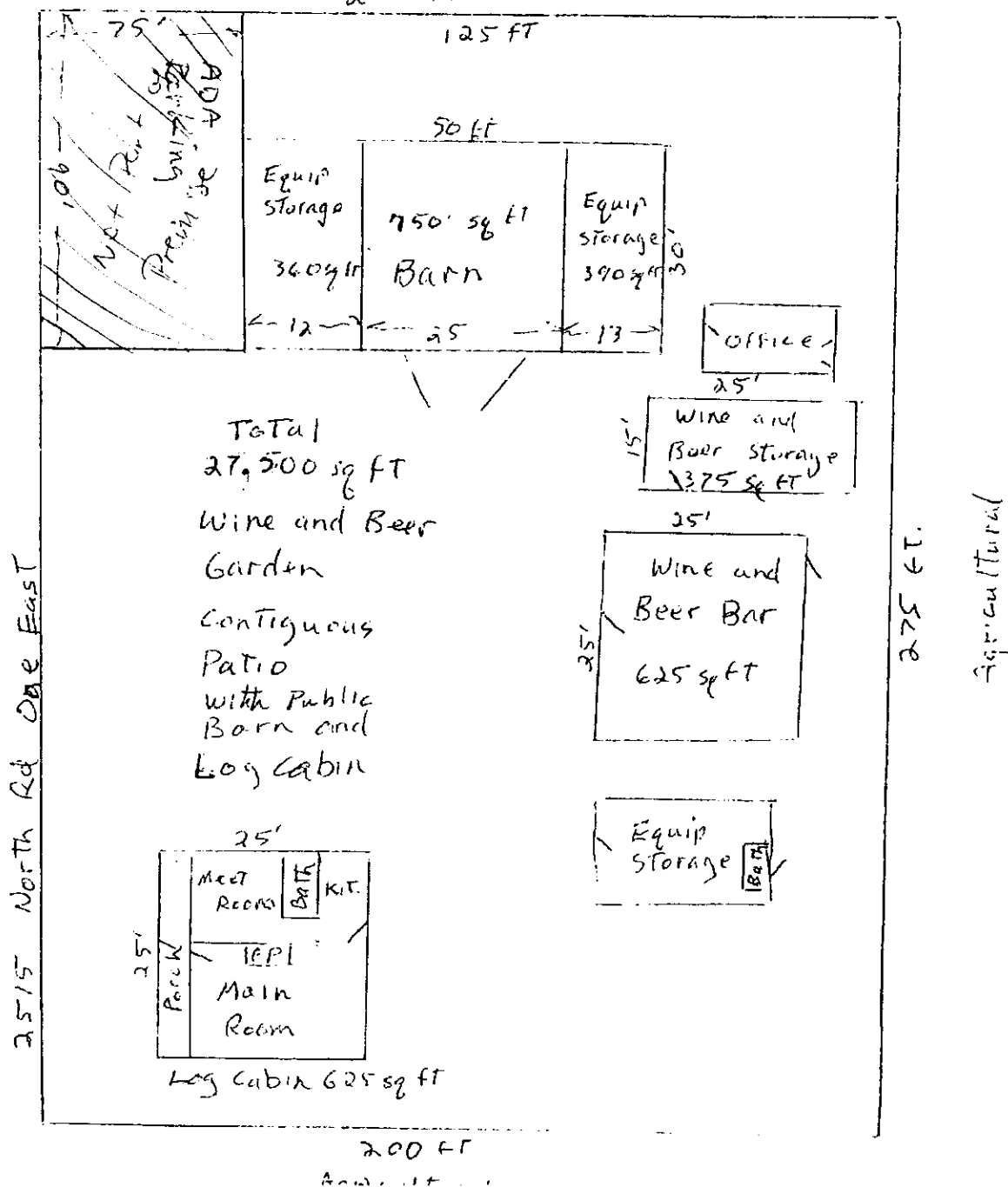
Name: WINEY CATS LLC
Contact Name: ALIE AMATO
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: 23175181 State of Incorporation: AZ
Incorporation Date: 01/25/2021
Correspondence Address: 18200 S WOLF RUN TRAIL
 MAYER, AZ 86333
 USA
Phone: (928)273-1467
Alt. Phone:
Email: ALIECATAMATO@AOL.COM

Officers / Stockholders

↑
Ni

General
Pau King

200 ft



BILL OF SALE

21 MAR 31 10:11 AM 4 34

IN CONSIDERATION OF THE SUM OF:

TEN DOLLARS AND NO CENTSlawful currency of the United States of America, and other valuable consideration, receipt of which is hereby acknowledged.

This BILL OF SALE (this "Agreement"), dated as of March 10, 2021 is by and among Prairie Sun Farms, LLC, an Arizona Limited Liability Company (Seller), and Winey Cats, LLC, an Arizona Limited Liability Company (Buyer).

RECITALS

A. Seller and Buyer are parties to an Asset Purchase Agreement executed January 25, 2021 (the "Purchase Agreement"), pursuant to which, among other things, Buyer has agreed to purchase certain assets of Seller upon the terms and conditions specified therein.

B. This Agreement is being executed and delivered in order to affect the transfer to Buyer of such assets as set forth in the Purchase Agreement.

AGREEMENTS

In consideration of the premises and the mutual covenants and agreements set forth in the Purchase Agreement, the parties hereby agree as follows:

1. **Definitions.** Capitalized terms used in this Agreement and not otherwise defined herein shall have the meaning ascribed thereto in the Purchase Agreement.
2. **Sale of Assets.** Seller, in accordance with and subject to the terms of the Purchase Agreement, hereby sells, conveys, assigns, transfers and delivers to Buyer, and Buyer, in accordance with and subject to the Purchase Agreement, hereby purchases and acquires from Seller, all of Seller's right, title and interest of every kind and nature, that certain State of Arizona Liquor License #007130011312. FURTHERMORE, Seller warrants that he, she or they are the lawful owner of said personal property and hereby certifies, under oath, that he, she or they have good right to sell the same as aforesaid, and that the above described property is free and clear of all claims, liens and other encumbrances whatsoever, EXCEPT, as specified herein. Seller further agrees to warrant and defend same against the lawful claims and demands of all persons whomsoever.
3. **Counterparts.** This Agreement is executed pursuant to the Purchase Agreement and may be executed in two counterparts, each of which as so executed shall be deemed to be an original but both of which together shall constitute one and the same instrument. A facsimile signature shall be acceptable as an original for all purposes.
4. **Binding Effect.** This Agreement shall inure to the benefit of and be binding upon Buyer and Seller, and their respective successors and assigns, but shall not create any right of subrogation or other right on the part of any other person.
5. **Amendment, Waiver or Termination.** This Agreement cannot be amended, waived or terminated except by a writing signed by the parties hereto.
6. **Governing Law.** THIS AGREEMENT SHALL BE CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF ARIZONA.

IN WITNESS WHEREOF, Buyer and Seller have caused this Bill of Sale to be executed individually or in their respective corporate names by their respective proper officers thereunto duly authorized, as of the date first written above.

Dated: March 10, 2021

SELLER:
Prairie Sun Farms, LLC, an Arizona Limited
Liability Company

BUYER:
Winey Cats, LLC, an Arizona Limited Liability
Company

Christopher F. Hoult, Member
By Christopher F. Hoult, Member

By Alie Amato, Member

Escrow No.: 150520EW

Type of Application		Acceptable Protest
1	New License	May Protest Person and Location
2	Person Transfer	May Protest “ONLY” Person
3	Location Transfer	May Protest “ONLY” Location
4	Location and Person Transfer	May Protest Person and/or Location

Types of Liquor License Applications and Acceptable Reasons to Protest



**Arizona Laws and Regulations Relating to
Granting a Liquor License for a Certain Location
(pursuant to Arizona Revised Statute §4-201(I))**

R19-1-702. Determining Whether to Grant a License for a Certain Location

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
 2. Number and types of licenses within one mile of the proposed premises;
 3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
 4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
 5. Residential and commercial population density within one mile of the proposed premises;
 6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
 7. Effect on vehicular traffic within one mile of the proposed premises;
 8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
 9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
 10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
 11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
 12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. e.

Meeting Date: 06/22/2021
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Public Hearing regarding Resolution No. 2021-1183, relating to the Town's Final Budget for Fiscal Year 2021/2022 and the proposed expenditure limitation for the same year, in the amount of \$41,300,000. (Joe Duffy, Finance Director)

RECOMMENDED ACTION:

Hold the Public Hearing.

SITUATION AND ANALYSIS:

On May 25, 2021, the Mayor and Council adopted Resolution No. 2021-1181 adopting the Tentative Budget for the Fiscal Year 2021/2022, and setting the Expenditure Limitation at \$41,300,000. The Tentative Budget was posted on the Town's website.

The State Budget Forms were published two times in the Chino Valley Review.

Staff recommends approving Resolution No. 2021-1183 and adopting the Final Budget for Fiscal Year 2021/2022.

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code:
Available:
Funding Source:

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. f.

Meeting Date: 06/22/2021
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Estimated length of staff presentation: None
Physical location of item: Bright Star Subdivision

AGENDA ITEM TITLE:

Public Hearing regarding (i) Resolution No. 2021-1184, relating to the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2021/2022, which shall constitute the budgets of the Districts for fiscal year 2021/2022 and (ii) the tax levy anticipated in conjunction with the budgets of the Districts. (Joe Duffy, Finance Director)

RECOMMENDED ACTION:

Hold the Public Hearing.

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code:
Available:
Funding Source:

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

b.

Meeting Date: 06/22/2021
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Estimated length of staff presentation: 15 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Resolution No. 2021-1183, relating to the Town's Final Budget for Fiscal Year 2021/2022 and the proposed expenditure limitation for the same year, in the amount of \$41,300,000. (Joe Duffy, Administrative Services Director)

RECOMMENDED ACTION:

Adopt Resolution 2021-1183, adopting the FY 2021-22 Final Budget and establishing the FY 2021-22 expenditure limitation.

SITUATION AND ANALYSIS:

On May 25, 2021 the Mayor and Council adopted Resolution No. 2021-1181 adopting the Tentative Budget for the Fiscal Year 2021/2022, and setting the Expenditure Limitation at \$41,300,000 The Tentative Budget was posted on the Town's website.

The State Budget Forms were published two times in the Chino Valley Review.

A public hearing was held on June 22, 2021.

Staff recommends approving Resolution No. 2021-1183 and adopting the Final Budget for Fiscal Year 2021/2022.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: All

Available:

Funding Source:

Adoption of this item establishes a final budget and the expenditure limitation for FY 2020-2021.

Attachments

RESOLUTION NO. 2021-1183

A RESOLUTION OF THE MAYOR AND COMMON OF THE TOWN OF CHINO VALLEY, ARIZONA, ADOPTING THE FINAL BUDGET FOR THE FISCAL YEAR 2021/2022; SETTING AN EXPENDITURE LIMITATION FOR THE SAME YEAR; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE AND APPROVAL ACCORDING TO THE LAW.

WHEREAS, pursuant to the provisions of the laws of the State of Arizona, the Mayor and Council of the Town of Chino Valley (the "Town Council") is required to adopt an annual budget for the Town of Chino Valley (the "Town"); and

WHEREAS, pursuant to Article 9, Section 20(9) of the Arizona Constitution, and Arizona Revised Statutes ("A.R.S.") Sections 41-563.03(C), (E) and (G), the qualified voters of the Town of Chino Valley, on August 30, 2016, approved Proposition 436, adopting an Alternative Expenditure Limitation for the Town; and

WHEREAS, Proposition 436 provided that, as part of the budget process, the Mayor and Common Council shall annually adopt an expenditure limitation to govern the budget, after public hearing; and

WHEREAS, in accordance with A.R.S. § 42-17102, the Town Manager prepared and filed with the Town Council the Town Manager's budget estimates for the fiscal year beginning July 1, 2021, and ending June 30, 2022; and

WHEREAS, on May 25, 2021, the Town Council approved Resolution 2021-1181, adopting (i) an expenditure limitation and (ii) the statement of estimates and expenses for the fiscal year beginning July 1, 2021 and ending June 30, 2022; and

WHEREAS, Resolution 2021-1181 also directed the Town Clerk to (i) make available the tentative budget for inspection, not later than seven days after the date of Resolution 2021-1181, at the Chino Valley Public Library, at the Chino Valley Town Hall and on the official Town Website; and (ii) publish in the official Town newspaper once per week for two consecutive weeks (a) the official tentative budget and (b) a notice of the public hearing of the Town Council to hear taxpayers and make tax levies at designated times and places.

WHEREAS, due notice has been given by the Town Clerk as required by law that the Town Council would meet on June 22, 2021, at the Town Council Chambers for the purposes of (i) hearing taxpayers on the proposed estimates, expenses, and tax levies as set forth in said statement of estimates and expenses and (ii) adopting the tentative budget as final; and

WHEREAS, on June 22, 2021, the Town Council held a public hearing on the final budget as required by law; and

WHEREAS, the revenues and expenses in the proposed final budget for Fiscal Year 2021/2022 do not exceed the estimates and expenses shown on the published tentative budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The expenditure limitation to govern the Town of Chino Valley budget for Fiscal Year 2021/2022 is hereby approved in an amount not to exceed \$41,300,000.

SECTION 3. The estimates of revenues and expenditures shown in the schedules attached hereto as Exhibit A and incorporated herein by reference are hereby formally adopted as the official final budget of the Town for the fiscal year beginning July 1, 2021, and ending June 30, 2022.

SECTION 4. This Resolution shall be effective from and after its passage and approval according to law.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 22nd day of June, 2021.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Resolution No. 2021-1183 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on June 22, 2021, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Erin N. Deskins, Town Clerk

EXHIBIT A
TO
RESOLUTION NO. 2021-1183

[Statement of Estimates and Expenses]

See following pages.

OFFICIAL BUDGET FORMS

Town of Chino Valley

Fiscal Year 2022

Town of Chino Valley
Summary Schedule of Estimated Revenues and Expenditures/Expenses
Fiscal Year 2022

Fiscal Year	S c h	FUNDS								Total All Funds
		General Fund	Special Revenue Fund	Debt Service Fund	Capital Projects Fund	Permanent Fund	Enterprise Funds Available	Internal Service Funds		
2021	Adopted/Adjusted Budgeted Expenditures/Expenses*	1	10,865,500	973,000	3,700,000	0	3,581,900	0	24,407,900	
2021	Actual Expenditures/Expenses**	2	10,834,935	973,000	2,602,650	0	3,326,700	0	20,461,276	
2022	Fund Balance/Net Position at July 1***	3	9,695,124	3,575,659	457,464	3,345,897	12,140,460		29,214,604	
2022	Primary Property Tax Levy	4	0						0	
2022	Secondary Property Tax Levy	5							0	
2022	Estimated Revenues Other than Property Taxes	6	12,357,000	6,091,800	0	5,160,000	5,773,500	0	29,382,300	
2022	Other Financing Sources	7	0	0	0	7,000,000	0	0	7,000,000	
2022	Other Financing (Uses)	8	0	0	0	7,000,000	0	0	7,000,000	
2022	Interfund Transfers In	9	400,000	3,855,000	991,500	100,000	700,000	0	6,046,500	
2022	Interfund Transfers (Out)	10	1,047,500	900,000	0	3,654,000	445,000	0	6,046,500	
2022	Reduction for Amounts Not Available:	11								
LESS:	Amounts for Future Debt Retirement:								0	
	Future Capital Projects								0	
	Maintained Fund Balance for Financial Stability								0	
									0	
									0	
2022	Total Financial Resources Available	12	21,404,624	12,622,459	1,448,964	4,951,897	18,168,960	0	58,596,904	
2022	Budgeted Expenditures/Expenses	13	11,990,600	11,962,900	991,500	3,333,500	6,021,500	0	34,300,000	

EXPENDITURE LIMITATION COMPARISON

- 1 Budgeted expenditures/expenses
- 2 Add/subtract: estimated net reconciling items
- 3 Budgeted expenditures/expenses adjusted for reconciling items
- 4 Less: estimated exclusions
- 5 Amount subject to the expenditure limitation
- 6 EEC expenditure limitation

	2021	2022
1	\$ 24,407,900	\$ 41,300,000
2		
3	24,407,900	41,300,000
4		
5	\$ 24,407,900	\$ 41,300,000
6	\$	\$

The city/town does not levy property taxes and does not have special assessment districts for which property taxes are levied. Therefore, Schedule B has been omitted.

* Includes Expenditure/Expense Adjustments Approved in the current year from Schedule E.

** Includes actual amounts as of the date the proposed budget was prepared, adjusted for estimated activity for the remainder of the fiscal year.

*** Amounts on this line represent Fund Balance/Net Position amounts except for amounts not in spendable form (e.g., prepaids and inventories) or legally or contractually required to be maintained intact (e.g., principal of a permanent fund).

Town of Chino Valley
Tax Levy and Tax Rate Information
Fiscal Year 2022

	2021	2022
1. Maximum allowable primary property tax levy. A.R.S. §42-17051(A)	\$ _____	\$ _____
2. Amount received from primary property taxation in the current year in excess of the sum of that year's maximum allowable primary property tax levy. A.R.S. §42-17102(A)(18)	\$ _____	
3. Property tax levy amounts		
A. Primary property taxes	\$ _____	\$ _____
B. Secondary property taxes	\$ _____	\$ _____
C. Total property tax levy amounts	\$ _____	\$ _____
4. Property taxes collected*		
A. Primary property taxes		
(1) Current year's levy	\$ _____	
(2) Prior years' levies	\$ _____	
(3) Total primary property taxes	\$ _____	
B. Secondary property taxes		
(1) Current year's levy	\$ _____	
(2) Prior years' levies	\$ _____	
(3) Total secondary property taxes	\$ _____	
C. Total property taxes collected	\$ _____	
5. Property tax rates		
A. City/Town tax rate		
(1) Primary property tax rate	_____	_____
(2) Secondary property tax rate	_____	_____
(3) Total city/town tax rate	_____	_____
B. Special assessment district tax rates		
Secondary property tax rates - As of the date the proposed budget was prepared, the city/town was operating <u>3</u> special assessment districts for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the city/town.		

* Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.

Town of Chino Valley
Revenues Other Than Property Taxes
Fiscal Year 2022

SOURCE OF REVENUES	ESTIMATED REVENUES 2021	ACTUAL REVENUES* 2021	ESTIMATED REVENUES 2022
GENERAL FUND			
Local taxes			
Sales Taxes	\$ 5,642,000	\$ 6,995,222	\$ 7,169,000
Franchise Taxes	129,000	121,463	132,000
Licenses and permits			
Building Permits	265,000	315,388	320,000
Business Licenses	57,500	48,816	58,000
Plan Check Fees	125,000	151,993	145,000
Other Licenses and Permits	16,500	75,592	21,500
Intergovernmental			
State Shared Sales Tax	1,275,000	1,363,333	1,453,000
State Shared Income Tax	1,600,000	1,768,560	1,615,000
Vehicle License Tax	890,000	969,835	947,000
Yavapai County Library Funds	98,000	93,419	95,000
Police Dept Grants	7,500	7,475	7,500
Senior Nutrition Grant	87,000	76,788	88,000
Charges for services			
Engineering Fees		20,292	1,000
Senior Nutrition Program Fees	5,000	2,149	5,000
Facility Use Fees	19,000	2,851	20,000
Police Report Fees	5,000	3,880	5,000
Aquatic Center Fees	92,000	52,295	79,500
Other Charges for Services	26,000	12,082	30,000
Fines and forfeits			
Animal Control Fees	29,000	26,949	28,000
Library Fines	2,500	1,542	2,000
Court Fines and Forfeitures	148,000	131,071	130,000
Interest on investments			
Interest	121,000	4,805	5,000
Contributions			
Senior Center Thrift Store	500		500
Miscellaneous			
Other Revenues			
Total General Fund	\$ 10,640,500	\$ 12,245,800	\$ 12,357,000

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

Town of Chino Valley
Revenues Other Than Property Taxes
Fiscal Year 2022

SOURCE OF REVENUES	ESTIMATED REVENUES 2021	ACTUAL REVENUES* 2021	ESTIMATED REVENUES 2022
SPECIAL REVENUE FUNDS			
Highway User Revenue Fund	\$	\$	\$
Highway User Revenue	1,020,000	1,152,446	1,070,000
Interest	5,000	528	1,000
Miscellaneous	6,000	5,885	2,000
	\$ 1,031,000	\$ 1,158,859	\$ 1,073,000
Miscellaneous Grants	\$ 3,500,000	\$	\$ 3,500,000
Cares Act Funding		1,979,891	1,476,500
	\$ 3,500,000	\$ 1,979,891	\$ 4,976,500
Special Revenue Fund-Court	\$ 26,100	\$ 15,742	\$ 26,200
Special Revenue Fund-PD	12,000	2,645	12,000
Lighting Improvement Districts #1, #2, #3	4,200	4,100	4,100
	\$ 42,300	\$ 22,487	\$ 42,300
Total Special Revenue Funds	\$ 4,573,300	\$ 3,161,237	\$ 6,091,800
 DEBT SERVICE FUNDS			
CAPITAL PROJECTS FUNDS			
	\$	\$	\$
Capital Improvements Fund - General Fund	4,017,000	2,575,206	4,646,000
Capital Improvements Fund - Roads			500,000
Asset Replacement Fund	14,000	7,852	14,000
	\$ 4,031,000	\$ 2,583,058	\$ 5,160,000
Total Capital Projects Funds	\$ 4,031,000	\$ 2,583,058	\$ 5,160,000
 ENTERPRISE FUNDS			
	\$	\$	\$
Water Enterprise Fund	784,000	986,235	939,000
Capital Improvement Fund - Water			2,000,000
Sewer Enterprise Fund	2,355,000	2,268,156	2,142,000
Capital Improvement Fund - Sewer			692,500
	\$ 3,139,000	\$ 3,254,391	\$ 5,773,500
Total Enterprise Funds	\$ 3,139,000	\$ 3,254,391	\$ 5,773,500
TOTAL ALL FUNDS	\$ 22,383,800	\$ 21,244,486	\$ 29,382,300

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

Town of Chino Valley
Other Financing Sources/(Uses) and Interfund Transfers
Fiscal Year 2022

FUND	OTHER FINANCING 2022		INTERFUND TRANSFERS 2022	
	SOURCES	(USES)	IN	(OUT)
GENERAL FUND				
Trans from Capital Improv Fund	\$	\$	\$ 400,000	\$
Trans to Capital Asset Replacement				100,000
Trans to CIF - Roads				947,500
Total General Fund	\$	\$	\$ 400,000	\$ 1,047,500
SPECIAL REVENUE FUNDS				
Roads - CIF Trans from General Fund	\$	\$	\$ 1,847,500	\$
HURF - Transfer To Roads CIF				900,000
Roads - CIF Trans from Gen - CIF			2,007,500	
Total Special Revenue Funds	\$	\$	\$ 3,855,000	\$ 900,000
DEBT SERVICE FUNDS				
Trans From Capital Improvement	\$	\$	\$ 991,500	\$
Total Debt Service Funds	\$	\$	\$ 991,500	\$
CAPITAL PROJECTS FUNDS				
Debt Financing	\$ 7,000,000	\$ 7,000,000	\$	\$
Trans to General Fund				400,000
Trans to Debt Service				991,500
Trans From General Fund			100,000	
Trans From CIF to Roads CIF				2,007,500
Transfer to Water				255,000
Total Capital Projects Funds	\$ 7,000,000	\$ 7,000,000	\$ 100,000	\$ 3,654,000
ENTERPRISE FUNDS				
Water CIF	\$	\$	\$ 355,000	\$
Water Ent Fund to Water CIF				100,000
Sewer CIF			345,000	
Sewer Ent Fund to Sewer CIF				345,000
Total Enterprise Funds	\$	\$	\$ 700,000	\$ 445,000
TOTAL ALL FUNDS	\$ 7,000,000	\$ 7,000,000	\$ 6,046,500	\$ 6,046,500

**Town of Chino Valley
Expenditures/Expenses by Fund
Fiscal Year 2022**

FUND/DEPARTMENT	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2021	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2021	ACTUAL EXPENDITURES/ EXPENSES* 2021	BUDGETED EXPENDITURES/ EXPENSES 2022
GENERAL FUND				
Prosecutor	\$ 127,800	\$	\$ 125,150	\$ 133,700
Town Clerk	287,200		256,700	300,800
Town Manager	443,700		494,500	501,000
Human Resources	267,200		269,850	283,300
Magistrate Court	318,100		305,100	336,700
Finance	472,400		470,000	491,700
Mgmt Info Systems	314,300		280,250	391,300
Mayor & Council	51,200		48,200	51,200
Planning	260,800		189,300	337,700
Building Inspection	323,500		300,850	400,500
Police	3,449,700		3,289,564	3,705,700
Animal Control	166,600		162,900	209,400
Recreation	158,800		151,650	157,650
Library	385,300		356,200	400,500
Senior Center	333,200		315,400	346,400
Parks	580,700		583,366	876,700
Aquatic Center	293,700		155,600	343,800
Facilities Maintenance	508,100		689,055	613,800
Fleet Maintenance	277,400		237,800	290,150
Engineering	487,000		479,600	533,700
Customer Service	94,200		87,600	38,300
Non-Departmental	764,600		1,086,300	646,600
Contingency	500,000		500,000	600,000
Total General Fund	\$ 10,865,500	\$	\$ 10,834,935	\$ 11,990,600
SPECIAL REVENUE FUNDS				
Highway User Revenue Fund	\$ 1,706,000	\$	\$ 2,192,800	\$ 1,095,500
Roads - CIF				4,355,000
Miscellaneous Grants Fund	3,500,000			3,500,000
Special Revenue Fund -- Court	43,500		22,000	43,500
Special Revenue Fund -- PD	34,000		1,700	12,000
Lighting Improvement Districts	4,000		4,000	4,000
Cares Act Funding			503,491	2,952,900
Total Special Revenue Funds	\$ 5,287,500	\$	\$ 2,723,991	\$ 11,962,900
DEBT SERVICE FUNDS				
Debt Service Fund	\$ 973,000	\$	\$ 973,000	\$ 991,500
Total Debt Service Funds	\$ 973,000	\$	\$ 973,000	\$ 991,500
CAPITAL PROJECTS FUNDS				
General Fund CIF	\$ 3,550,000	\$	\$ 2,512,650	\$ 3,092,500
Asset Replacement Fund	150,000		90,000	241,000
Total Capital Projects Funds	\$ 3,700,000	\$	\$ 2,602,650	\$ 3,333,500
ENTERPRISE FUNDS				
Water Enterprise Fund	\$ 751,200	\$	\$ 1,016,600	\$ 720,300
Water CIF				2,355,000
Sewer Enterprise Fund	2,830,700		2,310,100	1,908,700
Sewer CIF				1,037,500
Total Enterprise Funds	\$ 3,581,900	\$	\$ 3,326,700	\$ 6,021,500
TOTAL ALL FUNDS	\$ 24,407,900	\$	\$ 20,461,276	\$ 34,300,000

* Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

Town of Chino Valley
Expenditures/Expenses by Department
Fiscal Year 2022

DEPARTMENT/FUND	ADOPTED BUDGETED EXPENDITURES/ EXPENSES	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED	ACTUAL EXPENDITURES/ EXPENSES*	BUDGETED EXPENDITURES/ EXPENSES
	2021	2021	2021	2022
Prosecutor				
General Fund	\$ 127,800	\$ 125,150	\$	\$ 133,700
Department Total	\$ 127,800	\$ 125,150	\$	\$ 133,700
Town Clerk				
General Fund	\$ 287,200	\$ 256,700	\$	\$ 300,800
Department Total	\$ 287,200	\$ 256,700	\$	\$ 300,800
Town Manager				
General Fund	\$ 443,700	\$ 494,500	\$	\$ 501,000
Department Total	\$ 443,700	\$ 494,500	\$	\$ 501,000
Human Resources				
General Fund	\$ 267,200	\$ 269,850	\$	\$ 283,300
Department Total	\$ 267,200	\$ 269,850	\$	\$ 283,300
Municipal Court				
General Fund	318,100	305,100		336,700
Special Revenue Fund	\$ 43,500	\$ 22,000	\$	\$ 43,500
Department Total	\$ 361,600	\$ 327,100	\$	\$ 380,200
Finance				
General Fund	\$ 472,400	\$ 470,000	\$	\$ 491,700
Department Total	\$ 472,400	\$ 470,000	\$	\$ 491,700
Mgmt Info Systems				
General Fund	\$ 314,300	\$ 280,250	\$	\$ 391,300
Department Total	\$ 314,300	\$ 280,250	\$	\$ 391,300
Mayor and Council				
General Fund	\$ 51,200	\$ 48,200		51,200
Department Total	\$ 51,200	\$ 48,200	\$	\$ 51,200
Planning				
General Fund	\$ 260,800	\$ 189,300	\$	\$ 337,700
Department Total	\$ 260,800	\$ 189,300	\$	\$ 337,700
Building Inspection				
General Fund	\$ 323,500	\$ 300,850		400,500
Department Total	\$ 323,500	\$ 300,850	\$	\$ 400,500
Police				
General Fund	3,449,700	3,289,564		3,705,700
Special Revenue Fund	34,000	1,700		12,000
Department Total	\$ 3,483,700	\$ 3,291,264	\$	\$ 3,717,700

Town of Chino Valley
Expenditures/Expenses by Department
Fiscal Year 2022

DEPARTMENT/FUND	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2021	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2021	ACTUAL EXPENDITURES/ EXPENSES* 2021	BUDGETED EXPENDITURES/ EXPENSES 2022
Animal Control				
General Fund	\$ 166,600	162,900		209,400
Department Total	\$ 166,600	\$ 162,900	\$	\$ 209,400
Recreation				
General Fund	\$ 158,800	\$ 151,650	\$	\$ 157,650
Department Total	\$ 158,800	\$ 151,650	\$	\$ 157,650
Library				
General Fund	\$ 385,300	\$ 356,200	\$	\$ 400,500
Department Total	\$ 385,300	\$ 356,200	\$	\$ 400,500
Senior Center				
General Fund	\$ 333,200	\$ 315,400	\$	\$ 346,400
Department Total	\$ 333,200	\$ 315,400	\$	\$ 346,400
Parks Maintenance				
General Fund	\$ 580,700	\$ 583,366	\$	\$ 876,700
Department Total	\$ 580,700	\$ 583,366	\$	\$ 876,700
Aquatics Center				
General Fund	\$ 293,700	\$ 155,600	\$	\$ 343,800
Department Total	\$ 293,700	\$ 155,600	\$	\$ 343,800
Facilities Maintenance				
General Fund	\$ 508,100	\$ 689,055	\$	\$ 613,800
Department Total	\$ 508,100	\$ 689,055	\$	\$ 613,800
Fleet Maintenance				
General Fund	\$ 277,400	\$ 237,800	\$	\$ 290,150
Department Total	\$ 277,400	\$ 237,800	\$	\$ 290,150
Engineering				
General Fund	\$ 487,000	\$ 479,600	\$	\$ 533,700
Department Total	\$ 487,000	\$ 479,600	\$	\$ 533,700
Customer Service				
General Fund	\$ 94,200	\$ 87,600	\$	\$ 38,300
Department Total	\$ 94,200	\$ 87,600	\$	\$ 38,300
Non-Departmental				
General Fund	\$ 1,264,600	\$ 911,300	\$	\$ 2,146,600
Debt Service Fund	973,000	973,000		991,500
Capital Improvement Fund	3,550,000	1,139,650		9,192,500
Grant Fund	3,500,000			3,500,000
AZ Cares Act /ARP		503,491		2,952,900
Asset Replacement Fund	150,000	90,000		241,000
Department Total	\$ 9,437,600	\$ 3,617,441	\$	\$ 19,024,500

Town of Chino Valley
Expenditures/Expenses by Department
Fiscal Year 2022

DEPARTMENT/FUND	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2021	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2021	ACTUAL EXPENDITURES/ EXPENSES* 2021	BUDGETED EXPENDITURES/ EXPENSES 2022
Water Utilities				
Water Enterprise Fund	\$ 751,200	\$ 1,016,600	\$	720,300
WATER CIP				2,355,000
Department Total	\$ 751,200	\$ 1,016,600	\$	\$ 3,075,300
Sewer Utilities				
Sewer Enterprise Fund	\$ 2,830,700	\$ 2,310,100	\$	1,908,700
Sewer CIP				1,037,500
Department Total	\$ 2,830,700	\$ 2,310,100	\$	\$ 2,946,200
Roads				
HURF	\$ 1,706,000	\$ 2,192,800	\$	\$1,095,500
Roads CIP				\$4,355,000
Department Total	\$ 1,706,000	\$ 2,192,800	\$	\$ 5,450,500
Street Lighting Improvement District				
SLID Fund	\$ 4,000	\$ 4,000	\$	4,000
Department Total	\$ 4,000	\$ 4,000	\$	\$ 4,000
TOTAL ALL DEPARTMENTS	\$ 24,407,900	\$ 18,413,276	\$	\$ 41,300,000

Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

Town of Chino Valley
Full-Time Employees and Personnel Compensation
Fiscal Year 2022

FUND	Full-Time Equivalent (FTE) 2022	Employee Salaries and Hourly Costs 2022	Retirement Costs 2022	Healthcare Costs 2022	Other Benefit Costs 2022	Total Estimated Personnel Compensation 2022
GENERAL FUND	92	\$ 5,410,129	\$ 923,955	\$ 926,574	\$ 501,672	\$ 7,762,330
SPECIAL REVENUE FUNDS						
Highway User Revenue	9	\$ 404,213	\$ 49,395	\$ 88,883	\$ 62,409	\$ 604,901
Total Special Revenue Funds	9	\$ 404,213	\$ 49,395	\$ 88,883	\$ 62,409	\$ 604,901
ENTERPRISE FUNDS						
Water Enterprise	3	\$ 175,940	\$ 21,500	\$ 27,959	\$ 18,491	\$ 243,890
Sewer Enterprise	3	\$ 175,940	\$ 21,500	\$ 27,959	\$ 18,491	\$ 243,890
Total Enterprise Funds	6	\$ 351,880	\$ 43,000	\$ 55,918	\$ 36,982	\$ 487,780
TOTAL ALL FUNDS	107	\$ 6,166,222	\$ 1,016,350	\$ 1,071,375	\$ 601,063	\$ 8,855,011

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

c.

Meeting Date: 06/22/2021
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Estimated length of staff presentation: None
Physical location of item: Bright Star Subdivision

AGENDA ITEM TITLE:

Consideration and possible action to adopt Resolution No. 2021-1184, relating to the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2021/2022, which shall constitute and are approved as the final budgets of the Districts for fiscal year 2021/2022. (Joe Duffy, Finance Director)

RECOMMENDED ACTION:

Adopt Resolution No. 2021-1184, relating to the Statements and Estimates of Expenses of the Town of Chino Valley Street Lighting Improvement Districts for Fiscal Year 2021/2022, which shall constitute and are approved as the final budgets of the Districts for fiscal year 2021/2022.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code:

Available:

Funding Source:

Approval will create a levy to pay for street lighting within the CVSLID street lighting districts. The districts are accounted for in a separate fund by the Town.

Attachments

RES - 2021-1184 - CVSLID Final Budget 2021-2022

RESOLUTION NO. 2021-1184

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ADOPTING THE STATEMENT OF ESTIMATES AND EXPENSES OF THE TOWN OF CHINO VALLEY STREET LIGHTING IMPROVEMENT DISTRICTS, WHICH SHALL CONSTITUTE THE FINAL BUDGETS OF THE DISTRICTS FOR FISCAL YEAR 2021/2022, PURSUANT TO ARIZONA REVISED STATUTES SECTIONS 48-616 AND 42-17101, ET SEQ., AS AMENDED.

WHEREAS, the provisions of Arizona Revised Statutes (“A.R.S.”) § 48-616 require the Mayor and Council of the Town of Chino Valley (the “Town Council”) to levy taxes upon all property in a municipal street lighting improvement district to pay said district’s annual expenses; and

WHEREAS, in accordance with A.R.S. § 42-17102, the Town Manager prepared and filed with the Town Council the budget estimates for the fiscal year beginning July 1, 2021, and ending June 30, 2022, for the following: (i) Chino Valley, Arizona, CVSLID #1 Lighting Improvement District; (ii) Chino Valley, Arizona, CVSLID #2 Lighting Improvement District; and (iii) Chino Valley, Arizona, CVSLID #3A Lighting Improvement District (collectively, the “Lighting Districts”); and

WHEREAS, on May 25, 2021, the Town Council approved Resolution 2021-1182, adopting the statement of estimates and expenses for the fiscal year beginning July 1, 2021, and ending June 30, 2022, as the tentative budgets for the Lighting Districts; and

WHEREAS, Resolution 2021-1182 also directed the Town Clerk to (i) make the statement of estimates and expenses available for inspection, not later than seven days after the date of Resolution 2021-1182, at the Chino Valley Public Library, at the Chino Valley Town Hall and on the official Town Website, and (ii) publish in the official Town newspaper once per week for two consecutive weeks (a) the official statement of estimates and expenses and (b) a notice of the public hearing of the Town Council to hear taxpayers and make tax levies at designated times and places; and

WHEREAS, due notice has been given by the Town Clerk as required by law that the Town Council would meet on June 22, 2021, at the Town Council Chambers for the purposes of (i) hearing taxpayers on the proposed estimates, expenses, and tax levies as set forth in said statement of estimates and expenses and (ii) adopting the tentative budgets as final; and

WHEREAS, on June 22, 2021, the Town Council held a public hearing on the final budgets and proposed tax levies as required by law; and

WHEREAS, the estimates and expenses in the proposed final budget for the Lighting Districts for Fiscal Year 2021/2022 do not exceed the estimates and expenses shown on the published tentative budgets.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The statement of estimates and expenses shown in the schedules attached

hereto as Exhibit A and incorporated herein by reference are hereby formally adopted as the official final budgets for the Lighting Districts for the fiscal year beginning July 1, 2021, and ending June 30, 2022.

SECTION 3. This Resolution shall be effective from and after its passage and approval according to law.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 22nd day of June, 2021.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Resolution No. 2021-1184 was duly passed by the Council of the Town of Chino Valley, Arizona, at a special meeting held on June 22, 2021, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Erin N. Deskins, Town Clerk

EXHIBIT A
TO
RESOLUTION NO. 2021-1184
[Statement of Estimates and Expenses]

See following page.

TOWN OF CHINO VALLEY, ARIZONA

Street Lighting Improvement Districts

Statement of Estimates and Expenses

Fiscal Year - 2021/2022

			A	B	C	D	E
Co. Dist. No.	Town ID No.	Town ID Name	2020/ 2021 Estimated Actual Expenses	2020/ 2021 Levy Request	2020/ 2021 Difference on Expenses vs. Levy	2021/ 2022 Projected Expenses	2021/ 2022 Levy Request
13004	CVSLID 1	Chino Valley, Arizona, CVSLID #1 Lighting Improvement District	\$2,000	\$2,000	\$ -	\$1,900	\$1,900
13005	CVSLID 2	Chino Valley, Arizona, CVSLID #2 Lighting Improvement District	\$1,000	\$1,000	\$ -	\$1,000	\$1,000
13006	CVSLID 3A	Chino Valley, Arizona, CVSLID #3A Lighting Improvement District	\$1,200	\$1,200	\$ -	\$1,200	\$1,200