

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

**TUESDAY, DECEMBER 9, 2014
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, December 9, 2014.

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

Staff Present: Town Manager Robert Smith; General Services Director Cecilia Grittmann; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Police Officer Mike Pereda; Police Officer Jody Villalobos; Town Engineer/Public Works Director Ron Grittmann; Development Services Director Ruth Mayday; Deputy Town Clerk Liz Hart; Town Clerk Jami Lewis (recorder)

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

Mayor Marley called the meeting to order at 6:03 p.m.

Vice-Mayor Croft gave the invocation; Mayor Marley led the Pledge of Allegiance.

(Councilmember Best attended the meeting via conference phone.)

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS – None.

3) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

Bridgett Malford, Community Coordinator with the Council for Educational Travel, USA (CETUSA), spoke about the international high school foreign exchange program.

4) RESPONSE TO THE PUBLIC – None

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

5) CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

Vice-Mayor Croft reported on a recent Appointments Subcommittee meeting.

Police Chief Chuck Wynn introduced new officers Dominic Gillo and Jonathan Ferris.

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

Mr. Smith reported on:

- New FCC regulations that will require the Town to update its codes in 60 days.
- Previous actions taken by Council to hire the Town's financial advisor and bond counsel.

Finance Director Joe Duffy reported on the current status of the WIFA loan and the fees for the Town's financial advisor and bond counsel.

Councilmember Hatch requested that Council be provided with the documentation authorizing the Town to hire the and financial advisor and bond counsel, as well as a 2004 resolution that allocated a portion of the new one percent sales tax to finance the sewer.

- b)** Status report regarding the Community Development Block Grant (CDBG) drainage project. (Cecilia Grittmann, General Services Director)

Ms. Grittmann reported that:

- The special survey for the CDBG project was done and the neighborhood qualified for the grant.
- Due to the omission of the project description on the original public hearing notice, the Town was being required, as a formality, to hold another public hearing on December 30. No new resolution was being required.
- Staff anticipated final approval by early January 2015, bidding in April, and project completion in July.

- c)** Report on recently corrected scrivener's errors pursuant to Town Code § 10.20 Authority to Correct Scrivener's Errors. (Jami Lewis, Town Clerk)

Ms. Lewis reported on scrivener's corrections made to Resolution No. 576, July 23, 2013 minutes, and Ordinance No. 14-787.

6) CONSENT AGENDA

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Pat McKee to approve Consent Agenda items a and b.

Vote: 7 - 0 PASSED

- a) Consideration and possible action to accept the November 18, 2014 regular meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to approve Financial Report for the month ended October 31, 2014. (Joe Duffy, Finance Director)

7) ACTION ITEMS

- a) Consideration and possible action to approve grant agreement with Arizona Commerce Authority for \$250,000 Rural Economic Development Grant, related to the Old Home Manor industrial park. Funds will be accounted for in the Pubic Works Grant Fund; match will be budgeted for in the Capital Improvement Fund. (Ruth Mayday, Development Services Director)

Recommended Action: Approve grant agreement with Arizona Commerce Authority for the Rural Economic Development Grant.

Ms. Mayday reported that:

- Per Council's 2014 Strategic Plan, staff applied for \$250,000 from the Arizona Commerce Authority's (ACA) Rural Economic Development Grant program (REDG), whose purpose was to facilitate economic development in non-metropolitan areas of Arizona.
- The REDG funds will be used to leverage additional grant funds from the Economic Development Administration (EDA) for proposed improvements at Old Home Manor (OHM).
- Like many rural communities, Chino Valley struggled to gain benefit from the slowly improving economy. Limited resources made it difficult to compete with its more economically advanced neighbors in encouraging and supporting economic development. Installing infrastructure improvements that will provide utility services to OHM will benefit the community as a whole by providing ready opportunities for development of heavier commercial and industrial uses that will provide employment opportunities for the under- and unemployed in the greater Chino Valley area.
- Staff was notified on October 23, 2014 that the Town had been awarded the full \$250,000 grant. Acceptance of the funding and contract approval were the final steps in this process.
- REDG funds will be used for "hard costs" for water and sewer lines, manholes, and manhole covers. The Town had 18 months to use the funds on a reimbursement basis, so any unused portions would be forfeited. If the Town forfeited such funds, the Town would have to make up the difference with EDA. The Town will not be able to use any REDG funds without EDA approval.
- Staff recently learned that the EDA will not fund gas line installation to OHM, so staff was researching different options for that. While being part of the project, but not part of the funding request, this resulted in lowering the grant match.
- Sources for the Town's match included: the REDG grant, Town cash, waived permit fees, in-house trenching, and grant administration. The Town will hear from EDA 30-60 days after providing evidence of the Town's match.

Mayor Marley related that, if EDA asked for a match that the Town could not meet, the Town would notify ACA that it could not make a deal with EDA.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Linda Hatch to approve grant agreement with Arizona Commerce Authority for the Rural Economic Development Grant.

Vote: 7 - 0 PASSED

- b) Consideration and possible action to approve the agreement for professional consulting services with Civil Tec Engineering for development of the 200 yard long range shooting facility in an amount not to exceed \$17,927.00. Funds to come from the Police Department Public Range Grant line item. (Ron Grittmann, Public Works Director/Town Engineer)

Recommended Action: Approve the agreement for professional consulting services with Civil Tec Engineering for development of the 200 yard long range shooting facility for an amount not to exceed \$17,927.00.

Mr. Grittmann reported that:

- Under the Town's existing contract with the Prescott Sportsmen's Club (PSC), the Town agreed to construct a long range shooting facility of a 200-yard minimum in length in the PSC use area. This was the Town's last remaining obligation with PSC.
- The subject design contract will provide the Public Works Department the necessary engineering to allow the project to be constructed using the "in-house" designation. Staff anticipated scheduling this project for construction in FY 2016/17.
- Civic Tec was chosen for this project, as PSC had already started its design work with Civil Tec, and dirt from this project was to be used as fill material for several new roadways for which Civil Tec was developing the 30% plans.

Mayor Marley asked Mr. Grittmann to confer with Police Lieutenant Schaan on any lead abatement issues.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve the agreement for professional consulting services with Civil Tec Engineering for development of the 200 yard long range shooting facility for an amount not to exceed \$17,927.00.

Vote: 7 - 0 PASSED

- c) Consideration and possible action to adopt Resolution No. 14-1053 in support of Arizona SONShine 2015, a free health services event in the Quad-cities area to be held June 17-18, 2015. (Cecilia Grittmann, General Services Director)

Recommended Action: Adopt Resolution No. 14-1053 in support of Arizona SONShine 2015 event.

Staff requested that Council postpone this item to January 13, 2015.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Pat McKee to postpone item 7c.

Vote: 7 - 0 PASSED

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to go into executive session for items a, b and c at 6:44 p.m.

Vote: 7 - 0 PASSED

(Councilmember Best left the meeting after the executive session.)

- a) Pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position in pending or litigation or in settlement discussions conducted in order to resolve litigation in the matter of LaVacara Trust v. Town of Chino Valley. (Phyllis Smiley, Town Attorney)
- b) Pursuant to A.R.S. § 38-481.03(A)(1) for discussion or consideration of employment, assignments, appointment, promotion, dismissal, salary of Town Manager Robert Smith, and pursuant to A.R.S. § 38-481.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding the contract with Town Manager Robert Smith. (Mayor and Council)
- c) Pursuant to A.R.S. Section 38-431.03(A)(3) and (4) for discussion or consultation for legal advice with the Town Attorney and in order to consider its position and instruct the Town Attorney regarding the Town's position regarding the and the settlement of the matter of Cortez v. Town of Chino Valley. (Robert Smith, Town Manager)

9) ACTION ITEMS RESUMED

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

Mayor Marley reconvened the regular meeting at 7:46 p.m.

- a) Consideration and possible action to approve an employment agreement with Town Manager Robert Smith or an amendment to his current agreement with the Town. (Mayor and Council)

Recommended Action: Approve an employment agreement with Town Manager Robert Smith or an amendment to his current agreement with the Town.

Mayor Marley reported that Council gave instruction to the Town Attorney and Vice-Mayor Croft during the executive session.

- b) Consideration and possible action to select an appraiser for property anticipated to be transferred to Cortez Enterprises, Inc. pursuant to the terms of the Provisional Settlement Agreement dated March 6, 2014. Funding will come from the General Fund Contingency Line item. (Phyllis Smiley, Town Attorney)

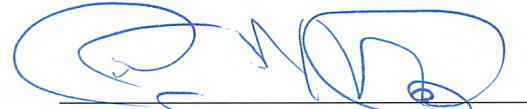
Recommended Action: Select _____ as an appraiser for property anticipated to be transferred to Cortez Enterprises, Inc. pursuant to the terms of the Provisional Settlement Agreement dated March 6, 2014.

Mayor Marley reported that Council gave instruction to staff during the executive session.

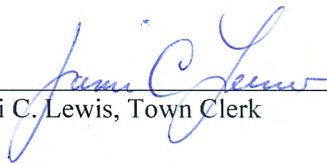
10) ADJOURNMENT

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Pat McKee to adjourn the meeting at 7:47 p.m.

Vote: 6 - 0 PASSED


Chris Marley, Mayor

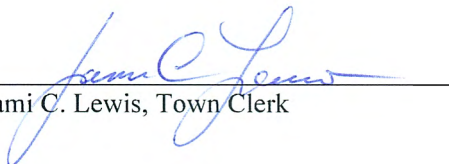
ATTEST:


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 9th day of December, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of January, 2015.


Jami C. Lewis, Town Clerk