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

TUESDAY, OCTOBER 11, 2011
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, October 11, 2011.

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

Council Present: Mayor Chris Marley, Vice-Mayor Carl Tenney, and Councilmembers Mike Best, Darryl Croft, Dean Echols, Linda Hatch, and Lon Turner.

Staff Present: Town Manager Michael Scannell, General Services Director Cecilia Watts, Town Attorney Tom Kack, Commander Mark Garcia, Development Services Director Pat Clingman, Town Engineer/Public Works Director Ron Grittman, Magistrate John Walker, Court Coordinator Ronda Apolinar, Court Clerk Diane Burke, Town Clerk Assistant/Records Technician Liz Hart, and Town Clerk Jami Lewis (recorder).

Councilmember Echols gave the invocation; Mayor Marley led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

2a) Proclamation declaring October 23-31, 2011 as "Red Ribbon Week," sponsored by the Chino Valley Elks Lodge #2842.

Mayor Marley read the proclamation and presented it to Elks Club representative, LuAnne Neitchzman, who spoke about drug abuse awareness.

3a) CALL TO THE PUBLIC

Ab Jackson, CEO, Chino Valley Area Chamber of Commerce, spoke about recent and upcoming events and activities, presented the Chamber's first quarter report, and introduced the Chino Valley Community Guide.

Marti Klein asked about the status of the comp and class study. Ms. Watts stated that staff hoped to start it in early November and complete it in mid-January.

3b) RESPONSE TO THE PUBLIC

Mayor Marley had nothing to report.

4) CURRENT EVENT SUMMARIES AND REPORTS

Councilmember Best reported on an Elks Club pancake breakfast to benefit veterans on November 12.

Councilmember Croft reported on the process for Council's performance appraisal of the town manager.

Councilmember Hatch reported on Yavapai Regional Medical Center Board of Electors training.

Mayor Marley read the Monthly Mayor's Report, which pertained to the Kampgrounds of America (KOA) development, Council's strategic planning process, an upcoming General Plan update, and APS tree-trimming project.

4a) Report by Magistrate John Walker regarding the status of Chino Valley Municipal Court operations. (John Walker, Magistrate)

Mr. Walker reported that:

- A Court audit recently revealed a substantial balance of about $45,000 in one Court account. The auditors recommended returning the money to the general fund. As the auditors could not establish the rightful owners of the funds, by law, he could not distribute any of the funds without first accepting and reviewing any potential claims. He intended to meet with the town manager and representatives of potential parties to find an equitable way of dividing the funds within the next year.
- He had a staffing shortage and needed to fill two full-time positions before February, as well as change a position title, and he desired to move forward subject to adjustments based on the compensation and classification study.

Town Manager Scannell recommended that the title change be done in conjunction with the comp and class study. Councilmember Croft suggested that he look into getting a temporary position until the study.

4b) Report on a possible recount of the Census as requested by Council. (Pat Clingman, Development Services Director)

Ms. Clingman reported that:

- As the Town's 2010 Census count was lower than expected, Council had directed staff to look into a possible recount or a way to confirm or possibly overturn those figures through a Count Question Resolution Challenge.
- Staff reviewed the Census count process and did a random sampling of the Census. Based on the data and information from this analysis, it appeared that the information provided by the 2010 Census Bureau was accurate.
- Staff also contacted the U.S. Census Bureau, who related that if staff found that a portion of the town had been omitted by the count, they could reevaluate it; but they did not offer to recount any of the populace. They assured staff that no area of the populace was overlooked and particular attention was paid to the more densely populated areas to make sure there was a fair and accurate count taken.
- As staff could find no way to contradict the census figures, the Census count would stand for the next five years.

4c) Status update and conclusions with regard to establishing three improvement districts to bring a combination of water and sewer to various areas of Highway 89 between Road 3 North and Road 5 South. (Ron Grittman, Town Engineer)

Mr. Grittman reported that:

- On November 12, 2009, Council approved a professional services agreement with Pooled Resources to perform the necessary preliminary work for creation of three improvement districts (IDs) for the purpose of extending water and/or sewer to key commercial areas along SR 89 and some residential areas to spur economic development along the SR 89 corridor.
- Using the cost estimates for each ID, assessments for equivalent dwelling units (EDUs) were determined, resulting in the following average EDU costs: ID-1, $33,000; ID-2, $13,128; and

ID-3, $9,846. As the initial goal for these assessments was approximately $10,000 per EDU, staff decided to cease moving forward with the ID's in their current form.
- The Town needed a different way to approach this issue, as water and sewer to SR 89 was paramount, and all recent commercial growth was due to availability of utilities. Council also needed to address the Town's sewer connection policy before utility extensions could proceed.

CONSENT AGENDA

Council set down items 5 and 6.

5) Consideration and possible action to amend the Council Rules of Procedure, last revised August 9, 2011, pursuant to Rule 15 thereof. (Jami Lewis, Town Clerk)

Mrs. Lewis' staff report stated that:
- On September 13, Council approved a revised Council agenda format, a new public information sheet to be provided at all Council meetings, and with revisions to the public participation rules, all of which necessitated an amendment to Council's Rules of Procedure.
- In addition, the town attorney recommended a few other minor changes to the Rules of Procedure, Section 13(B)(9) relating to time limits for addressing the Council, and Section 13(C) Call to the Public. If Council approved these revisions, the public information sheet will also be revised to reflect the attorney's recommendations.

Council discussed the proposed changes.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to approve amended Council Rules of Procedure with correction to item 13(B)(7) to read "Persons with material to hand out should provide it to the recording clerk for distribution to the Council and staff. Ten copies of each document are needed to ensure a sufficient number of handouts." The motion PASSED unanimously 7-0.

6) Consideration and possible action to accept a Perpetual Offer for Dedication of Public Roadway (POD) from Donald and Lindsay Roskopf for the purposes of future public roadway and utilities, the north twenty-five feet (25') of Assessor's Parcel No. 306-21-165A, located on the southeast corner of W. Road 2 North and Sycamore Vista Drive, along the property's W. Road 2 North frontage from the existing right-of-way line on W. Road 2 North. (Pat Clingman, Development Services Director)

Ms. Clingman's staff report stated that on September 6, 2011, Council passed Ordinance No. 11-750 for the rezone of Assessor's Parcel Number 306-21-165A, conditioned upon several stipulations, one of which was that, before October 13, 2011, the applicant provide a perpetual offer to dedicate of sufficient width to accommodate a 50-foot wide one-half street from the center line along the property's Road 2 North frontage.

Councilmember Hatch asked to replace the word "needs" with "determines to accept" on page 3, paragraph 1 Conditions.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to accept a Perpetual Offer for Dedication of Public Roadway (POD) from Donald and Lindsay Roskopf with the change as noted. The motion PASSED unanimously 7-0.

ACTION ITEMS

7) Site Plan Review (SPR) 11-001: Consideration and possible action to: (a) grant site plan approval to authorize construction of a Kampgrounds of America "KOA" consisting of ~~113~~ 115 Recreational Vehicle (RV) spaces and 32 KOA cabins on a 17 acre parcel identified as Assessor's Parcel Number 306-14-008K, located approximately 370 feet east of the State Route 89 right-of-way adjacent to the south side of the Road 3-1/2 North alignment; (b) modify the landscape requirements otherwise applicable under the Unified Development Ordinance to allow for a portion of the five-foot landscaping requirement to be deleted to allow for a roadway; and (c) provide that, if the drainage study review causes substantial changes to landscaping and traffic circulation, the site plan shall return to the Planning and Zoning Commission for further recommendation and to the Town Council for possible approval. (Pat Clingman, Development Services Director)

Ms. Clingman reported that:

- On October 20, 2009, the applicant met with the Technical Review Committee for a proposed zone change in order to allow development of a Kampgrounds of America ("KOA") (also referred to as the High Plains RV Resort). While he could have requested 129 spaces, he requested 115.
- On May 6, 2010, the Planning and Zoning_Commission ("Commission") recommended that Council approve a rezone for approximately 17 acres of APN 306-14-008K from Commercial Light/Agricultural Residential 5 Acre Minimum (CL/AR-5) to Commercial Heavy (CH) to develop a KOA overnight RV parking area.
- On July 22, 2010, Council adopted Ordinance No. 10-730 approving the zone change for the subject property. Subsequently, a group of citizens opposing the project filed Referendum No. 10-01 causing Ordinance No. 10-730 to go before the voters in the form of Proposition 401.
- On May 17, 2011, the general election resulted in the voters approving Proposition 401 by a vote of 1,862 for and 819 against.
- On September 20, 2011, the Commission elected by a 6-0 vote to forward the application to Council with a recommendation for approval for the conceptual plans, and directed staff to return the conceptual plans to the Commission for further review if the drainage study review caused substantial changes to landscaping and traffic circulation.
- The site plan for the KOA consisted of approximately 17 acres and proposed to have 113 recreational vehicle (RV) spaces and 32 KOA cabins.
- The Town's Unified Development Ordinance (UDO) Section 1.7.4 required Commission and Council site plan review for recreational vehicle parks, including the overall site plan, drainage plan, landscaping, building elevations, lighting, and screening plans.
- Also, pursuant to UDO Section 1.7.4, which gave Council the authority to approve a site plan that did not meet the landscape requirements, the applicant requested and the Commission recommended that Council modify the UDO requirements to the site plan to allow for a portion of the five-foot landscaping requirement to be deleted to allow for a roadway.

Mayor Marley reported that he could vote on this item now that the associated sewer agreement had been approved by Council.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to approve the site plan to authorize construction of a Kampgrounds of America KOA consisting of 115 Recreational Vehicle (RV) spaces and 32 KOA cabins on the 17 acre parcel identified as APN 306-14-008K; to modify the landscape requirements otherwise applicable under the Unified Development Ordinance to allow for a portion of the five-foot landscaping requirement to be deleted to allow for a roadway; and to provide that, if the drainage study review causes substantial changes to landscaping and traffic circulation, the site plan shall return to the Planning and Zoning Commission for recommendation and to the Town Council for possible approval.

8) Discussion and possible action with regard to the Town's noise regulations contained in Town Code Chapter 131. (Chris Marley, Mayor)

Mayor Marley reported that councilmembers had received several complaints from citizens regarding enforcement of noise regulations related to loud music or noise from vehicles, helicopters, and business establishments. He and Councilmember Hatch reviewed several statutes and noise ordinances, and Councilmember Best met with the Police Chief and Commander Garcia to discuss the matter. He was now suggesting that Council refer the matter to the Council Safety Committee, and then to a study session.

Vice-Mayor Tenney MOVED, seconded by Councilmember Croft, to refer this item to the Safety Committee, followed by a study session. The motion PASSED unanimously 7-0.

9) Consideration and possible action to appoint applicants to the Board of Adjustment, Municipal Property Corporation, Parks and Recreation Advisory Board, Planning and Zoning Commission, and Transit Advisory Committee. (Jami Lewis, Town Clerk)

Ms. Lewis reported that the Council Appointments Committee met on September 20, 2011 to review applications and make recommendations to fill positions on the Board of Adjustment, Municipal Property Corporation, Parks and Recreation Advisory Board, Planning and Zoning Commission, and Transit Advisory Committee.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to appoint Michael Edmonds to the Board of Adjustment with term ending July 31, 2013. The motion PASSED unanimously 7-0.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to appoint John Coomer to the Municipal Property Corporation with term ending June 30, 2014. The motion PASSED unanimously 7-0.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to appoint Eric Smith and Alicia Steinberg to the Parks and Recreation Advisory Board with term ending June 30, 2013. The motion PASSED unanimously 7-0.

Councilmember Echols MOVED, seconded by Councilmember Hatch, to refer appointment of Candy Blakeslee to the Planning and Zoning Commission back to the Appointments Committee. The motion PASSED 4-3 with Mayor Marley, Councilmember Hatch, and Councilmember Turner voting "no."

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to appoint Tom Armstrong, John James, William Mitchell, and Cheryl Romley with term ending September 30, 2012; and Ron Romley, Ed Steinback, and Michael Tobey with term ending September 30, 2013 to the Transit Advisory Committee. The motion PASSED unanimously 7-0.

EXECUTIVE SESSION

10a) Council may vote to hold an executive session pursuant to A.R.S. § 38-431.03(A)(3) and (A)(7) to obtain legal advice from its attorneys and to consider its position and instruct its attorneys, or other designated representatives, regarding discussions of services to date and negotiations for either termination or proposed alteration(s) to the Consulting Contract between the Town and Dava & Associates, Inc. (Tom Kack, Town Attorney)

Vice-Mayor Tenney MOVED, seconded by by Councilmember Hatch, to go into executive session. The motion PASSED unanimously 7-0 at 7:52 p.m. Mayor Marley reconvened the regular meeting at 9:05 p.m.

10b) Consideration and possible action with regard to approving an Addendum to Amend the Consulting Contract between the Town and Dava & Associates, Inc.

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to approve modification to the Consulting Contract between the Town and Dava & Associates, Inc., to approve the Addendum to Consulting Contract deleting the provision that "The responsibilities will also include intra-department disputes, grievances or discipline issues that would otherwise be resolved or subject to input and review by the Town Manager;" and otherwise modify or clarify the Consulting Contract as determined by the Council. The motion PASSED unanimously 7-0.

11a) Council may vote to hold an Executive Session pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) to obtain legal advice and consider its position and instruct its attorneys regarding negotiations and a potential agreement between the Town and Sun Edison LLC regarding the dedication and improvement of certain road(s) and/or other considerations between the Town and Sun Edison. (Tom Kack, Town Attorney)

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to go into executive session. The motion PASSED unanimously 7-0 at 9:06 p.m. Mayor Marley reconvened the regular meeting at 9:42 p.m.

11b) Consideration and possible action with regard to approving an agreement or accommodation with Sun Edison, LLC regarding roads and access.

Council took no action on item 11b.

12) Council may vote to hold an executive session pursuant to A.R.S. § 38-431.03(A)(3) and (A)(4) and (A)(7) to obtain legal advice from its attorneys and designated representatives and to consider its position and instruct its attorneys, or other designated representatives, regarding Yavapai County's request to purchase property for a Waste Transfer Station on Town Property to be located in or about "Old Home Manner." (Chris Marley, Mayor)

Vice-Mayor Tenney MOVED, seconded by Councilmember Hatch, to go into executive session. The motion PASSED unanimously 7-0 at 9:44 p.m. Mayor Marley reconvened the regular meeting at 10:05 p.m.

13) ADJOURNMENT

Councilmember Turner MOVED, seconded by Councilmember Hatch, to adjourn the meeting. The motion PASSED unanimously 7-0 at 10:05 p.m.

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 October, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8th day of October 2015.

Jami C. Lewis, Town Clerk