

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

**TUESDAY, SEPTEMBER 11, 2012
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, September 11, 2012.

Present: Mayor Chris Marley; Vice-Mayor Carl Tenney; Councilmember Mike Best; Councilmember Darryl Croft; Councilmember Dean Echols; Councilmember Linda Hatch; Councilmember Lon Turner

Staff Present: Town Manager Robert Smith; General Services Director Cecilia Watts; Town Attorney Tom Kack; Finance Director Joe Duffy; Police Chief Chuck Wynn; Police Commander Mark Garcia; Town Engineer/Public Works Director Ron Grittmann; Associate Planner David Nicolella; Town Clerk Assistant Liz Hart (recorder)

Attendees: Director of Development Stephen Whisenhunt

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

Mayor Marley called the meeting to order at 6:05 p.m.

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Recognition of citizens for their service on the Board of Adjustment and Senior Center Advisory Board. (Jami Lewis, Town Clerk)

Mayor Marley presented Certificates of Appreciation to various citizens for their service on the Senior Center Advisory Board, Board of Adjustment, and Roads and Streets Committee.

- b)** Presentation by the Arizona Department of Transportation regarding the State Route 89 widening between Outer Loop Road and Deep Well Ranch Road. (Ron Grittmann, Town Engineer)

Trisha Lewis, Senior Community Relations Officer for ADOT's Prescott District, introduced Bill Peterson with ADOT Communications, and Randy Blake and James Bramble with Prescott District Development. She stated that advertising for bids will be prior to June 30, 2013 and ADOT officials had already met with local business owners affected by the project, Town staff, and the public.

Messrs. Blake and Bramble reported that:

- The design of this project included a divided highway with a median only between Road 4 South and Road 5 South alignment; left turn bays at Roads 4.5 and 5 South; right turn lanes for all access points; deceleration lanes at six points; an acceleration lane at Road 5 South similar to that at Road 3 South, if the Town developed a Road 1 East corridor to Road 5 South as a backage road; and an additional turn lane at Windy Valley Plaza, if the entrance became a public street.
- ADOT needed the Town to work with them to get the best access and circulation in and out of community.
- ADOT will give the millings from the project to the Town.

Town Engineer Ron Gritman added that staff proposed that the millings be used for constructing Road 1 East from Road 4 South, and possible Road 3 South, to the Road 5 South alignment.

Council commented that they did not want to adversely affect any businesses if it could be avoided, and they asked ADOT to consider stopping Road 1 East at a particular easement instead of at Road 5 South and doing the acceleration lane there.

3) CALL TO THE PUBLIC

Cindy Bromagem spoke about the upcoming Prescott Arizona Kennel Club dog show at Old Home Manor.

Jim Gilsdorf, Chino Valley District Ranger, Prescott National Forest, spoke about the recent release of the Draft Forest Plan Revision, public comment period, and public meeting on October 15.

Ab Jackson, CEO, Chino Valley Area Chamber of Commerce, spoke about their next monthly membership luncheon.

Michael Edmonds, resident, spoke about his opposition to the Town revoking the Windmill House's Conditional Use Permit, as it would allow the property owner to seek a rezone and the Town would lose its opportunity to enforce the current CUP.

4) RESPONSE TO THE PUBLIC

Mayor Marley reported on the Town's responses from the previous Call to the Public:

- George Garewell, Wade's Custom Meats – He visited the site, toured the facility, interviewed the owner and an employee, and will meet with Code Enforcement staff and Mr. Garewall in the near future.
- Joe Iacarrino, records requests and driveway culverts – Staff provided him with applicable records and Council enacted a new Ordinance addressing this matter.
- Kara Brennon, the Hells Angels event – The event was quiet and uneventful, and he hoped the Town would adopt a new fee schedule soon to recover Town resources spent on such events.
- Steve Chantos, raised medians on State Route 89 – Council reviewed the topic at a study session on September 6.
- David Richardson, dog training center on Reed Road – He hoped to visit the site next week.

- Todd League with the Parks and Recreation Advisory Board, use of the Community Center – He and the town manager visited with Mr. League on the matter.

5) **CURRENT EVENT SUMMARIES AND REPORTS**

Vice Mayor Tenney spoke about the 9-11 Healing Field sponsored by the Town of Prescott Valley.

Mayor Marley acknowledged volunteers of the Del Rio Ward for two community service projects in August; Chino Valley Lions for the Territorial Days event; and the citizens who sponsored the benefit for Brady Jenkins.

- a) Status report by Consultant Pat Walker regarding Impact Fees Study and SB 1525. (Robert Smith, Town Manager)

Pat Walker reviewed SB 1525 and gave an update on the Town's development impact fee study and SB 1525 implementation. Key points were:

- SB 1525 required major changes in funding and financing of projects through impact fees.
- The new fees and associated documents must be adopted by May 14, 2014 to be effective by August 14, 2014.
- The new law required that the Town either establish a committee or have a biannual audit conducted. Some municipalities were creating an informal ad hoc advisory committee and biannual audit in order to ensure public input before the formal public hearings.
- The required land use assumptions were completed in August 2012, project initiation and management will start in October-December 2012, and the Infrastructure Improvement Plan will be developed in January 2013-February 2014.

- b) Report by Code Enforcement staff regarding progress, statistics, and cases. (Chuck Wynn, Police Chief)

Chief Wynn and Civilian Operations Supervisor Laurie Whisenand presented a status update on code enforcement activities:

Accomplishments in the past eight months

- Opened 155 cases and closed 75;
- Expended \$685 to abate five properties whose owners could not be located or refused to comply, or whose homes had been foreclosed;
- Focused on educating citizens regarding required fencing for swimming pools;
- Focused on education and compliance and only cited those who refused to comply; and
- Worked with civic organizations to help property owners in need.

Issues

- There were major problems with vacant and/or foreclosed properties and weeds on these properties needed continual abatement.
- The Code Enforcement budget of \$1,000 was only a fraction of what was needed for staff to continue abatement and liens.
- Unabated buildings posed a liability to the Town and the problem might get worse until the economy improved.

- Scrap metal dealers indicated that it was not financially feasible for them to assist and the Fire District could not use dilapidated buildings for training that were too close to nearby homes.

Mayor Marley and Council consented to staff placing this item on a future agenda for possible action.

- c) Report regarding Northern Arizona Council of Governments (NACOG) programs for Northern Arizona municipalities and citizens. (Councilmember Hatch)

Councilmember Hatch presented information about NACOG and the services it provided to governments and individual citizens. Services included Head Start, workforce development, Agency On Aging, community services, and home ownership services. She also reviewed the types of projects NACOG funded in the past, and the projects submitted for funding for the next year, including several by the Town.

- d) Report regarding the Prescott Active Management Area's 4th Management Plan and upcoming Groundwater Users Advisory Committee (GUAC) meeting. (Vice-Mayor Tenney)

Vice Mayor Tenney, the Town's representative on GUAC, reported that the Prescott Active Management Area was undergoing the fourth update of its Active Management Plan, and the Department of Water Resources was seeking public input at a meeting on September 18.

6) CONSENT AGENDA

Council set down item 6d.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to approve Consent Agenda items 6a, b, c and e.

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve the June 26, 2012 regular meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to approve the July 10, 2012 regular meeting minutes. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to approve the July 24, 2012 regular meeting minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to appoint Lillian Morales as an alternate to the Board of Adjustment should a vacancy occur in the near term, and appoint Anita DeMello to the Municipal Property Corporation to a three-year term starting July 1, 2012. (Council Appointments Committee)

Councilmember Hatch reported that the Appointments Committee had previously recommended that Council appoint an alternate to the Board of Adjustment, as they had anticipated a resignation. As the resignation had now occurred, she asked Council to approve the item.

MOVED by Councilmember Linda Hatch, seconded by Vice-Mayor Carl Tenney to appoint Lillian Morales as an alternate to the Board of Adjustment should a vacancy occur, and appoint Anita DeMello to the Municipal Property Corporation to a three-year term starting July 1, 2012.

Vote: 7 - 0 PASSED - Unanimously

- e) Consideration and possible action to approve the Professional Services Agreement with Donald E. Zelechowski, Certified Public Accountant, for Sales Tax Audit Services in an amount not-to-exceed \$10,000 for fiscal year 2012/2013. Funds to come from non-departmental professional services line. (Joe Duffy, Finance Director)

Council recessed at 7:35 p.m. and returned at 7:47 p.m.

7) ACTION ITEMS

- a) ZC Case No. 12-001 : Consideration and possible action to adopt Ordinance No. 12-761 approving a zone change from "CL" Commercial Light to "CH" Commercial Heavy for an approximately 2-acre parcel located in the general vicinity of SR 89 and Road 5 North, on the east side of Durham Drive, south of Staley Lane, and identified as Assessor's Parcel Number 306-04-047C. Applicant/Property owner: Keith Bunker. (David Nicolella, Associate Planner)

Mr. Nicolella reported that:

- Applicant Keith Bunker currently owned and operated the Bunker Sawmill Trucking Company located in Prescott. He purchased the subject property in hopes of moving the trucking company onto the property. Initially, the site will function as a "contractor's yard" to park three trucks that will depart the site in the morning and return in the evening. Eventually, Mr. Bunker would like to build a truck maintenance facility on the site.
- The Town's Unified Development Ordinance required "CH" Commercial Heavy zoning to operate a contractor's yard, and the site's current General Plan Designation was "Commercial," which allowed "CH" zoning.
- As Durham Drive was a dedicated right-of-way, no further dedications were needed.
- On August 7, 2012, the Planning and Zoning Commission voted to recommend that Council approve the rezone with the Findings and Stipulations indicated in Ordinance No. 12-761.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Dean Echols to adopt Ordinance No. 12-761 approving the zone change from "CL" to "CH" for Assessor's Parcel Number 306-04-047C.

Vote: 7 - 0 PASSED - Unanimously

- b) SPR Case No. 12-003: Consideration and possible action to waive requirements of Unified Development Ordinance (UDO) Section 4.22.4 "Parking Design Standards" for a chip seal surface for the primary traffic lanes and parking areas for Assessor's Parcel Number 306-04-047C, located on the east side of Durham Drive south of Staley Lane. Property Owner: Keith Bunker. (David Nicolella, Associate Planner)

Mr. Nicolella reported that:

- The subject site was the same as item 7a.
- To use the site as a contractor's yard without a building, the Unified Development Ordinance required a screening fence around the yard; it also required that the primary traffic lanes and parking area be surfaced per the town engineer, who was requiring at a minimum a chip seal surface.
- Mr. Bunker was proposing to attach corrugated steel to the existing chain link fence, and suggested that the existing surface was adequate, as it consisted of the same material as the adjacent Durham Drive.
- Staff believed that given the current surface of Durham Drive, it seemed inconsistent to require the property owner to apply chip seal and recommended that Council approve a temporary waiver of the surface material requirement until such time that Mr. Bunker submitted a building permit for his future maintenance facility.
- On September 4, 2012, the Planning and Zoning Commission voted to recommend that Council temporarily waive the paving requirement.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Dean Echols to waive requirements of UDO Section 4.22.4 for a chip seal surface for the primary traffic lanes and parking areas for Assessor's Parcel Number 306-04-047C.

Vote: 7 - 0 PASSED - Unanimously

- c) SPR Case No. 12-002 : Consideration and possible action to waive the paving requirements of Unified Development Ordinance (UDO) Section 4.22.4(B)(2) "Parking Design Standards" for the drive aisles and one parking space for Assessor's Parcel Number 306-14-003R, located on the south side of West Road 4 North approximately 1,700 feet west of State Route 89, until a building permit is requested for a permanent building. Property Owners: Donald & Catherine Cox. (David Nicolella, Associate Planner)

Mr. Nicolella reported that:

- The subject vacant property was approximately 12.5 acres and currently zoned "CL" Commercial Light.
- Applicants Catherine and Donald Cox desired to establish a growing yard on the subject site that would provide fruit trees, shade trees, and ornamental shrubs for their wholesale nursery yard located in Prescott Valley. The site would not be open to the public and no retail activity would occur.
- The Coxes proposed to: (i) install a temporary 672 square foot commercial construction trailer with office and restroom on site for a groundskeeper and security; (ii) meet landscaping requirements by using juniper trees for screening; and (iii) include two driveways.
- Installation of the construction trailer triggered paving requirements in the Unified Development Ordinance and the Coxes were requesting that Council waive the paving requirements until they put in a permanent building.

- On July 3, 2012, the Planning and Zoning Commission voted to recommend that Council approve the request to eliminate the parking design standards for the drive aisles and one parking space until a building permit was submitted for a permanent building.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to waive the paving requirements of UDO Section 4.22.4(B)(2) "Parking Design Standards" for the drive aisles and one parking space for Assessor's Parcel Number 306-14-003R.

Vote: 7 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve Change Order Number 2 to professional services agreement with Stanley Consultants in the amount of \$5,407.78 for additional work for post design services required by the Arizona Department of Transportation regarding the preparation of bid documents for the sidewalk and landscaping project along State Route 89 between Center Street and Road 4 South. Funds to come from Highway User Revenue Fund, Roads Maintenance professional services line. (Ron Gritman, Town Engineer)

Acronym used in this item:

ADOT (Arizona Department of Transportation)

Mr. Gritman reported that:

- On May 27, 2010, the Town entered into a professional services agreement with Stanley Consultants ("Stanley") for design of the sidewalk and landscaping project along State Route 89 between Center Street and Road 4 South. This agreement was associated with an intergovernmental agreement between the Town and ADOT.
- On March 8, 2011, the Town executed change order number 1 for the design and inclusion of an entrance sign located on northbound 89 immediately north of Road 4 South. The construction plans for the project were completed in the summer of 2011.
- Over the past year, ADOT made several requests of Stanley to modify the construction drawings and specifications. Stanley had been extremely responsive to ADOT and had provided actual services far in excess of the change order amount requested, while keeping the project from falling behind even further in the construction schedule.
- This was the final change order and bids were expected to go out on September 14.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to approve Change Order Number 2 to professional services agreement with Stanley Consultants in the amount of \$5,407.78 for additional work for post design services required by the Arizona Department of Transportation.

Vote: 7 - 0 PASSED - Unanimously

- e) Consideration and possible action to approve an Intergovernmental Agreement between the Town of Chino Valley and Yavapai County Flood Control for the construction of the first of three flood control projects. Funds to come from Yavapai County Flood Control District. (Ron Gritman, Town Engineer)

Mr. Grittmann reported that:

- On January 11, 2012, the Town submitted five flood control projects to Yavapai County Flood Control District for funding consideration over a five year period.
- On July 23, 2012, The District notified the Town that the County would fund three flood control projects over the next three years: (i) Road 3 North at Town Hall, \$268,250; (ii) Chino Meadows Unit 5 at Peavine Trail, \$1,084,600; and (iii) Road 2 South at Highway 89, \$235,770.
- This first project will rectify flooding at Road 3 North and Gilson and will be designed and constructed this fiscal year.

Council and a member of the public asked about water running from this project flooding nearby Appaloosa Meadows and who would be responsible if that happened. Mr. Grittmann stated that the new channel will be built to discharge water over a longer period of time to keep the flows to those of pre-development. He was confident that it would not feed any more water into the Appaloosa system, but if it did, the Town would be responsible.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve the Intergovernmental Agreement between the Town and Yavapai County Flood Control for the construction of the Road 3 North at Town Hall Drainage Improvements.

Vote: 7 - 0 PASSED - Unanimously

- f) Consideration and possible action to purchase two 2011 Ford Expedition 4x4 XL Police Unit as replacements to two existing units that will be retired for mileage in the amount of \$77,528.52 from Berge Ford and Arizona Emergency Products. Funds to be transferred from the remaining funds from the Greater Arizona Development Authority debt defeasance located in the Debt Service Fund and disbursed from Miscellaneous Capital Projects line in the Capital Improvement Fund. (Ron Grittmann, Town Engineer)

Mr. Grittmann reported that:

- Through the defeasance process of the Town's loans from the Greater Arizona Development Authority, \$235,000 of these funds were committed toward acquisition of certain capital vehicles and equipment. Two pieces of equipment on the list were an Expedition and a Crown Victoria for the Police Department.
- As Ford had stopped making the Crown Victoria and had started a new police line using Interceptors, the Town's fleet manager recommended that staff not take chances with the new line and purchase another Expedition.
- An additional \$2,528.52 needed to make this change will come from the remaining funds used to purchase an administrative vehicle.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve the purchase of two 2011 Ford Expedition 4x4 XL Police Units from Berge Ford and Arizona Emergency Products in the amount of \$77,528.52.

Vote: 7 - 0 PASSED - Unanimously

- g) Discussion and possible action regarding amendments to the Town Code sections relating to traffic control citations and traffic signs. (Councilmember Hatch; Vice-Mayor Tenney)

Councilmember Hatch reported that:

- Some other municipalities were revising their traffic codes to cite certain civil traffic violations under local law rather than under state law. She compared the results of such a change for the citizen and the Town as far as costs of fines for the driver and points on the driver's record.
- Additionally, it had been suggested that the Town Code be modified to provide that the Town's speed limit signs be considered prima facie evidence with regard to speed limits, especially since some of the Town's new speed limits were not included in state statute.
- The Magistrate Evaluation Committee was recommending that the town attorney draft an ordinance to address these matters.

Mayor Marley suggested that staff provide the pros and cons of these changes, as well as reports from the other municipalities, and present the findings during a study session.

MOVED by Mayor Chris Marley, seconded by Councilmember Lon Turner to refer item 7g to a study session.

Vote: 7 - 0 PASSED - Unanimously

- h) Discussion and possible action regarding procurement of legal services for the Town and possible recruitment process. (Vice-Mayor Tenney; Mayor Marley)

Vice-Mayor Tenney reported that:

- Three Town officers reported directly to Council: the town manager, town magistrate, and town attorney. As Council had entered into recent contracts with the first two and legal services had not been reviewed in many years, he believed Council owed it to the public to re-assess legal services and their costs.
- Currently, the Town contracted with one outside firm for general legal services and with other firms for specialized services, for a total cost of approximately \$150,000 last year.
- He recommended appointing two or three Councilmembers to review the costs and ramifications of hiring in-house, going out for a new bid, or continuing with the current firm; and then presenting their findings to Council.

Council discussion: Councilmembers favored appointing three councilmembers to a committee to do the research and then referring the matter to a study session.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to appoint Vice-Mayor Tenney, Councilmember Hatch, and Councilmember Croft to an hoc committee to review various options for providing legal services for the town and prepare a report for a Council study session.

With Council's consent, Mayor Marley asked Vice Mayor Tenney to serve as chair of the committee.

Vote: 7 - 0 PASSED - Unanimously

- i) Consideration and possible action to approve the July 2, 2012 special meeting minutes. (Absent: Councilmember Turner) (Jami Lewis, Town Clerk)

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve the July 2, 2012 special meeting minutes.

Vote: 6 - 0 PASSED

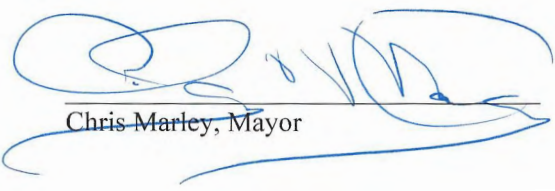
Other: Councilmember Lon Turner (ABSTAIN)

8) EXECUTIVE SESSION

9) ADJOURNMENT

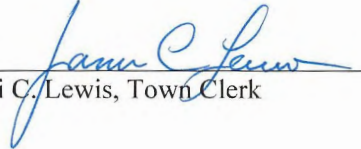
MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to adjourn the meeting at 8:45 p.m.

Vote: 7 - 0 PASSED - Unanimously



Chris Marley, Mayor

ATTEST:

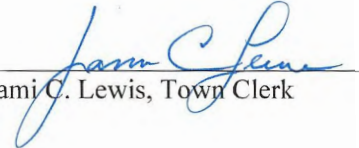


Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 11th day of September, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of December, 2012.



Jami C. Lewis, Town Clerk