

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

**THURSDAY, OCTOBER 20, 2011
6:30 PM**

The Town Council of the Town of Chino Valley, Arizona met for a Special Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Thursday, October 20, 2011.

Mayor Marley called the meeting to order at 7:53 p.m.

Council Present: Mayor Chris Marley, and Councilmembers Mike Best, Darryl Croft, Linda Hatch, and Lon Turner.

Council Absent: Vice-Mayor Carl Tenney and Councilmember Dean Echols.

Staff Present: Town Manager Michael Scannell, General Services Director Cecilia Watts, Town Attorney Tom Kack, Town Engineer Ron Gritman, Development Services Director Pat Clingman, Town Clerk Jami Lewis (recorder).

- 2a)** 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)

Councilmember Hatch MOVED, seconded by Councilmember Croft, to go into executive session. The motion PASSED unanimously 5-0 at 7:54 p.m. Mayor Marley reconvened the special meeting at 10:30 p.m.

- 2b)** Consideration and possible action with regard to approving an agreement or accommodation with Sun Edison, LLC regarding roads, access, clarifications, corrections, and development issues.

Town Attorney Tom Kack advised that based upon Council's discussion in executive session and his discussions with Scott Risley, Development Manager with Sun Edison, a development agreement was being proposed for Council approval. He reviewed the recommended changes to the agreement discussed during the executive session.

Council asked about permanent access to the subject property. Mr. Kack stated that he could add a provision for Road 4 South to be the permanent access, but if the parties were unable to obtain permanent access along Road 4 South, they would have to switch to Road 3 South. Council asked for there to be a limitation placed on use of Road 3 South for future construction.

Mr. Risley stated that if they could not use Road 4 South for permanent access, they would only need to use Road 3 South to make regular visits to the site about once every two weeks for maintenance. Sun Edison would endeavor, however, to obtain temporary and permanent access along Road 4 South.

Mr. Kack added that if the parties could not agree to limitations on the use of Road 3 South, the matter would go to mediation.

Councilmember Hatch MOVED, seconded by Councilmember Croft, to authorize the Town Attorney to make the changes as presented, and authorize the mayor to sign the agreement. The motion PASSED unanimously 5-0.

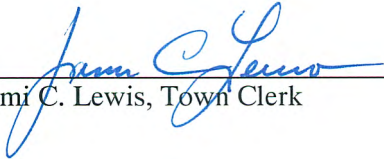
3) ADJOURNMENT

Councilmember Hatch MOVED, seconded by Councilmember Croft, to adjourn the meeting. The motion PASSED unanimously 5-0 at 10:46 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the Town Council of the Town of Chino Valley, Arizona held on 20th 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