



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

REGULAR MEETING
Tuesday, December 13, 2016
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**
 - a. Presentation of Anti-Aggressive Driving & Speeding Commercial.
 - b. Presentation of Life Saver Commendation to Lt. Vince Schaan.

***Council may consider and take action to change the order of the agenda.*

Recommended Action: Move items 8a) executive session; 7a) Recognition of Mayor Marley, 7b) Oaths of Office; and 7c) Selection of Vice-Mayor, in that order, prior to item 3) Call to the Public.

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.

4. **RESPONSE TO THE PUBLIC**

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.

- a. Comments regarding factual information on the proposed racetrack.

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.

- a. Status reports by Mayor and Council regarding current events.
- b. Status report by Interim Town Manager Cecilia Grittmann and/or Town staff members regarding Town accomplishments, and current or upcoming projects.

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.

- a. Consideration and possible action to approve the Intergovernmental Agreement (IGA) between the State of Arizona through its Department of Public Safety (DPS) and the Town of Chino Valley through its Police Department regarding Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) State Gang Task Force, effective July 1, 2016. (Chuck Wynn, Police Chief)
- b. Consideration and possible action to adopt Resolution No. 16-1096, accepting the dedication of right-of-way of certain real property located approximately north of the intersection of Road 1 East and Adams Drive, identified in the 2007 Record of Survey for Assessor's Parcel Number (APN) 306-20-001K. (Michael Lopez, Public Works Director/Town Engineer)
- c. Consideration and possible action to accept the Comprehensive Annual Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2016, as prepared by Henry & Horne, LLP, Certified Public Accountants. (Joe Duffy, Finance Director)
- d. Consideration and possible action to adopt Resolution No. 16-1095, prescribing standards of financial disclosure for local public officers. (Jami Lewis, Town Clerk)
- e. Consideration and possible action to accept the October 25, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)
- f. Consideration and possible action to accept the November 8, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)

- g. Consideration and possible action to accept the November 15, 2016 study session minutes. (Jami Lewis, Town Clerk)

7. 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. Recognition of Chris Marley for 5-1/2 years of service as Mayor of Chino Valley. (Jami Lewis, Town Clerk)
- b. Administer Oaths of Office to Mayor-Elect Darryl Croft and Councilmembers-Elect Mike Best, Susan Cuka, Annie Lane, Corey Mendoza, Jack Miller, and Lon Turner. (Jami Lewis, Town Clerk)
- c. Consideration and possible action to nominate and elect a Councilmember to serve as Vice-Mayor. (Jami Lewis, Town Clerk)

Recommended Action: The new Mayor shall nominate, and the new Council shall select, a Councilmember to serve as Vice-Mayor.

- d. Hold a Public Hearing for consideration and possible action to approve Ordinance No. 16-826, decreasing the Town's sales tax (transaction privilege tax) rate for manufactured buildings in the Town of Chino Valley. (Joe Duffy, Finance Director)

Recommended Action: Approve Ordinance No. 16-826, decreasing the sales tax rate for manufactured buildings to ____%.

- e. Consideration and possible action to rezone approximately 2.49 acres of real property, located approximately 448 feet north of Road 4 1/2 North and approximately 1000 feet west of State Route 89, and also known as Yavapai County Assessor's Parcel No. 306-05-095M, from SR-1.6 (Single Family Residential, 1.6-acre minimum) to SR-1 (Single Family Residential, 1-acre minimum) zoning district. Applicant: Jose Granillo. (Ruth Mayday, Development Services Director)

Recommended Action: Adopt Ordinance No. 16-824, rezoning APN 306-05-095M from SR-1.6 (Single Family Residential, 1.6 acre minimum) to SR-1 (Single Family Residential, 1 acre minimum).

- f. Consideration and possible action to approve the rezoning of approximately 61 acres of real property generally located on Tree Farm Lane between Granite Creek Lane and Colorado Way, and also known as Assessor's Parcel Numbers 306-03-002P and 306-03-002Q, from CL (Commercial Light) to I (Industrial) zoning district. Applicant: Curt Wells. (Ruth Mayday, Development Services Director)

Recommended Action: Approve Ordinance No. 16-827, to rezone approximately 61 acres

generally located on Tree Farm Lane between Granite Creek Lane and Colorado Way, from CL (Commercial Light) to I (Industrial) Zoning District.

- g. Consideration and possible action to approve a Conditional Use Permit (CUP) for approximately 1.4 acres of real property located at 3445 South State Route 89 (Assessor's Parcel Number 306-29-030C) to allow retail propane sales in the CL (Commercial Light) zoning district. Applicant: Olsen/Sischka Investments. (Ruth Mayday, Development Services Director)

Recommended Action: Approve CUP 16-002 allowing for liquefied petroleum gas sales in a CL (Commercial Light) zoning district at Olsen's Feed Store located at 3445 S. State Route 89.

- h. Consideration and possible action to approve a Conditional Use Permit (CUP) for approximately five (5) acres of real property located at 1151 E. Road 4 North (Assessor's Parcel No. 306-17-003Q) to permit storage of up to six (6) pieces of heavy equipment (tractors, backhoes, etc.) in the AR-5 (Agricultural/Residential - 5 Acre Minimum) zoning district. Applicant: Gregg and Susie Cuka. (Ruth Mayday, Development Services Director)

Recommended Action: Approve CUP 16-001 to allow for the storage of up to six (6) pieces of heavy equipment at 1151 E. Road 4 North as indicated on the site plan attached to the CUP thereto and made a part herewith.

- i. Consideration and possible action to award the bid and construction contract to Earth Resources Corporation in an amount not to exceed \$1,853,639.00 for construction of sewer and water mains, and roadway improvements to Jerome Junction and Road 4 North including new drainage structures across the Santa Cruz wash and adjacent tributary, and the removal and replacement of existing culverts, roadway and other incidental work. (Michael Lopez, Public Works Director/Town Engineer)

Recommended Action: Award the bid and construction contract to Earth Resources Corporation in the amount not to exceed \$1,853,639.00 for construction of sewer and water mains, and roadway improvements to Jerome Junction and Road 4 North.

- j. Consideration and possible action to approve the intergovernmental agreement (IGA) between the Town of Chino Valley, ADOT, and Yavapai County, authorizing payment of \$75,000.00 to ADOT for design of the Road 1 North and State Route 89 Traffic Signal. (Michael Lopez, Public Works Director/Town Engineer)

Recommended Action: Approve the IGA between the Town of Chino Valley, ADOT, and Yavapai County, authorizing payment of \$75,000.00 to ADOT for design of the Road 1 North and State Route 89 Traffic Signal.

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.

- a. An executive session 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 regarding a contract with Prescott Sportsmen's Club related to management of the Chino Valley Shooting Range Facility that is the subject of negotiations. (Mayor Marley)
- b. An executive session 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 regarding a contract in pending litigation or in settlement discussions conducted in order to resolve litigation in the matter of Town v. The Glenarm Land Company, Inc., et al. (Phyllis Smiley, Town Attorney)

9. ACTION ITEMS RESUMED

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

10. ADJOURNMENT

Dated this 8th day of December, 2016.

By: **Jami C. Lewis, 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 a 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.

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: _____
Jami C. Lewis, Town Clerk

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 2. a.

Meeting Date: 12/13/2016
Contact Person: Chuck Wynn, Police Chief
Phone: 928-636-2646 x-1258
Department: Police
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Presentation of Anti-Aggressive Driving & Speeding Commercial.

SITUATION & ANALYSIS:

Chief Wynn recently participated in making a commercial on Anti-Aggressive Driving & Speeding. We would like to present the commercial to the Council.

Attachments

No file(s) attached.

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 2. b.

Meeting Date: 12/13/2016
Contact Person: Chuck Wynn, Police Chief
 Phone: 928-636-2646 x-1258
Department: Police
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Presentation of Life Saver Commendation to Lt. Vince Schaan.

SITUATION & ANALYSIS:

On November 7, 2016, Lt. Schaan responded to a roll-over, injury accident. The driver had been ejected from the vehicle and sustained life-threatening injuries. Lt. Schaan provided medical aid to the driver. It was later learned from Flagstaff Regional Medical Center that the victim had lost over 3 liters of blood while on the scene. If it had not been for the actions of Lt. Schaan to locate the victim's injury, gather the appropriate first aid materials and apply pressure for as long as he did, the victim would have died.

Not only did Lt. Schaan's actions contribute to the life of the victim being saved, it also served as a great example to his Department staff of the willingness to go the extra mile to save a life.

Attachments

No file(s) attached.

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. a.

Meeting Date: 12/13/2016
Contact Person: Chuck Wynn, Police Chief
 Phone: 928-636-2646 x-1258
Department: Police
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve the Intergovernmental Agreement (IGA) between the State of Arizona through its Department of Public Safety (DPS) and the Town of Chino Valley through its Police Department regarding Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) State Gang Task Force, effective July 1, 2016. (Chuck Wynn, Police Chief)

RECOMMENDED ACTION:

Approve the Intergovernmental Agreement with the State of Arizona through its Department of Public Safety regarding Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) State Gang Task Force, effective July 1, 2016.

SITUATION AND ANALYSIS:

Issue Statement

In January, 2013, CVPD, through the Town, entered into an IGA with DPS to enhance law enforcement services concerning criminal activities of street gangs in Yavapai County. This IGA continues that partnership with DPS in connection with the agreements they have with other law enforcement agencies in Yavapai County. These partnerships have created a task force to assist Yavapai County law enforcement agencies in dealing with criminal activity that has a gang nexus.

Applicable "Policy"

N/A

Satisfaction of "Policy"

N/A

Summary of Issues and Staff Rationale

This IGA will enhance Chino Valley Police Department's ability to serve it's community by providing a task force resource for planned and unplanned incidents within our jurisdiction.

Findings of Fact

In addition to added manpower resources, this IGA provides 75% funding of the assigned officer's pay, including employee related expenses. In addition, access to state information systems and equipment may be requested.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Reimbursement amount included in each fiscal years budget.

Attachments

GIITEM IGA 2016

**INTERGOVERNMENTAL AGREEMENT
REGARDING
GANG & IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT MISSION
(GIITEM) STATE GANG TASK FORCE**

This Intergovernmental Agreement ('IGA') is entered into between the State of Arizona through its Department of Public Safety ("DPS") and the Town of Chino Valley through the Chino Valley Police Department, hereinafter referred to as "Agency".

The purpose of this Agreement shall be to enhance law enforcement services concerning the criminal activities of street gangs, through the cooperative efforts of the parties to this IGA.

DPS is authorized and empowered to enter into this IGA pursuant to A.R.S. §41-1713 B.3. Both parties are authorized and empowered to enter into this IGA pursuant to A.R.S. §11-952. The Agency is authorized and empowered pursuant to A.R.S. §11-952.

Now, in consideration of the mutual promises set forth herein, the parties to this Agreement hereby agree to the following terms and conditions:

I. PARTICIPATION

The Agency agrees to assign one (1) AZ P.O.S.T. certified sworn law enforcement officer ("Officer"), to DPS and its Gang & Immigration Intelligence Team Enforcement Mission "GIITEM", on a full-time basis for such assignments within the purposes of this IGA, as directed by DPS. The Agency agrees the Officer shall be in compliance with DPS residency requirements.

During this period of assignment, the Agency and DPS agree to allow the Officer to maintain all benefits, rights, and privileges available to the Officer as if they were assigned on a full-time basis to the Agency. The Officer must abide by all of the applicable rules and regulations of the Agency and are subject to its disciplinary process.

The Agency agrees to enter into a Memorandum of Understanding (MOU) with the DPS relative to the connection and operation of the Arizona GangNet system.

II. REIMBURSEMENT

DPS agrees to reimburse the Agency on a monthly basis (based upon DPS weekly time sheets completed by the Officer) for seventy-five (75%) percent of payroll expenses of the Officer related to this assignment, including salary, shift pay, benefits (which accrue during the term of the IGA) and employee-related expenses to include employer's workman's compensation and social security at established rates, vacation and sick leave taken while working GIITEM. DPS will reimburse all overtime compensation (based upon DPS rules, not to exceed eight (8) hours per month). There must be a minimum of 40 hours GIITEM related work in order for DPS to reimburse for overtime in any given week.

Overtime compensation will be for GIITEM related activities only. The limitation of overtime to eight (8) hours per month may be exceeded without contacting the Agency if DPS determines that additional funding is available. Monthly vacation or sick leave which accrues, but not used by the Officer, will not be reimbursed. The Agency will pay twenty-five (25%) percent of payroll related expenses. All personnel costs, including shift pay, will be based on a standard forty (40) hour work week, with the understanding the forty (40) hour work week may be altered to address the needs of

DPS as it relates to an on-going investigation or special assignment request dictated by the needs of a requesting city, county, or entity.

Prior to the Officer reporting to GIITEM, the Agency agrees to furnish DPS with the following information: Officers' annual, bi-weekly and hourly rates of base pay and fringe benefits, as well as, the overtime rate based upon the assumption outlined above. DPS is not obligated to reimburse the Agency for salary raises or modifications to base salaries, unless the Agency submits such modification to DPS at least 60 days prior to the effective date of such modification.

All approved travel expenses will be reimbursed directly to the Officer by DPS under employee travel reimbursement guidelines established by the Arizona Department of Administration. The amount reimbursed for the aforementioned expenditures shall be for actual costs incurred during the effective dates of this IGA.

DPS agrees to assign a department vehicle to the Agency's Officer. The Officer is responsible for maintaining the assigned vehicle in accordance with DPS policy and will utilize the DPS assigned vehicle for GIITEM purposes only. The Officer must meet the ADOA Driver's Training Requirements.

III. IMMIGRATION

All parties agree to comply with A.R.S. §§23-214 and 41-4401.

IV. NONDISCRIMINATION

The Parties shall comply with Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. The Parties shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability.

V. INDEMNIFICATION

Each party (as "Indemnitor") agrees to indemnify, defend, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such claims which result in vicarious/derivative liability to the Indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, agents, employees, or volunteers.

VI. DRUG FREE WORKPLACE

Any Officer assigned to GIITEM will be subject to random and/or for cause, drug and alcohol testing in accordance with his/her Agency's guidelines. If the Agency does not have a drug free program, the Officer will be required to submit to testing pursuant to the DPS Drug Free Workplace Program. Each assigned Officer shall be subject to the responsibilities of and shall retain all rights as provided for in the DPS Drug Free Workplace Program Manual, DPS Form Number DPS 932-02056. DPS shall not charge any fee or cost to the Agency for any assigned Officer who undergoes

testing. The Officer may be removed from GIITEM for failure to comply with the program or for failure to pass DPS drug screening requirements.

VII. RECORDKEEPING

All records regarding the IGA, including Officers' time accounting logs, must be retained for five (5) years in compliance with A.R.S. §35-214, entitled Inspection and Audit of Contract Provisions.

VIII. FEES

In no event shall either party charge the other for any administrative fees for any work performed pursuant to the IGA.

IX. JURISDICTION

The Agency agrees to permit its Officers to work outside of its regular jurisdictional boundaries.

X. ARBITRATION

The parties to this agreement agree to resolve all disputes arising out of or relating to this agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518 except as may be required by other applicable statutes.

XI. WORKER'S COMPENSATION BENEFITS

Pursuant to A.R.S. §23-1022 D., for the purposes of Worker's Compensation coverage, the Agency Officers covered by the IGA shall be deemed to be an employee of both agencies. The Agency, as the primary employer, shall be solely liable for payment of Worker's Compensation Benefits and the processing of any potential claims occurring during the Officers' assignment to GIITEM.

XII. LIMITATIONS

This agreement in no way restricts either party from participating in similar activities with other public or private agencies, organizations, and individuals. Nothing in this agreement shall be construed as limiting or expanding the statutory responsibilities of the parties.

XIII. EFFECTIVE DATE/DURATION

The duration of this IGA shall be the fiscal year, July 1st through June 30th, beginning July 1, 2016, and shall renew annually on July 1st for a period of time not to exceed five (5) years. Annual renewal shall be contingent upon legislative allocated budget approval for the applicable fiscal year. If funds are not allocated to support this agreement, DPS will provide written notice to the Agency notifying them of termination of funding and cancellation of the IGA.

All prior agreements between DPS and the Agency regarding GIITEM gang enforcement participation are cancelled as of the effective date of this IGA.

XIV. NON-AVAILABILITY OF FUNDS

Every payment obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of the Agreement, this Agreement may be terminated by the State at the end of the period for which funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

Intergovernmental Agreement - GIITEM
 DPS Contract No. 2016- 126
 Arizona Department of Public Safety/Chino Valley Police Department

XV. CANCELLATION

All parties are hereby put on notice that this IGA is subject to cancellation by the Governor for conflicts of interest pursuant to A.R.S. §38-511.

XVI. TERMINATION

Either party may terminate the IGA for convenience or cause upon thirty (30) days written notice to the other party. Upon termination, DPS shall pay all outstanding amounts up through the time upon which the termination becomes effective. All property shall be returned to the owning party upon termination.

Any notice required to be given under the IGA will be provided by mail to:

Criminal Investigations Division Assistant Director
 Arizona Department of Public Safety
 P. O. Box 6638, Mail Drop 1350
 Phoenix, Arizona 85005-6638

Chief of Police
 Town of Chino Valley
 1950 Voss Drive, Bldg. #301
 Chino Valley, AZ 86323

XVII. VALIDITY

This document contains the entire agreement between the parties and may not be modified, amended, altered or extended except through a written amendment signed by both parties. If any portion of this agreement is held to be invalid, the remaining provisions shall not be affected.

The parties hereto have caused this IGA to be executed by the proper officers and officials.

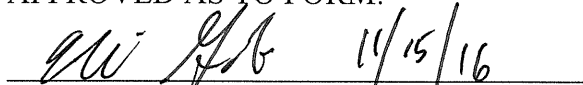
STATE OF ARIZONA

BY: _____


 Frank L. Milstead, Colonel
 Director

DATE: 11-18-16

APPROVED AS TO FORM:


 Assistant Attorney General


Assistant Attorney General
Approved as to Form

TOWN OF CHINO VALLEY

BY: _____

Chris Marley, Mayor

DATE: _____

ATTEST:

DATE: _____

APPROVED AS TO FORM:

Phyllis Smiley, Town Attorney



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. b.

Meeting Date: 12/13/2016
Contact Person: Michael Lopez, Public Works Director/Town Engineer
 Phone: 928-636-2646 x-1226
Department: Public Works
Item Type: Consent
Estimated length of staff presentation: 5 minutes
Physical location of item: Road 1 West and Adams Drive

AGENDA ITEM TITLE:

Consideration and possible action to adopt Resolution No. 16-1096, accepting the dedication of right-of-way of certain real property located approximately north of the intersection of Road 1 East and Adams Drive, identified in the 2007 Record of Survey for Assessor's Parcel Number (APN) 306-20-001K.

RECOMMENDED ACTION:

Adopt Resolution No. 16-1096.

SITUATION AND ANALYSIS:

Issue Statement

The dedication of this right-of-way was presented to staff by Mr. DeYoung to facilitate the completion of the dedication as identified in the 2007 Record of Survey for APN # 306-20-001K. This resolution by the Town is for the purpose of accepting the dedication and will be recorded in the Yavapai County Recorder's Office.

Applicable Policy

Satisfaction of Policy

Summary of Issues and Staff Rationale

Findings of Fact

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Resolution 16-1096

Exhibit A Legal Description & Record of Survey

RESOLUTION NO. 16-1096

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWN FOR RIGHT-OF-WAY PURPOSES; AUTHORIZING AND DIRECTING THE MAYOR, TOWN MANAGER AND TOWN ATTORNEY TO ACQUIRE TITLE TO SUCH REAL PROPERTY ON BEHALF OF THE TOWN BY DONATION, EMINENT DOMAIN OR PURCHASE FOR AN AMOUNT NOT TO EXCEED FAIR MARKET VALUE OF THE PROPERTY, PLUS ACQUISITION AND CLOSING COSTS.

WHEREAS, the continued growth and development of the Town of Chino Valley requires the acquisition of certain real property for roadway improvements to Road One East Road, which real property is generally described in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley find that acquisition of the property described is necessary for public right-of-way purposes for the Project and it is in the public interest to acquire such property; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley have considered alternatives available, have balanced the public good and the private injury resulting from the acquisition of the property, and have determined that locating the public improvements on the property results in the greatest public good and the least private injury.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA:

That the Mayor, Town Manager and Town Attorney are hereby authorized and directed to acquire title to and possession of the real property generally described in Exhibit A, plus any additional real property required for completion of the Project, as determined by the final engineering plans, by donation, eminent domain or purchase for an amount not to exceed fair market value, plus acquisition and closing costs; and

BE IT FURTHER RESOLVED, that the Mayor, Town Manager and Town Attorney are authorized to perform all acts necessary to acquire said property for the purposes described in this resolution on behalf of the Town.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 13th day of December, 2016.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L.N. Smiley, Town Attorney

I hereby certify the above foregoing Resolution No. 16-1096 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on December 13, 2016, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Exhibit A – Legal Description of Property to be Acquired

EXHIBIT A

	Commitment for Title Insurance BY Yavapai Title Agency, Inc. as agent for First American Title Insurance Company
Exhibit A	

Order No.: 08020287-830-CLA

LEGAL DESCRIPTION

The Land referred to herein below is situated in the County of Yavapai, State of Arizona, and is described as follows:

That part of the Northeast quarter of Section 15, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona more particularly described as follows:

COMMENCING at the Northeast corner of said Section 15;

Thence South 0° 16' East, a distance of 338.48 feet to the TRUE POINT OF BEGINNING, commonly known as the Northeast corner of Lot 2 of the ADAMS ACRES, an unrecorded subdivision plat;

Thence South 89° 53' West, 165 feet;

Thence South 0° 16' East, 137 feet;

Thence North 89° 53' East, 165 feet;

Thence North 0° 16' West, 137 feet to the TRUE POINT OF BEGINNING.

RECORD OF SURVEY

APN 306-20-001K
SEC. 15, T16N, R2W, G&SRB&M,
YAVAPAI COUNTY, ARIZONA

LEGEND

- - FOUND 1/2" REBAR CAPPED LS 33872
- - FOUND 1/2" REBAR CAPPED "FAMAS"
- - SET 1/2" REBAR WITH PLASTIC CAP
- * - STAMPED "FAMAS" LS 27738
- * - AFFIXED BRASS TAG "FAMAS" LS 27738
- () - RECORD INFORMATION

BOOK 3896 O.R. PAGE 127 YCRO
BASIS OF BEARINGS IS GEODETIC
NORTH USING GPS OBSERVATIONS

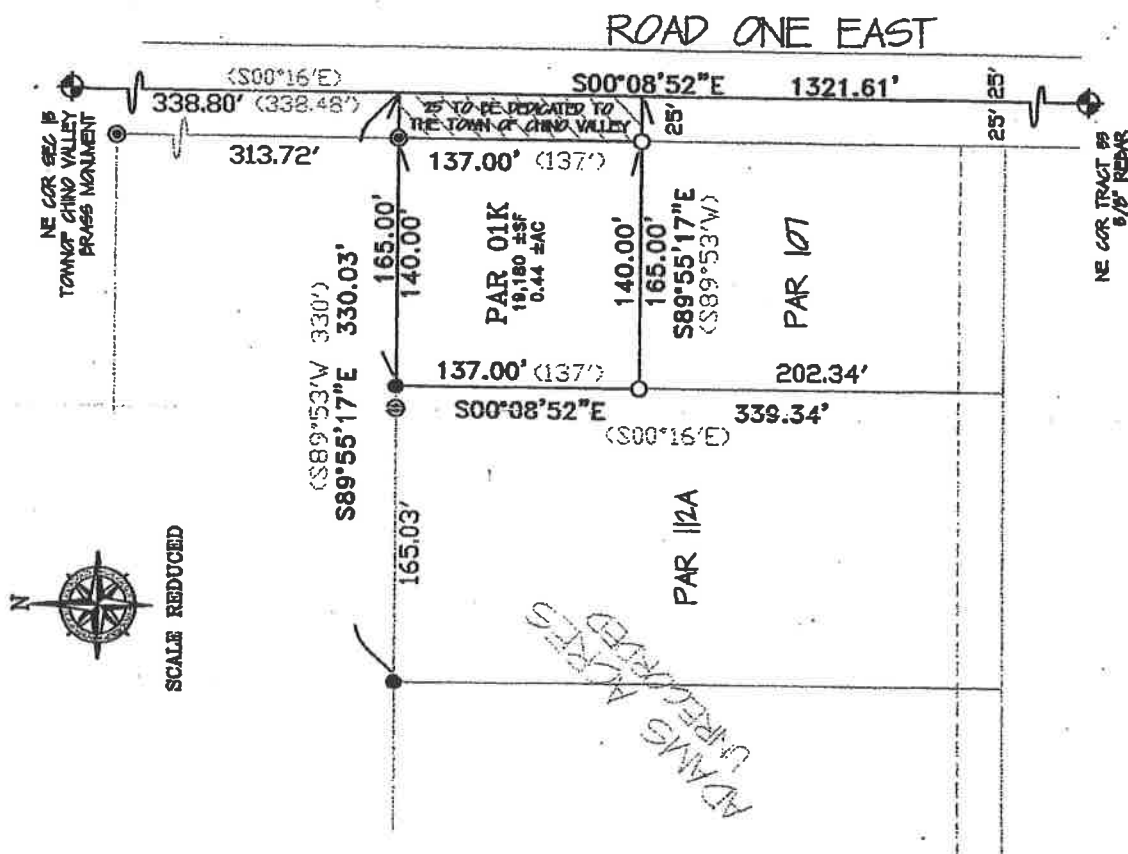


EMPIRE SURVEYING, Inc

P.O. BOX 87 PAULDEN AZ 86334
PHONE (928)-636-8892 FAX 636-8893

SURVEY FOR: DETYOUNG

DATE DRAWN: 8-17-07 FILE NO.: Y07184
DRAWN BY: DEF DRAWING: 164Y07



NOTE THAT ALL EASEMENTS OF RECORD
MAY NOT BE SHOWN ON THIS PLAT

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. c.

Meeting Date: 12/13/2016
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Item Type: Consent
Estimated length of staff presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to accept the Comprehensive Annual Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2016, as prepared by Henry & Horne, LLP, Certified Public Accountants. (Joe Duffy, Finance Director)

RECOMMENDED ACTION:

Accept the Comprehensive Annual Audited Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2016, as prepared by Henry & Horne, LLP, Certified Public Accountants.

SITUATION AND ANALYSIS:

Henry & Horne, LLP was retained by the Town to complete the audit for the fiscal year ended June 30, 2016.

The audit has been completed, and the final reports have been issued.

The reports were reviewed by the Finance Committee December 7, 2016.

Other Pertinent Documents Available Upon Request:

A printed copy of the report is being provided to Council and pertinent staff separately. The report will be available on the Town's website at <http://www.chinoaz.net>.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. d.

Meeting Date: 12/13/2016
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Resolution No. 16-1095, prescribing standards of financial disclosure for local public officers.

RECOMMENDED ACTION:

Adopt Resolution No. 16-1095, prescribing standards of financial disclosure for local public officers.

SITUATION AND ANALYSIS:

Issue Statement

Pursuant to A.R.S. § 38-545, the Town is required to adopt standards of financial disclosure for local public officers consistent with the provisions of A.R.S. Title 38, Chapter 3.1, Article 1. The Town Council adopted such standards via Resolution No. 94 in 1984, which was repealed and replaced with Resolution No. 14-1029 in 2014 due to changes in the statutes related to the new consolidated elections provisions.

HB 2429, enacted this year, amended A.R.S. § 38-541 and 542, and thus require changes to Resolution No. 14-1029. The town attorney has drafted a new Resolution that repeals Resolution No. 14-1029 and adopts the standards as revised by the new legislation. The new provisions clarify the financial reporting requirements.

Applicable “Policy”

- A.R.S. § 38-545
- A.R.S. § 16-204
- Town Clerk goal to bring Town into compliance with HB 2429.

Satisfaction of “Policy”

A.R.S. § 38-545 – Resolution No. 16-1095 continues to meet the requirement for financial disclosure under this statute and also provides that the Town allow the new provisions that will be applicable in 2017 as a result of HB 2429.

Summary of Issues and Staff Rationale

The primary changes resulting from HB 2429 are:

1. A new category on the Financial Disclosure Statement requires reporting of certain travel-related expenses, which when reported are exempt as a “gift” under the law.
2. The law no longer requires the specific names of the public officer’s spouse or children to be included on the Statement as long as a general description is provided and allows the public officer to provide a home or work address.
3. The Secretary of State is authorized to prescribe the electronic format for the local public officer’s financial disclosure statements. The law is effective on January 1, 2017. The League anticipates that this may be a fillable pdf version of the Statement form and they anticipate hearing from the Secretary's Office around the January 1 effective date.
4. The notarization requirement on Statement has been removed. (this is not a statutory change; the Secretary’s Office has interpreted the law requiring a “verification” on the statement to mean that notarization is not required on this form.)

Findings of Fact

- The Town is required to adopt standards of financial disclosure for local public officers. This was done most recently in 2014 via Resolution No. 14-1029.
- Resolution No. 16-1095 repeals and replaces Resolution 14-1029 relating to the amendments to A.R.S. § 38-541 and 542.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Resolution 16-1095

RESOLUTION NO. 16-1095

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, REPEALING RESOLUTION NO. 14-1029 AND PRESCRIBING STANDARDS OF FINANCIAL DISCLOSURE FOR LOCAL PUBLIC OFFICERS; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, pursuant to the provisions of Arizona Revised Statutes § 38-545, as amended, and pursuant to Resolution No. 14-1029, the Town of Chino Valley is required to and did adopt standards of financial disclosure for local public officers consistent with the provisions of Title 38, Chapter 3.1, Article 1, Arizona Revised Statutes, as amended; and

WHEREAS, the Arizona State Legislature amended A.R.S. §§ 38-541 and 542, effective January 1, 2017, requiring revisions to the Town's financial disclosure requirements; and

WHEREAS, the Town Council has determined that the standards of financial disclosure hereinafter adopted are, with respect to the Town of Chino Valley, consistent with such standards of financial disclosure within the meaning of A.R.S. § 38-545.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, County of Yavapai, Arizona, that Resolution No. 14-1029 is hereby repealed and of no further affect.

BE IT FURTHER RESOLVED that the following Standards of Financial Disclosure for the local elected officials are hereby adopted:

Section 1: Definitions. In this resolution, unless the context otherwise requires:

A. "Business" includes any enterprise, organization, trade, occupation or profession, whether or not operated as a legal entity or for profit, including any business trust, corporation, partnership, joint venture or sole proprietorship.

B. "Compensation" means anything of value or advantage, present or prospective, including the forgiveness of debt.

C. "Controlled business" means any business in which the local public officer or any member of his/her household has an ownership or beneficial interest, individually or combined, amounting to more than a fifty percent (50%) interest.

D. "Dependent business" means any business in which the local public officer or any member of his household has an ownership or beneficial interest, individually or combined, amounting to more than a ten percent interest, and during the preceding calendar year the business received from a single source more than ten thousand dollars and more than fifty percent of its gross income.

E. "Gift" includes any gratuity, special discount, favor, hospitality, service, economic opportunity, loan or other benefit received without equivalent consideration and not provided to members of the public at large. "Gift" does not include travel-related expenses that are publicly reported as required by law or political campaign contributions that are publicly reported pursuant to Arizona Revised Statutes, Title 16, Chapter 6.

F. "Local public officer" means a person holding an elective office in the Town of Chino Valley, Arizona.

G. "Member of household" means a local public officer's spouse and any minor child of whom the local public officer has legal custody.

H. "Travel-related expenses" means any costs associated with transportation, food, lodging and registration fees and other expenses directly related to travel to or from a meeting, conference or other event where the local public officer is participating in the local public officer's official capacity.

Section 2: Duty to File Financial Disclosure Statement; Contents; Exceptions

A. In addition to other statements and reports required by law, each local public officer, as a matter of public record, shall file with the Town Clerk on a form prescribed by the Town Clerk, a verified financial disclosure statement covering the preceding calendar year ending December 31. The statement shall disclose:

1. The name and home or work address of the local public officer, whether the local public officer's spouse is a member of the local public officer's household, the number of minor children who are members of the local public officer's household and all names and addresses under which each does business. If disclosure of the identity of the local public officer's spouse or minor child would otherwise be required, a local public officer may comply with the identification requirement by using the term "spouse" or "minor child", as applicable.

2. The name and address of each employer and of each other source of compensation other than gifts amounting to more than one thousand dollars (\$1,000) received during the preceding calendar year by the local public officer and members of his household in their own names, or by any other person for the use or benefit of the local public officer or members of his or her household, a description of the services for which the compensation was received and the nature of the employer's business. This paragraph shall not be construed to require the disclosure of individual items of compensation that constituted a portion of the gross income of the business from which the local public officer or members of his household derived compensation.

3. For a controlled business, a description of the goods or services provided by the business, and if any single source of compensation to the business during the preceding calendar year amounts to more than ten thousand dollars (\$10,000) and is more than twenty-five percent (25%) of the gross income of the business, the disclosure shall also include a description of the goods or services provided to the source of compensation. For a dependent business, the statement shall disclose a description of the goods or services provided by the business and a description of the goods or services provided to the source of compensation from which the dependent business derived the amount of gross income described in Section 1, Paragraph 4. If the source of compensation for a controlled or

dependent business is a business, the statement shall disclose a description of the business activities engaged in by the source of compensation.

4. The names and addresses of all businesses and trusts in which the local public officer or members of his or her household, or any other person for the use or benefit of the local public officer or members of his or her household, had an ownership or beneficial interest of over one thousand dollars (\$1,000) at any time during the preceding calendar year, and the names and addresses of all businesses and trusts in which the local public officer or any member of his or her household held any office or had a fiduciary relationship at any time during the preceding calendar year, together with the amount or value of the interest and a description of the interest, office or relationship.

5. All real property interests and real property improvements, including specific location and approximate size, located in the Town of Chino Valley, in which the local public officer, any member of his or her household or a controlled or dependent business held legal title or a beneficial interest at any time during the preceding calendar year, and the value of any such interest, except that this paragraph does not apply to a real property interest and improvements thereon used as the primary personal residence or for the personal recreational use of the local public officer. If a local public officer, any member of his or her household or a controlled or dependent business acquired or divested any such interest during the preceding calendar year, he or she shall also disclose that the transaction was made and the date it occurred. If the controlled or dependent business is in the business of dealing in real property interests or improvements, disclosure need not include individual parcels or transactions as long as the aggregate value of all parcels of such property is reported.

6. The names and addresses of all creditors to whom the local public officer or members of his or her household, in their own names or in the name of any other person, owed a debt of more than one thousand dollars (\$1,000) or to whom a controlled business or a dependent business owed a debt of more than ten thousand dollars (\$10,000) which was also more than thirty percent (30%) of the total business indebtedness at any time during the preceding calendar year, listing each such creditor. This paragraph shall not be construed to require the disclosure of debts owed by the local public officer or any member of his or her household resulting from the ordinary conduct of a business other than a controlled or dependent business. Nor shall disclosure be required of credit card transactions, retail installment contracts, debts on residences or recreational property exempt from disclosure under paragraph 5 of this subsection, debts on motor vehicles not used for commercial purposes, debts secured by cash values on life insurance or debts owed to relatives. It is sufficient disclosure of a creditor if the name and address of a person to whom payments are made is disclosed. If the local public officer, any member of his or her household or a controlled or dependent business incurred or discharged a debt which is reportable under this subsection during the preceding calendar year, the report shall disclose that the transaction was made and the date it occurred.

7. The identification and amount of each debt exceeding one thousand dollars (\$1,000) owed at any time during the preceding calendar year to the local public officer and members of his or her household in their own names, or to any other person for the use or benefit of the local public officer or any member of his or her household. The disclosure shall include the identification and amount of each debt exceeding ten thousand dollars (\$10,000) to a controlled business or dependent business which was also more than thirty percent (30%) of the total indebtedness to the business at any time during the preceding calendar year. This paragraph shall not be construed to require the disclosure of debts from the ordinary conduct

of a business other than a controlled or dependent business. If the local public officer, any member of his or her household or a controlled or dependent business incurred or discharged a debt which is reportable under this subsection during the preceding year, the report shall disclose that the transaction was made and the date it occurred.

8. The name of each source of any gift, or accumulated gifts from a single source, of more than five hundred dollars (\$500) received by the local public officer and members of his or her household in their own names during the preceding calendar year, or by any other person for the use or benefit of the local public officer or any member of his or her household except gifts received by will or by virtue of intestate succession, or received by way of distribution from any intervivos or testamentary trust established by a spouse or by an ancestor, or gifts received from any other member of the household or relatives to the second degree of consanguinity. Travel-related expenses and political campaign contributions shall not be construed as gifts if otherwise publicly reported as political campaign contributions as required by law.

9. A list of all business licenses issued by the Town of Chino Valley or by other governmental agency which requires for its issuance the consideration of the application for such license by the Chino Valley Town Council to, held by or in which the local public officer or any member of his or her household had an interest at any time during the preceding calendar year, including the name in which the license was issued, the type of business and its location.

10. A list of all bonds, together with their value, issued by the Town of Chino Valley, any industrial development authority of the Town, or any nonprofit corporation organized or authorized by the Town held at any time during the preceding calendar year by the local public officer or any member of his or her household, which bonds issued by a single entity had a value in excess of one thousand dollars (\$1,000). If the local public officer or any member of his or her household acquired or divested any bonds during the preceding calendar year which are reportable under this paragraph, the fact that the transaction occurred and the date shall also be shown.

11. The name of each meeting, conference or other event where the local public officer is participating in the local public officer's official capacity if travel-related expenses of one thousand dollars (\$1000.00) or more were incurred on behalf of the public officer and the travel-related expenses are not paid by the local public officer.

B. If an amount or value is required to be reported pursuant to this section, it is sufficient to report whether the amount or value of the equity interest falls within:

1. Category 1, one thousand dollars (\$1,000) to twenty-five thousand dollars (\$25,000).

2. Category 2, more than twenty-five thousand dollars (\$25,000) to one hundred thousand dollars (\$100,000).

3. Category 3, more than one hundred thousand dollars (\$100,000).

C. This section does not require the disclosure of any information that is privileged by law.

D. The statement required to be filed pursuant to subsection A shall be filed by all persons who qualified as local public officers at any time during the preceding calendar year on or before January 31 of each year, with the following exceptions:

1. A local public officer appointed to fill a vacancy shall, within sixty days following his taking of such office, file a financial disclosure statement covering as his annual period the twelve-month period ending with the last full month prior to the date of his taking office; and

2. A local public officer whose final term expires less than thirty-one days into the immediately following calendar year, may file his final financial disclosure at the same time as the disclosure for the last immediately preceding year.

E. The Town Clerk shall prepare written guidelines, forms and samples for completing the financial disclosure statement required by this section. A copy of the guidelines, forms and samples shall be distributed to each local public officer and shall be made available to each candidate required to file a financial disclosure statement pursuant to Section 3 of this Resolution.

F. Any statements required to be filed by a local public officer pursuant to this resolution adopted pursuant to A.R.S. § 38-545 may be filed in an electronic format as prescribed by the secretary of state for the state of Arizona.

Section 3: Duty to File Financial Disclosure Statement by Candidates for Local Public Office in the Town of Chino Valley.

A candidate for local public office as specified in Section 1, paragraph 6, shall file a financial disclosure statement covering the preceding twelve-month period and containing the information described in Section 2 on a form prescribed by the Town Clerk at the time of filing nomination papers.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

BE IT FURTHER RESOLVED that 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 13th day of November, 2016.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L.N. Smiley, Town Attorney

I hereby certify the above foregoing Resolution No. 16-1095 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on December 13, 2016, and that quorum was present thereat and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. e.

Meeting Date: 12/13/2016

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the October 25, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the October 25, 2016 regular meeting minutes.

Attachments

October 25, 2016 minutes

DRAFT

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

**TUESDAY, OCTOBER 25, 2016
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 25, 2016.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Susie Cuka; Councilmember Jack Miller; Councilmember Corey Mendoza; Councilmember Lon Turner

Staff Present: Town Manager Robert Smith; Assistant Town Manager Cecilia Grittmann; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Police Sergeant Randy Chapman; Police Detective Amy Chamberlin; Police Officer Cody Johnson; Police Officer Josh McIntire; Civilian Operations Supervisor Laurie Whisenand; Public Works Director/Town Engineer Michael Lopez; Senior Services Administrator Cyndi Thomas; GIS/CAD/Web Technician Jan Mazy; Town Clerk Assistant Amy Pyeatt-Lansa; Town Clerk Jami Lewis (recorder)

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

Mayor Marley called the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

(Councilmember Turner arrived at 6:06 p.m.)

2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**

- a) Proclamation declaring November 2016 as "Charitable Tax Giving Month," sponsored by Yavapai Big Brothers Big Sisters.

Mayor Marley read the proclamation and presented it to Jeff Champ, who spoke about the Big Brothers Big Sisters program.

- b) MATFORCE presentation to recognize all Police Officers throughout Yavapai County as Quarterly Game Changer Award Winners.

Marilee Fowler, MATFORCE Director, presented the Game Changer Award to Chief Wynn and the Chino Valley Police Department, and acknowledged several boy scout troops that wanted to express their appreciation, as well.

- c) Presentation by Nancy Mitchell, president of the Senior Center Advisory Board, regarding activities at the Senior Center.

Assistant Town Manager Grittmann introduced Ms. Mitchell, Senior Center Advisory Board Chair, who spoke about:

- Meals On Wheels program;
- congregate meals;
- services relating to tax preparation, health and wellness, and veterans; and
- inhouse activities and field trips for all age groups.

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.

Kathy Rafters, resident; Rodney Rider, resident and combat veteran; Arnie Schwartz; Robin Schwartz; Tom Buvik, Haystack Ranch resident; and Susan Burnside, Antelope Ridge resident, spoke against the proposed racetrack, citing the following reasons:

- negative effects due to noise levels, dust, lights, water usage, loitering, litter, and traffic, resulting in loss of rural atmosphere and quality of life; reduced property values; problems for neighboring residents with PTSD or other conditions; and difficulty for first responders dealing with traffic;
- lack of highest and best use of property;
- lack of studies from Prescott Valley racetrack; and
- plan being rushed and not well thought out.

Michael Smith, resident and Recruitment Coordinator for Yavapai Big Brothers Big Sisters, spoke about program needs in Town.

4) **RESPONSE TO THE PUBLIC**

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.

- a) Status reports by Mayor and Council regarding current events.

Councilmember Best reported on a recent Central Yavapai Metropolitan Planning Organization meeting and discussion topics: Road 1 North signal and SR 69 bottleneck between the mall and Frontier Village.

Mayor Marley spoke about:

- Volunteers being needed for certain public bodies.
- The public's excellent decorum during the racetrack proposal on October 11.
- The motorsports proposal not being on the Yavapai Community College Board's agenda until after November, giving the Town more time to vet the proposal.
- The public encouraging and supporting the mayor-elect.

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

Mr. Smith asked Town Engineer/Public Works Director Lopez to provide an update on the following projects:

- new Road 4 South access to Peavine Trail;
- new Center Street mailboxes project;
- new reduced speed limit on Road 1 West south of Road 3 North for school;
- Library addition follow-up work;
- completed Public Works/Development Services/Customer Services remodel;
- implementation of iWorks in Fleet;
- installation of first 800 filters at the wastewater treatment plant resulting in better efficiency and electrical savings; and
- EDA and Center Street sewer bids.

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 Mike Best to approve consent agenda items 6a and b.

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve Financial Report for the three months ending September 30, 2016. (Joe Duffy, Finance Director)
- b) Consideration and possible action to accept the September 27, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)

7) **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:
- (i) Hold a public hearing; and
 - (ii) Approve the Cable System License for the Town of Chino Valley and Cable One, Inc., effective 11/01/2016 for a 15-year period, expiring 10/31/2031. (Cecilia Gritman, Assistant Town Manager)

Recommended Action:

- (i) Hold a public hearing;
- (ii) Approve Cable System License for the Town of Chino Valley and Cable One, Inc., effective 11/01/2016 for a 15-year period, expiring 10/31/2031.

Staff report summary: The Cable One License currently in effect will expire on October 31, 2016. Cable One requested that the Town renew its license to use the public streets for its cable operations. The proposed term was 15 years, and the License included provisions related to contract updates, programming, government access channel, cable service to government buildings, and license fees.

MOVED by Vice-Mayor Darryl Croft; seconded by Councilmember Mike Best to hold the public hearing.

Vote: 7 - 0 PASSED - Unanimously

Dennis Edwards, General Manager of Cableone Yavapai County, spoke about recent and upcoming infrastructure projects, speed upgrades, facility upgrades, and the company's support of local non-profits.

MOVED by Vice-Mayor Darryl Croft; seconded by Councilmember Jack Miller to close the public hearing.

Vote: 7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to approve Cable System License for the Town of Chino Valley and Cable One, Inc., effective November 1, 2016 for a 15-year period, expiring October 31, 2031.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to select a pool of arbitrators in compliance with Town Personnel Policy No. 815. (Phyllis Smiley, Town Attorney)

Recommended Action: Appoint the following persons to the Town Personnel Policy No. 815 arbitrators pool:

1. Steven Guttell
2. Don Zavala, Jr.
3. Michele Feeney
4. Charles Herf
5. Harold Merkow

Ms. Smiley reported that:

- The Town had a request for arbitration pending. The Town's current policy provided that Council approve a pool of arbitrators, and upon request for arbitration, the human resources (H.R.) director would select one from the pool.
- The former arbitrators had not been approved every year per policy and they were no longer interested in being in the pool.
- The five proposed arbitrators were very familiar with employment issues.

In response to Council questions, Ms. Smiley provided additional details:

- The arbitrators' proposed wages were all at discounted rates.

- Mr. Guttell's affiliation with Gust Rosenfeld was several years in the past and would pose no conflicts with his services.
- There were no criteria in the policy for how the H.R. director should choose an arbitrator, but price, availability, and specific expertise would be some.

Council discussed removing Mr. Herf, as his fees were higher than the others.

MOVED by Councilmember Susie Cuka, seconded by Vice-Mayor Darryl Croft to select a pool of arbitrators in compliance with Town Personnel Policy No. 815, with removal of Charles Herf.

Vote: 7 - 0 PASSED - Unanimously

- c) Consideration and possible action to set a public hearing date for the proposed modification to the Town's Tax Code to decrease the transaction privilege tax rate for manufactured housing sales. (Joe Duffy, Finance Director)

Recommended Action: Set a public hearing on December 13, 2016 on the proposed modification to the Town's Tax Code to decrease the transaction privilege tax rate for manufactured housing sales and to direct Staff to publish a notice of hearing at least 15 days prior to the hearing as required by law.

Mr. Duffy recounted that Council reviewed this item during its October 18 study session. Council had the option to continue the matter by setting a public hearing.

Mayor Marley noted that some citizens were unhappy with the proposal. Mr. Duffy stated he would send Council a memo with some additional facts.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to set a public hearing on December 13, 2016 on the proposed modification to the Town's Tax Code to decrease the transaction privilege tax rate for manufactured housing sales and to direct Staff to publish a notice of hearing at least 15 days prior to the hearing as required by law.

Vote: 7 - 0 PASSED - Unanimously

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 Mike Best to adjourn into executive session for items 8a, b and c at 7:10 p.m.

Vote: 7 - 0 PASSED - Unanimously

- a) An executive session 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 regarding a contract with Prescott Sportsmen's Club related to management of the Chino Valley Shooting Range Facility that is the subject of negotiations. (Mayor and Council)

- b) An executive session 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 regarding a contract in pending litigation or in settlement discussions conducted in order to resolve litigation in the matter of Town v. The Glenarm Land Company, Inc., et al. (Phyllis Smiley, Town Attorney)
- c) An executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, or resignation of Robert Smith, Town Manager. (Mayor and Council)

9) ACTION ITEMS RESUMED

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

Mayor Marley reconvened the regular meeting at 9:22 p.m.

- a) Consideration and possible action regarding employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of Town Manager, Robert Smith. (Mayor and Council)

Mayor Marley reported that Mr. Smith had agreed to resign from the Town, effective tomorrow.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to accept agreement with Mr. Smith, effective tomorrow.

Vote: 7 - 0 PASSED - Unanimously

10) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to adjourn the meeting at 9:23 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 25th day of October, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of December, 2016.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. f.

Meeting Date: 12/13/2016

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the November 8, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the November 8, 2016 regular meeting minutes.

Attachments

November 8, 2016 minutes

DRAFT

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

**TUESDAY, NOVEMBER 8, 2016
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, November 8, 2016.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Susie Cuka; Councilmember Jack Miller; Councilmember Corey Mendoza; Councilmember Lon Turner

Staff Present: Acting Town Manager Cecilia Grittman; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Police Officer Steven Angel; Public Works Director/Town Engineer Michael Lopez; Development Services Director Ruth Mayday; GIS/CAD/Web Technician Jan Mazy; Town Clerk Assistant Amy Pyeatt-Lansa; Town Clerk Jami Lewis (recorder)

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

a) Presentation of Commendation to Police Officer Steven Angel.

Chief Wynn spoke about Officer Angel's actions with regard to a suicidal subject and her children, and Mayor Marley presented Officer Angel with the official commendation.

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.

Kathy Rafters suggested that the Town host a public forum regarding the proposed racetrack to provide the facts, respond to questions raised, and clear up misinformation.

4) RESPONSE TO THE PUBLIC

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.

- a) Comments regarding the proposed motor sports facility at Old Home Manor.

Mayor Marley reported that Council had received numerous letters, both for and against the racetrack, and no further action would be taken before January.

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.

- a) Status reports by Mayor and Council regarding current events.

Councilmember Cuka reported on a recent Economic Development Subcommittee meeting and the next meeting focusing on current and future development at Old Home Manor.

Mayor Marley eulogized long-time resident Norma “Birdie” Bennett and recognized the Chino Valley High School boys and girls state soccer champions.

- b) Status report by Acting Town Manager Cecilia Grittmann and/or Town staff members regarding Town accomplishments, and current or upcoming projects.

Development Services Director Mayday reported on the results of last month’s annual fall clean up event.

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 Mike Best to approve consent agenda items 6a, b, c and d.

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve the First Final Plat Amendment to the Mahoney Acres Unit One Plat. (Ruth Mayday, Development Services Director)
- b) Consideration and possible action to: (i) Accept resignations from Mayor Chris Marley and Vice-Mayor Darryl Croft from the Roads and Streets Committee whenever they are offered; and; (ii) Appoint Councilmember Corey Mendoza and Councilmember Jack Miller to terms ending June 30, 2019 and June 30, 2018, respectively, upon the acceptance of Mayor Marley's and Vice-Mayor Croft's resignations from those positions. (Jami Lewis, Town Clerk)
- c) Consideration and possible action to accept the October 11, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)

- d) Consideration and possible action to accept the October 18, 2016 study session minutes. (Jami Lewis, Town Clerk)

7) 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 final plat for North Chino Business Park Condominium Plat. (Ruth Mayday, Development Services Director)

Recommended Action: Approve the final plat of the North Chino Business Park Condominium.

Ms. Mayday presented on this item:

- *Location:* West side of SR 89 between Road 3 North and Road 4 North.
- *Zoning:* Commercial Heavy, with a land use designation of Commercial/Multi-Family.
- *Proposal:* Divide the interior space of two existing buildings into three units—condominiums were a form of ownership, not a form of structure, with some spaces held in common and each subdivided unit owned by individuals.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to approve the final plat of the North Chino Business Park Condominium.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible adoption of Resolution No. 16-1093 approving the form and authorizing the execution and delivery of a loan agreement with the Water Infrastructure Finance Authority of Arizona (WIFA); delegating the determination of certain matters relating thereto to the Town Manager of the Town; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by such loan agreement and the resolution and declaring an emergency. (Joe Duffy, Finance Director)

Recommended Action: Approve Resolution No. 16-1093 related to the loan agreement with WIFA.

Mr. Duffy presented on this item, which related to the Center Street sewer line project. Key points were:

- After approving two loans for the project, the Town found that it needed to borrow more, as project costs were estimated to be more than originally anticipated.
- Although WIFA approved \$640,000 for this loan, the Town will end up using only \$289,000 of it due to the bids coming in lower than anticipated.
- WIFA proposed to fund 57% of the \$917,408 project through its three loans, 42% of forgivable principal (grants), and 1% of Town funds. WIFA had been very generous, as they highly supported this project for environmental reasons.
- Between connection fees and annual user fees from the homes left to be built in Mollie Rae, this project will pay for itself.

Council, Mr. Duffy, and Town Engineer Lopez discussed the following in more detail:

- *Project specifications:* The funding did not include improvements for later add ons. The road and culverts will be destroyed, rebuilt, and chipped in the spring.
- *Sewer connections outside Mollie Rae:* The project included stubouts for the 28 homes along the way. The project design allowed for expansion down Road 1 West to the south, but WIFA would have to review that to use the remaining loan funds. There was still some forgivable principal left.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve Resolution No. 16-1093 related to the loan agreement with WIFA.

Vote: 7 - 0 PASSED - Unanimously

- c) Consideration and possible action to award the bid and construction contract to Earth Resources Corporation in an amount not to exceed \$792,403.05 for construction of approximately 6,000-LF of sewer main, culvert replacement and road work up West Center Street from State Route 89 to Sycamore Vista Drive. (Michael Lopez, Public Works Director/Town Engineer)

Recommended Action: Award the bid and construction contract to Earth Resources Corporation in an amount not to exceed \$792,403.05 for the construction of approximately 6,000-LF of sewer main, culvert replacement and road work up West Center Street from State Route 89 to Sycamore Vista Drive.

Mr. Lopez reviewed the bid results and reported that:

- He believed the bids came in low as it was a winter project when bidding was typically more aggressive.
- The contractor's estimate for the deductive alternative to rebuild the road was \$180,000. While a rough estimate for inhouse construction was \$158,000, staff recommended letting the contractor do the whole project, as staff did not have the manpower.
- The finished roadway was designed match the current one so as not to affect drainage.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to award the bid and construction contract to Earth Resources Corporation in an amount not to exceed \$792,403.05 for the construction of approximately 6,000-LF of sewer main, culvert replacement and road work up West Center Street from State Route 89 to Sycamore Vista Drive.

Vote: 7 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve the use of contingency funds, up to \$10,000, for the renovation of space located in the Town of Chino Valley Library to house the Human Resources (HR) staff, office equipment, files and other various documents/records. (Laura Kyriakakis, Human Resource Director)

Recommended Action: Approve the use of up to \$10,000 in contingency funds to relocate HR to the North campus, and renovate space to accommodate the department's staff, office equipment, files and other various documents/records.

Ms. Kyriakakis reported that in order to improve employee relations, human resources staff believed that physically moving to where the majority of employees were would help with efficiency and create a more neutral location. The Library Director and Interim Town Manager supported the move.

Mayor Marley believed the move would be helpful.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to approve the use of up to \$10,000 in contingency funds to relocate HR to the North campus, and renovate space to accommodate the department's staff, office equipment, files and other various documents and records.

Vote: 7 - 0 PASSED - Unanimously

- e) Consideration and possible action to approve Resolution No. 16-1094, adopting recommended revisions to Policy No. 705 Contribution of Vacation and Sick Leave of the Town of Chino Valley Personnel Policy and Administrative Manual, as recommended. (Laura Kyriakakis, Human Resources Director)

Recommended Action: Approve Resolution No. 16-1094, adopting recommended revisions to Policy No. 705 of the Town of Chino Valley Personnel Policy and Administrative Guidelines Manual.

Ms. Kyriakakis reported that:

- Changes to this existing policy were recommended through input and comments collected through the Personnel Committee. The amended policy would allow employees to donate sick time, as well as vacation.
- The changes will make the policy more usable and convenient.

Council, Ms. Kyriakakis, and Finance Director Duffy discussed the following in more detail:

- *Donation limits:* Council preferred that the policy require a minimum amount for each employee to retain in their leave bank. Ms. Kyriakakis stated that staff did that in practice, but she agreed with adding it to the policy.
- *Privacy:* All paperwork would be handled through HR to maintain privacy. There was also a process to ensure accountability and avoid abuse.
- *Financial impact:* Impacts to the overall budget would be minimal. Since 2010, only four employees had utilized the program, and the employees were generous in taking care of each other. Other communities had had success with similar policies.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Resolution No. 16-1094, adopting recommended revisions to Policy No. 705 of the Town of Chino Valley Personnel Policy and Administrative Guidelines Manual, with the suggested changes.

Vote: 7 - 0 PASSED - Unanimously

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.

Mayor Marley recessed the regular meeting at 6:47 p.m. and reconvened it at 6:59 p.m.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to go into executive session for items 8a, b, c, d, e and f at 7:03 p.m.

Vote: 7 - 0 PASSED - Unanimously

- a) An executive session 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 regarding a contract with Prescott Sportsmen's Club related to management of the Chino Valley Shooting Range Facility that is the subject of negotiations. (Mayor and Council)
- b) An executive session 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 regarding a contract in pending litigation or in settlement discussions conducted in order to resolve litigation in the matter of Town v. The Glenarm Land Company, Inc., et al. (Phyllis Smiley, Town Attorney)
- c) An executive session pursuant to A.R.S. § 38-431.03(A)(3) and (A)(4) for discussion or consultation for legal advice with the Town Attorney and 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 pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of Messenger Lane dedication of rights-of-way. (Ruth Mayday, Development Services Director)
- d) An executive session 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 regarding pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of a grant and agreement with the Arizona Department of Housing related to its Owner Occupied Housing Rehabilitation Program. (Ruth Mayday, Development Services Director)
- e) An executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, and salary of Cecilia Gritman as Interim Town Manager and 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 regarding an employment contract with Cecilia Gritman that is the subject of negotiations related to her appointment as Interim Town Manager.
- f) An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding the Town's Personnel Appeal Process and its effect on the Trout Appeal. (Phyllis Smiley, Town Attorney)

9) ACTION ITEMS RESUMED

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

Mayor Marley reconvened the regular meeting at 8:17 p.m.

- a) Consideration and possible action to authorize \$54,961.35 in Contingency funds for Arizona Department of Housing reimbursement. (Ruth Mayday, Development Services Director)

Recommended Action: Allocate contingency funds to reimburse the Arizona Department of Housing in the amount of \$54,961.35.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to allocate contingency funds to reimburse the Arizona Department of Housing in the amount of \$54,961.35.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to appoint Cecilia Grittman to serve as Interim Town Manager and approve an employment agreement with Cecilia Grittman regarding same. (Phyllis Smiley, Town Attorney)

Recommended Action: Appoint Cecilia Grittman as Interim Town Manager and approve the employment agreement with Cecilia Grittman regarding same.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to appoint Cecilia Grittman as Interim Town Manager and approve the employment agreement with Cecilia Grittman regarding same.

Vote: 7 - 0 PASSED - Unanimously

10) ADJOURNMENT

MOVED by Councilmember Mike Best, seconded by Councilmember Susie Cuka to adjourn the meeting at 8:18 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 8th day of November, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of December, 2016.

Jami C. Lewis, Town Clerk

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 6. g.

Meeting Date: 12/13/2016

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the November 15, 2016 study session minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the November 15, 2016 study session minutes.

Attachments

November 15, 2016 minutes

DRAFT

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

**TUESDAY, NOVEMBER 15, 2016
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, November 15, 2016.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Susie Cuka; Councilmember Jack Miller; Councilmember Corey Mendoza; Councilmember Lon Turner

Staff Present: Acting Town Manager Cecilia Grittmann; Finance Director Joe Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Civilian Operations Supervisor Laurie Whisenand; Magistrate Catherine Kelley; Public Works Director/Town Engineer Michael Lopez; Public Works Manager Chris Bartels; Development Services Director Ruth Mayday; I.T. Technician Spencer Guest; GIS/CAD/Web Technician Jan Mazy (videographer); Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER; ROLL CALL

Mayor Marley called the meeting to order at 6:00 p.m.

2) Presentations by Town staff regarding the status of current projects and proposed upcoming or future projects with fiscal impacts. (Mayor Marley; Vice-Mayor Croft)

Interim Town Manager Grittmann reported that, at the Mayor's and Vice-Mayor's request, staff would provide an overview of each department's responsibilities, as well as the current and future status of department projects.

Interim Town Manager Grittmann spoke about:

- *Immediate focus:* external issues; development agreements; area water systems; town-wide projects; resources for leadership; staffing vacancies; Council/staff retreat; and minor organizational changes.
- *Focus for next six months:* building trust; determining priorities; budget process; enhancing communication; and clear direction for staff.
- *Building and Code Compliance/Customer Service:* facility remodel; process updates related to business licensing, inspections, utility billing, and development applications; cross training; forms and literature updates.
- *Library:* indoor and outdoor physical enhancements; software updates; Memory Park expansion.
- *Prosecutor's Office:* no changes.
- *Senior Center:* no changes.
- *Communications:* increase informational communications with public and improvements within organization.

Town Clerk Lewis spoke about:

- *Projects*: public records review; Town Code updates; 2016 elections; document management system research; minutes outsourcing; full codification of Town Code; implementation of new election laws; and document management system implementation.

Human Resources (HR) Director Kyriakakis spoke about:

- *Recruitment and personnel*: staffing and recruitment; position changes; and turnover.
- *Benefits summary*: insurances; paid leave; employee assistance; and retirement plans.
- *Employment law amendments*: Health Care Reform Act and mandatory reporting; Fair Labor Standards Act exempt minimum salary threshold; and Prop 206 minimum wage initiative.
- *Current and future training and development*: for specific departments, all employees, new hires, and supervisors.
- *Risk management*: workers' compensation claims, and property and casualty claims.
- *Business management and strategy*: personnel committee; Paycom time management and payroll system; and personnel handbook updates.
- *Employee relations*: HR offices relocation and binding arbitration matter.

Finance Director Duffy spoke about:

- *Paycom*: usage and efficiencies.
- *Projects*: mobile home sales tax; WIFA loan closing; customer service and utility policies, procedures, and Town Code updates; and multi-family sewer rates.

Council and Mr. Duffy discussed structure for development-related user fees.

IT Specialist Guest spoke about:

- *Projects*: organization wide enterprise document management system; strategic technology plan; new video automation system; new virtualization server rollout; new staff training; and auctioning of surplus IT equipment.

Council and Mr. Guest discussed:

- communication among MIS personnel from local entities;
- video automation system;
- GIS mapping;
- strategic technology plan.

Magistrate Kelley spoke about:

- *Projects*: facility upgrades; support of e-citation system; and Arizona Supreme Court initiatives in response to lawsuits against states pertaining to judicial procedures.
- *Personnel*: needs assessment and magistrate employment contract.

Development Services Director Mayday spoke about:

- *Zoning*: proposed conditional use permits, rezones, and developments; and Unified Development Ordinance (UDO) and/or Town Code amendments pertaining to signage, agritainment, code enforcement, and zoning districts.
- *Planning*: disposition of Old Home Manor Industrial Park (OHMIP) property; plans related to OHMIP; recreation/trails; and specific area plans for SR 89 and Road 2 North and Road 4 South.
- *Economic development*: retail; commercial/industrial; and overall economic development plan.

Council and Ms. Mayday discussed:

- projects tying into Town water and/or sewer;

- OHMIP and master plan;
- ADOT materials yard;
- Chino Valley/Williamson Valley connector and associated capacity of Town roads;
- UDO and Town Code updates.

Police Chief Wynn and Lt. Schaan spoke about:

- *New records retention laws*: data storage options and compounding costs.
- *Staffing*: head count; turnover; and pay comparisons with region.
- *Vehicle replacement*: 7 of 18 needing to be retired.
- *Tactical village project*: long term plan and shooting range usage.

Council and staff discussed:

- staffing levels and benefit incentives;
- youth programs.

Mayor Marley recessed the meeting at 7:56 p.m. and reconvened it at 8:06 p.m.

Public Works Director/Town Engineer Lopez spoke about:

- *Fleet*: software management; equipment auction; new police vehicle; and other new vehicle purchases.
- *Facilities*: capital asset inventory; using iWorks software; Library remodel for HR offices relocation; Community Center Concessions building repairs; Aquatic Center and WIC building improvements; shooting range repairs; Road 3 North drainage; Senior Center remodel; Library parking lot; energy savings project; and eventual Roads personnel relocation.
- *Engineering*: EDA grant; Center Street sewer project; EPA grant water line; Center Street box culvert; Library cell tower; Road 1 East extension; Road 1 East/Road 4 South right-of-way; Peavine connector; Memory Park expansion; localized drainage projects at SR 89/Road 2 South and Road 2 North/Road 1 West; Road 1 North signal; and flood control maintenance.
- *Central Yavapai Metropolitan Planning Organization (CYMPO) projects*: SR 89 north boundary study; regional mobility transportation plan; Road 1 North signal; CYMPO boundary expansion; and training for staff.
- *Private/public development*: Prescott water tank project; apartments; and tenant improvements.
- *Roads*: Town roads conditions; highway maintenance; drainage maintenance; maintenance plan; road counts; IGAs with ADOT; ADOT permits and signage; GIS mapping; adding data into iWorks.

Council and Mr. Lopez discussed:

- outsourcing options;
- fuel purchases;
- vision for new Public Works facility, office building, and shop;
- Library cell tower;
- Road 1 East and condemnation litigation;
- Peavine connector;
- no left turn signage at SR 89/Road 1 North;
- Center Street project safety;
- engineering plan levels (30%, 60%, 90%);
- Great Western extension-Prescott Valley/Chino Valley connector; Road 4 South/Road 1 East right-of-way;
- storm procedures.

Ms. Grittmann stated she would provide an update to Council on the Road 4 South/Road 1 East matter.

Public Works Manager Bartels spoke about:

- *Wastewater treatment plant*: new filters; septage receiving estimates; collection maintenance program; and manhole assessment.
- *Water*: backflow prevention program updates; new software; and water meter assessment and replacement program.
- *Needs assessments*: for parks, recreation, and aquatics.
- *Parks*: program to identify locations for future pocket parks.
- *Recreation*: reinstating haunted house; outreach to public regarding volunteer opportunities with community organizations; and Boys and Girls Club program.
- *Aquatics*: performance review and needs assessment.

Council and Mr. Bartels discussed:

- fee structure for septage;
- paintball facility.

3) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to adjourn the meeting at 9:43 p.m.

Vote: 7 - 0 PASSED - Unanimously

Darryl Croft, 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 Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 15th day of November, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of December, 2016.

Jami C. Lewis, Town Clerk

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. a.

Meeting Date: 12/13/2016
Contact Person: Jami Lewis, 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:

Recognition of Chris Marley for 5-1/2 years of service as Mayor of Chino Valley. (Jami Lewis, Town Clerk)

SITUATION & ANALYSIS:

Council and staff will recognize Mayor Marley for his service. Parting comments may be offered.

Attachments

No file(s) attached.

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. b.

Meeting Date: 12/13/2016
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Administer Oaths of Office to Mayor-Elect Darryl Croft and Councilmembers-Elect Mike Best, Susan Cuka, Annie Lane, Corey Mendoza, Jack Miller, and Lon Turner. (Jami Lewis, Town Clerk)

SITUATION & ANALYSIS:

On September 13, 2016, Council adopted Resolution No. 16-1090, adopting the results of the August 30, 2016 Primary Election. Per Town Code § 30-003, "The Mayor and Councilmembers shall assume the duties of office at the first regularly scheduled meeting in December following an election at which the Mayor or Council members were elected." Arizona Revised Statutes § 38-232 provides that "...the oath of office shall be taken and subscribed as follows:...If elected, at any time after receiving the officer's certificate of election, and at or before commencement of the term of office."

As Certificates of Election were sent to the candidates in September, Darryl Croft, Mike Best, Susan Cuka, Annie Lane, Corey Mendoza, Jack Miller, and Lon Turner will take their Oath of Office, after which they will assume the duties of office.

Attachments

No file(s) attached.

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. c.

Meeting Date: 12/13/2016
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to nominate and elect a Councilmember to serve as Vice-Mayor.

RECOMMENDED ACTION:

The new Mayor shall nominate, and the new Council shall select, a Councilmember to serve as Vice-Mayor.

SITUATION AND ANALYSIS:

The Chino Valley Town Code Section § 30.021 provides that: "At the first regular meeting in December following an election, the newly elected Mayor shall nominate one of the Council members as Vice Mayor, and upon approval by the majority of the Council including the Mayor, the Vice Mayor shall be so elected and shall serve at the pleasure of the Council."

Fiscal Impact

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

Attachments

No file(s) attached.

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. d.

Meeting Date: 12/13/2016
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Item Type: Action Item - Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Hold a Public Hearing for consideration and possible action to approve Ordinance No. 16-826, decreasing the Town's sales tax (transaction privilege tax) rate for manufactured buildings in the Town of Chino Valley. (Joe Duffy, Finance Director)

RECOMMENDED ACTION:

Approve Ordinance No. 16-826, decreasing the sales tax rate for manufactured buildings to ____%.

SITUATION AND ANALYSIS:

Issue Statement -

The Town has reviewed the sales tax rate assessed on manufactured housing and determined that the rate it currently charges is higher than and not competitive with other municipalities in the surrounding area. Reducing the rate may encourage economic growth and development and potentially attract businesses selling manufactured buildings to the Town that will provide new jobs and additional sales tax revenue.

The Town Council met and discussed the issue at a Study Session on October 18, 2016.

The Council approved and set a public hearing date of December 13, 2016 on October 25, 2016.

The Notice of Public Hearing was published in accordance with Town Code and state law, proposing a reduction in the rate from 4% to up to 2%.

Fiscal Impact

Fiscal Impact?: Yes
If Yes, Budget Code: 01-31-4164
Available:
Funding Source:

Reducing the tax rate may have a negative impact in the short run, however, the increased sales of manufactured homes may offset the impact in the long run.

Attachments

Ordinance 16-826

Pros & Cons

Power Point

ORDINANCE NO. 16-826

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE TOWN CODE OF THE TAX CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, ARTICLE IV PRIVILEGE TAXES, BY AMENDING SECTION 35.25-427 MANUFACTURED BUILDINGS, RELATED TO REDUCING THE PERCENTAGE OF TAX ON SALES OF MANUFACTURED BUILDINGS, INCLUDING SITE PREPARATION, MOVING TO THE SITE, AND/OR SET-UP; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

WHEREAS, the Town of Chino Valley Town Council has determined that the transaction privilege taxes it currently charges for sales of manufactured buildings are higher than, and not competitive with other municipalities in the surrounding area; and

WHEREAS, the Town Council desires to decrease the sales tax rate for such businesses to encourage economic growth and development and potentially attract businesses selling manufactured buildings to the Town; and

WHEREAS, the Town provided notice and conducted a public hearing on the modification to the Town's transaction privilege tax as required by Arizona Revised Statutes, Section 42-6054,

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

Section 1. In General.

The Tax Code of the Town of Chino Valley, Arizona, Article IV Privilege Taxes, Section 32.25-427 Manufactured Buildings is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

Sec. 32.25-427. Manufactured buildings.

(a) The tax rate shall be at an amount equal to ~~four~~ _____ percent (4% ~~___~~ %) of the gross income, including site preparation, moving to the site, and/or set-up, upon every person engaging or continuing in the business activity of selling manufactured buildings within the Town. Such business activity is deemed to occur at the business location of the seller where the purchaser first entered into the contract to purchase the manufactured building.

* * *

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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.

Section 4. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance section shall be subject to any interest or civil penalties set forth in Section 32.25-540 of the Town of Chino Valley Tax Code and A.R.S. §§ 42-1123 and 42-1125.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 13th day of December, 2016 by the following vote:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____

APPROVED this 13th day of December, 2016.

Darryl Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L.N. Smiley, Town Attorney

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-826 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 13TH DAY OF DECEMBER, 2016, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2016.

Jami C. Lewis, Town Clerk

Town of Chino Valley	
Manufactured Home Sales Tax	
Pros	Cons
Reducing the Sales Tax Rate will make local manufactured home sellers more competitive in the Northern Arizona market.	Other Local Businesses may feel that manufactured home sellers are getting special treatment.
The Tax Code has a separate section for manufactured home sellers that allows the tax rate to be changed for this business activity.	A 1% decrease in tax will reduce the Towns sales tax collections by \$28,000, (.51% of total)
Increased sales will increase the amount of sales tax collected by the Town in the long run.	A 2% decrease in tax will reduce the Towns sales tax collections by \$55,000 (1.02% of total)
More competitive environment may encourage other manufactured home sellers to locate in Chino Valley.	
Significant portion of sales are to owners throughout Northern Arizona.	
Helps provide a lower cost housing alternative for local residents.	
20% of housing stock in Northern Arizona (Apache, Coconino, Mohave, Navajo, Yavapai) is manufactured homes.	



Manufactured Home Sales Tax Public Hearing

Finance Department

December 13, 2016

Yavapai County

Manufactured Home Tax Rate by Community

Effective September 1, 2016

Community	State Tax	County Tax	City/Town Tax	Total Tax	Difference
Chino Valley	5.60%	0.75%	4.00%	10.35%	
Prescott	5.60%	0.75%	2.00%	8.35%	2.00%
Prescott Valley	5.60%	0.75%	2.83%	9.18%	1.17%
Dewey-Humbolt	5.60%	0.75%	2.00%	8.35%	2.00%
Camp Verde	5.60%	0.75%	3.65%	10.00%	0.35%
Sedona	5.60%	0.75%	3.00%	9.35%	1.00%
Cottonwood	5.60%	0.75%	3.00%	9.35%	1.00%
Clarkdale	5.60%	0.75%	3.00%	9.35%	1.00%
Jerome	5.60%	0.75%	3.50%	9.85%	0.50%
Glendale	5.60%	0.70%	2.90%	9.20%	1.15%
Mesa	5.60%	0.70%	1.75%	8.05%	2.30%
Designates Competition for Chino Valley Manufactured Home Sellers					

Town of Chino Valley				
Financial Impact of reducing Sales Tax Rate				
	2014 Sales Tax Collections	2015 Sales Tax Collections	2016 Sales Tax Collections (Estimated)	
Average Collections Rounded	\$ 93,000	\$ 111,000	\$ 111,000	
1% Decrease	\$ 23,250	\$ 27,750	\$ 27,750	
2% Decrease	\$ 46,500	\$ 55,500	\$ 55,500	
Total Town Sales Tax Collection	\$ 4,976,331	\$ 5,147,141	\$ 5,438,500	
% of Total Collections 1% Decrease	0.47%	0.54%	0.51%	
% of Total Collections 2% Decrease	0.93%	1.08%	1.02%	

Town of Chino Valley				
Financial Impact of reducing Sales Tax Rate				
	2014 Sales Tax Collections	2015 Sales Tax Collections	2016 Sales Tax Collections (Estimated)	
Average Collections Rounded	\$ 93,000	\$ 111,000	\$ 111,000	
1% Decrease	\$ 23,250	\$ 27,750	\$ 27,750	
2% Decrease	\$ 46,500	\$ 55,500	\$ 55,500	
Total Town Sales Tax Collection	\$ 4,976,331	\$ 5,147,141	\$ 5,438,500	
% of Total Collections 1% Decrease	0.47%	0.54%	0.51%	
% of Total Collections 2% Decrease	0.93%	1.08%	1.02%	

Town of Chino Valley	
Manufactured Home Sales Tax	
Pros	Cons
Reducing the Sales Tax Rate will make local manufactured home sellers more competitive in the Northern Arizona market.	Other Local Businesses may feel that manufactured home sellers are getting special treatment.
The Tax Code has a separate section for manufactured home sellers that allows the tax rate to be changed for this business activity.	A 1% decrease in tax will reduce the Towns sales tax collections by \$28,000, (.51% of total)
Increased sales will increase the amount of sales tax collected by the Town in the long run.	A 2% decrease in tax will reduce the Towns sales tax collections by \$55,000 (1.02% of total)
More competitive environment may encourage other manufactured home sellers to locate in Chino Valley.	
Significant portion of sales are to owners throughout Northern Arizona.	
Helps provide a lower cost housing alternative for local residents.	
20% of housing stock in Northern Arizona (Apache, Coconino, Mohave, Navajo, Yavapai) is manufactured homes.	

Sales Tax Rate Change			
Sec. 4-1-427 Manufactured Buildings Sales Tax Rate			
Date	ARS	Action Item	
October 18, 2016		Council Study Session	
October 25, 2016	42-6054	Council approves setting a public hearing for December 13, 2016	
November 24, 2016	42-6054	Publish Notice of Public Hearing	
December 13, 2016		Council holds public hearing, decides rate change, efficive date March 1, 2017	
December 23, 2016	42-6053	Submit change to the DOR, MTCC, and League within 10 days of adoption by Council	
March 1, 2017	42-6054	Effective Date of Rate Change	



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. e.

Meeting Date: 12/13/2016
Contact Person: Ruth Mayday, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action Item - Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: 306-05-095M

AGENDA ITEM TITLE:

Consideration and possible action to rezone approximately 2.49 acres of real property, located approximately 448 feet north of Road 4 1/2 North and approximately 1000 feet west of State Route 89, and also known as Yavapai County Assessor's Parcel No.306-05-095M, from Single family residential, 1.6-acre minimum (SR 1.6) to Single family residential, 1-acre minimum (SR-1) zoning district. (Applicant: Jose Granillo. Staff: Ruth Mayday, Development Services Director)

RECOMMENDED ACTION:

Staff recommends approval of Ordinance 16-824.

MOTION: I move to adopt Ordinance Number 16-824, rezoning APN 306-05-095M from SR-1.6 (Single Family Residential; 1.6 acre minimum) to SR-1 (Single Family Residential; 1 acre minimum).

SITUATION AND ANALYSIS:

The purpose of this request is to rezone an approximately 2.49 parcel, 306-05-095M. The subject parcel is located in the northeast quarter of Section 4, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. Surrounding zoning includes Agricultural-Residential, 5-acre minimum (AR-5) to the north, east, and west; and Single Family Residential, 1.6-acre minimum (SR-1.6) to the south, however, within close proximity are more Single-Family Residential, 1.6- and 1- acre minimum (SR-1.6 and SR-1) zoning districts.

The property is zoned SR-1.6 and the applicant would like to rezone the property to Single Family Residential, 1-acre minimum (SR-1).

History

This property was rezoned as part of a larger 5-acre parcel by Ordinance 06-675, by request of the property owner on October 12, 2006, from Agricultural-Residential 5-acre minimum (AR-5) to SR-1.6. At the time of the rezone on October 12, 2006, the property was vacant, and shortly thereafter, a split occurred on October 19, 2006, and a manufactured home was permitted on the southernmost parcel (306-05-095J) in November 2006, and the center parcel (306-05-095N) in December 2006. Since that

date, the subject parcel, which is to the north of both of the “sibling” parcels (those that were split from the original “parent” parcel), has remained vacant, with no buildings on-site. See Zoning Map for reference.

Per Citizen Participation requirements, a Neighborhood Meeting was held on August 22, 2016, on-site, at 6:00 PM. Six people were in attendance at the neighborhood meeting, and no objections were made by the time of this report.

General Plan Conformance

The proposed rezoning is in conformance with the 2014 Chino Valley General Plan’s Future Land Use Map, which places the property in a Medium Density Residential (2 acres or less) potential land use, the property, as zoned currently, is also in conformance with the General Plan’s potential land use designations. (See Figure 1, in staff brief). The subject property is not located within a “Community Core” area indicated by the General Plan Land Use Element (See Figure 2, in staff brief). The proposed rezoning is not expected to impact circulation and traffic given the minimal increase in density, and will not affect the other focus areas of the General Plan.

Findings of Fact

The purpose of the applicants request is to change the zoning of a portion of the parcel from Single Family Residential, 1.6-acre minimum (SR-1.6) to Single Family Residential, 1-acre minimum (SR-1). The request to rezone will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare. The request to rezone is in general conformance with the zoning classifications in the immediate area. Surrounding uses include single-family residential in all directions in the immediate neighborhood.

Fiscal Impact

Fiscal Impact?: no

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Ordinance 16-824

Vicinity Map

Zoning Map

ORDINANCE NO. 16-824

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 2.49 ACRES OF REAL PROPERTY GENERALLY LOCATED APPROXIMATELY 448 FEET NORTH OF ROAD 4 ½ NORTH AND APPROXIMATELY 1000 FEET WEST OF STATE ROUTE 89, ALSO KNOWN AS YAVAPAI COUNTY ASSESSOR'S PARCEL NO. 306-05-095M, FROM SINGLE FAMILY RESIDENTIAL, 1.6-ACRE MINIMUM (SR-1.6) ZONING DISTRICT TO SINGLE-FAMILY RESIDENTIAL, 1-ACRE MINIMUM (SR-1) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission, by a vote of ____ - ____ recommends approval of the rezoning;

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

Section 1. In General.

1. The Change of Zoning and amendment to the Official Zoning Map is hereby approved for property consisting of approximately 2.49 acres, described in Exhibit A and as shown on the Zoning Exhibit (map) in Exhibit B, both attached hereto and incorporated herein by this reference, from Single Family Residential, 1.6-acre minimum (SR-1.6) zoning district to Single-Family Residential, 1-acre minimum (SR-1) zoning district.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 13th day of December, 2016 by the following vote:

AYES:	_____	ABSENT:	_____
NAYS:	_____	ABSTAINED:	_____

APPROVED this 13th day of December, 2016.

Darryl L. Croft, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Phyllis Smiley, Town Attorney

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-824 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 13th DAY OF DECEMBER, 2016, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2016.

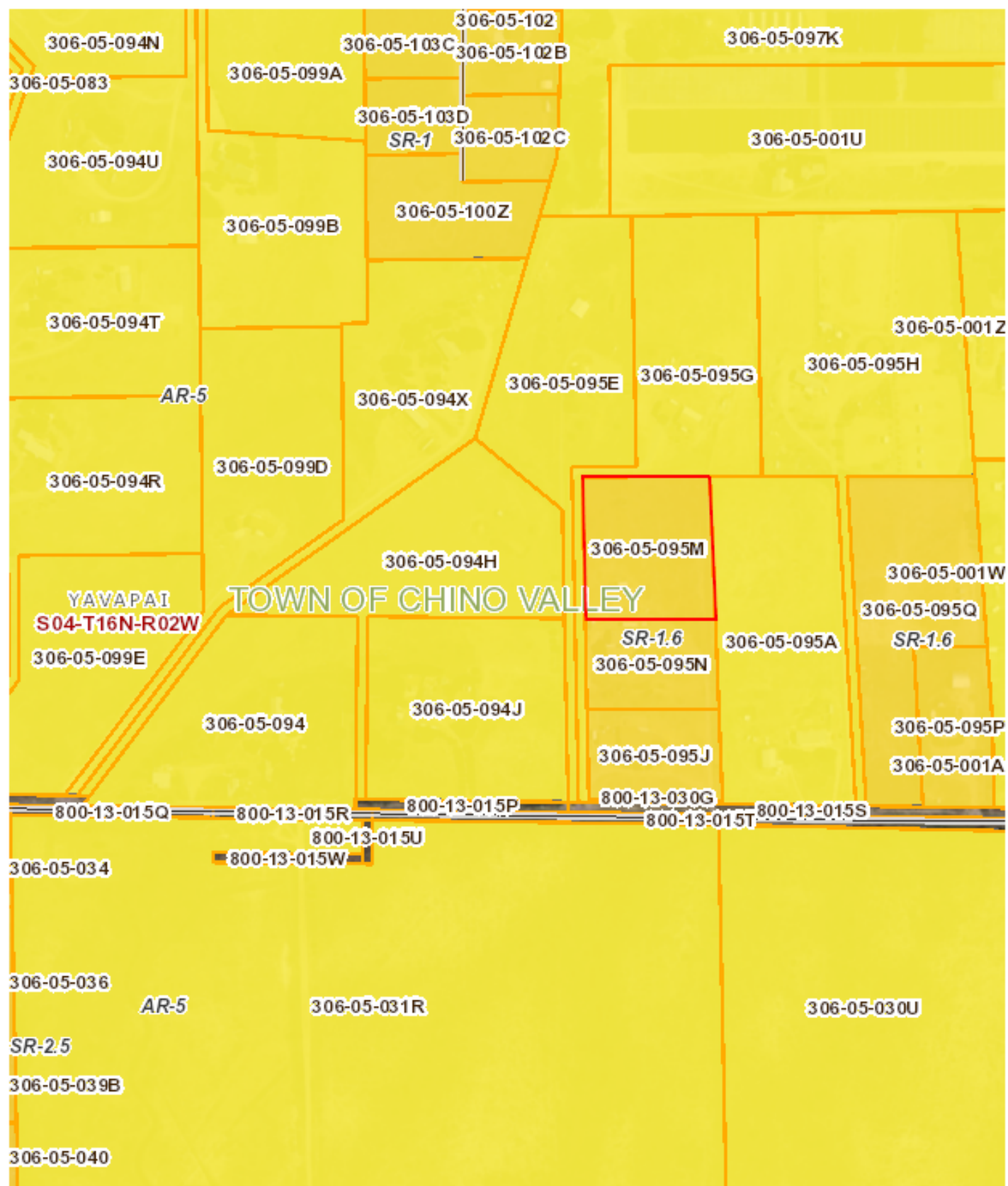
Jami C. Lewis, Town Clerk

Vicinity Map



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.

Granillo



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.

Map printed on: 8.2.2016



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. f.

Meeting Date: 12/13/2016
Contact Person: Ruth Mayday, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action Item - Presentation
Estimated length of staff presentation: 15 minutes
Physical location of item: Jerome Junction Road North of Granite Creek Lane

AGENDA ITEM TITLE:

Consideration and possible action to approve the rezoning of approximately 61 acres of real property generally located on Tree Farm Lane between Granite Creek Lane and Colorado Way, and also known as Assessor's Parcel Numbers 306-03-002P and 306-03-002Q, from CL (Commercial Light) to I (Industrial) zoning district. (Ruth Mayday, Development Services Director)

RECOMMENDED ACTION:

MOTION: I move to approve Ordinance No. 16-827, to rezone approximately 61 acres generally located on Tree Farm Lane between Granite Creek Lane and Colorado Way, from CL (Commercial Light) to I (Industrial) Zoning District.

SITUATION AND ANALYSIS:

Summary of Issues and Staff Rationale

Applicant Curt Wells has requested the Town rezone approximately 61 acres of real property located along Tree Farm Lane between Granite Creek Lane and Colorado Way from CL (Commercial Light) to I (Industrial) zoning district to avail himself to higher and better uses, given the extension of municipal services along Tree Farm/Jerome Junction Road.

The subject property is located immediately west of approximately 800 acres owned by the Town of Chino Valley; the westernmost 200 acres has been designated for an industrial park. The Town has been successful in obtaining adequate grant funding to extend sewer and water to the eastern boundary of the subject parcels; given the attention that the infrastructure project has generated, Mr. Wells now desires to expand his development opportunities to include those in the Industrial zoning district.

Because the majority of the surrounding properties are owned by Mr. Wells, the Zoning Administrator waived the need for a neighborhood meeting and instead required Mr. Wells to contact the four (4) property owners via first class mail to inform them of the proposed zone change, in addition to posting the property as required by the UDO. The letters were mailed on October 4, 2016; to date, no objections or responses to the mailing have been received.

Public Hearing was held on November 1, 2016 after notification in compliance with ARS 9-462.04. After a presentation by staff and conversation with the applicant's agent, John Kuziki, the Commission discussed the proposed zone change and expressed concern with regards to potential use as a Medical Marijuana cultivation facility. Director Mayday reminded Commissioners that the Town Council had limited that use to the Industrial zoning district, and this particular remote location was in fact ideal for such a use. Director Mayday further stated that MMJ cultivation was only one (1) of eight (8) permitted uses and eight (8) conditional uses.

After additional discussion, the commission voted 5-1 to forward the application to Town Council with a recommendation for approval. (Commissioner Bacon in opposition).

Findings of Fact

The subject parcels are located adjacent to an industrial park, and are in an area that has long been designated for such purposes. The request to rezone will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare. The request to rezone is in general conformance with the zoning classifications in the immediate area and with the General Plan designation of Commercial/Floodplain/Agri-business/Contained Planned Community. Therefore, staff recommends Town Council approve the rezoning.

Fiscal Impact

Fiscal Impact?: no

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Ordinance 16-827

Zoning/Land Use Map

ORDINANCE NO. 16-827

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 61 ACRES OF REAL PROPERTY GENERALLY LOCATED ON TREE FARM LANE BETWEEN GRANITE CREEK LANE AND COLORADO WAY, ALSO KNOWN AS YAVAPAI COUNTY ASSESSOR'S PARCELS NO. 306-03-002P AND 306-03-022Q, FROM CL (COMMERCIAL LIGHT) ZONING DISTRICT TO I (INDUSTRIAL) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission, by a vote of ____ ayes and ____ nays recommends approval of the rezoning;

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

Section 1. In General.

1. The Change of Zoning and amendment to the Official Zoning Map is hereby approved for property consisting of approximately 61 acres, described in Exhibit A and as shown on the Zoning Exhibit (map) in Exhibit B, both attached hereto and incorporated herein by this reference, from CL (Commercial Light) Zoning District to I (Industrial) Zoning District.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 13th day of December, 2016 by the following vote:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____

APPROVED this 13th day of December, 2016.

Darryl Croft, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Phyllis Smiley, Town Attorney

The following exhibits are attached hereto and incorporated herein:

- A. Legal Description
- B. Zoning Exhibit (map)

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-827 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 13th DAY OF DECEMBER, 2016, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 20__.

Jami C. Lewis, Town Clerk

Exhibit A: Legal Description

REC
\$0
\$3
\$5
\$1
\$5

RECORDING REQUESTED BY:
First American Title Insurance Agency, Inc.

AND WHEN RECORDED MAIL TO:
Nancy L. Wells
P.O. Box 3834
Chino Valley, AZ 86323

Ana Mayan-Trujillo, Records
OFFICIAL RECORDS OF YAVAPAI COUNTY
FIRST AMERICAN TITLE INS. CO.

B-4275 P-87
08/14/2005 11:17A
15.00 3870739



B-4275 P-87
Page: 1 of 1
GEO 3870739

QUIT-CLAIM DEED

FILE NO: 253-4493853 (tas)

For the consideration of TEN AND NO/100 DOLLARS, and other valuable considerations, For we,

Nancy L. Wells, an unmarried woman

hereby Quit-Claim to

Curt A. Wells, an unmarried man

all right, title, or interest in the following described real property situate in **Yavapai County, Arizona**:

See Exhibit 'A' attached hereto and by this reference made a part of

DATED: June 03, 2005

Nancy L. Wells

STATE OF AZ

County of Yavapai

On 06-03-05, before me, the undersigned Notary Public, personally appeared **Nancy L. Wells**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires:

Notary Public





B-4275 P-87
Page: 2 of 6
600 3870733

EXHIBIT "A"

YAVAPAI COUNTY PROPERTY LEGAL DESCRIPTION:

THE FOLLOWING DESCRIBED LAND SITUATED IN SECTIONS 2 AND 11, TOWNSHIP 16 NORTH, 2 WEST IN YAVAPAI COUNTY, ARIZONA, TOGETHER WITH ALL IMPROVEMENTS THEREON LOCATED AND TOGETHER WITH ALL RIGHTS AND PRIVILEGES APPURTENANT THERETO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 4:

TRACT 38, SECTION 2, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA;

EXCEPT ANY PORTION LYING WITHIN THE ATCHISON, TOPEKA AND SANTA FE RAILROAD;

ALSO EXCEPTING THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 38, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA;

THENCE 0 DEGREES, 6 MINUTES WEST, 400.00 FEET;

THENCE NORTH 89 DEGREES, 58 MINUTES EAST, 326.50 FEET;

THENCE SOUTH 0 DEGREES, 6 MINUTES EAST, 400.00 FEET TO A POINT ON THE SOUTH LINE OF TRACT 38, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, SAID POINT BEING THE NORTHEAST CORNER OF SUNRISE SUBDIVISION, ACCORDING TO BOOK 19 OF MAPS, PAGE 21, RECORDS OF YAVAPAI COUNTY, ARIZONA;

THENCE WESTERLY ALONG THE SOUTH LINE OF TRACT 38, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, 326.50 FEET TO THE POINT OF BEGINNING, ALL AS SHOWN IN BOOK 2 OF LAND SURVEYS, PAGE 93, RECORDS OF YAVAPAI COUNTY, ARIZONA;

ALSO EXCEPTING ANY PORTION THEREOF LYING WITHIN THE FOLLOWING DESCRIBED PARCEL, IF ANY:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 59, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES, 59 MINUTES EAST, 2974.72 FEET ALONG THE SOUTH



B-4275 P-87
Page: 3 of 6
GCD 3870789

LINE TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 24 DEGREES, 57 MINUTES WEST, 136.00 FEET;

THENCE NORTH 85 DEGREES, 56 MINUTES, 30 SECONDS EAST, 377.38 FEET;

THENCE SOUTH 24 DEGREES, 27 MINUTES, 30 SECONDS EAST, 164.55 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 59;

THENCE SOUTH 89 DEGREES, 58 MINUTES WEST 387.20 FEET ALONG THE SOUTH LINE OF SAID SECTION 59 TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 5:

THAT PART OF TRACT 39, SECTION 11, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 39, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, AS SHOWN ON THE GLO PLAT APPROVED FEBRUARY 15, 1872;

THENCE SOUTH 80 RODS;

THENCE NORTHWEST 82 RODS TO A POINT 36 RODS WEST OF THE POINT OF BEGINNING;

THENCE EAST 36 RODS TO THE POINT OF BEGINNING.

PARCEL NO. 6:

THAT PART OF TRACT 41, SECTION 11, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, LYING WEST OF THE WEST RIGHT OF WAY FENCE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD;

EXCEPT THE FOLLOWING DESCRIBED TRACTS:

TRACT A:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 41, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, SHOWN ON THE GLO PLAT APPROVED FEBRUARY 15, 1872;

THENCE EAST ALONG THE SOUTH LINE OF TRACT 41, A DISTANCE OF 230 FEET;

THENCE NORTH 2095 FEET;

THENCE WEST 230 FEET;



B-4275 P-87
Page: 4 of 6
OCO 3816732

THENCE SOUTH 2095 FEET TO THE POINT OF BEGINNING.

TRACT B:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 41;

THENCE WEST 176 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 100 FEET;

THENCE WEST 100 FEET;

THENCE SOUTH 100 FEET;

THENCE EAST 100 FEET TO THE POINT OF BEGINNING.

TRACT C:

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA.

TRACT D:

A PORTION OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 11, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 11, ALSO BEING THE SOUTHEAST CORNER OF TRACT 41, BEING THE TRUE POINT OF BEGINNING;

THENCE 958.3 FEET ALONG THE EAST LINE OF SAID TRACT 41 TO A 1/2 INCH REBAR MARKING ITS INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD;

THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 14 DEGREES, 14 MINUTES WEST, 2572.3 FEET TO A POINT;

THENCE NORTH 89 DEGREES, 44 MINUTES WEST, ALONG A FENCE LINE, 686.3 FEET TO A 1/2 INCH REBAR SET IN THE EASTERLY LINE OF TRACT 39;

THENCE SOUTH 0 DEGREES, 06 MINUTES EAST, 806.4 FEET ALONG SAID TRACT LINE TO A 2 INCH BRASS CAP MARKING THE NORTHEAST CORNER OF TRACT 40;

THENCE CONTINUING SOUTH 0 DEGREES, 06 MINUTES EAST, 552.9 FEET TO A POINT WHICH BEARS NORTH 0 DEGREES, 06 MINUTES WEST, 2095.0 FEET FROM THE SOUTHWEST CORNER OF TRACT 41;

THENCE EAST 230.0 FEET TO A POINT;

Page 10



THENCE SOUTH 0 DEGREES, 06 MINUTES EAST 2095.0 FEET TO A 1/2 INCH REBAR SET IN THE SOUTH LINE OF TRACT 41;

THENCE EAST ALONG SAID TRACT LINE, 1882.0 FEET TO A 2 INCH BRASS CAP MONUMENT AND THE TRUE POINT OF BEGINNING.

PARCEL NO. 7:

THAT PART OF TRACT 41, SECTION 11, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, LYING EAST OF THE EAST RIGHT OF WAY FENCE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD.

PARCEL NO. 8:

THAT PART OF TRACT 39, SECTION 11, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SUNRISE SUBDIVISION ACCORDING TO BOOK 19 OF MAPS, PAGE 21, RECORDS OF YAVAPAI COUNTY, ARIZONA;

THENCE SOUTHERLY ALONG THE EAST BOUNDARY OF SAID SUNRISE SUBDIVISION ON A BEARING OF SOUTH 00 DEGREES, 16 MINUTES, 10 SECONDS EAST, 572.53 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 88 DEGREES, 52 MINUTES, 20 SECONDS EAST, 651.16 FEET;

THENCE SOUTH 12 DEGREES, 16 MINUTES, 55 SECONDS EAST, 51.39 FEET;

THENCE NORTH 88 DEGREES, 52 MINUTES, 20 SECONDS WEST, 661.86 FEET;

THENCE NORTH 00 DEGREES, 16 MINUTES, 10 SECONDS WEST, 50.00 FEET TO THE POINT OF BEGINNING.

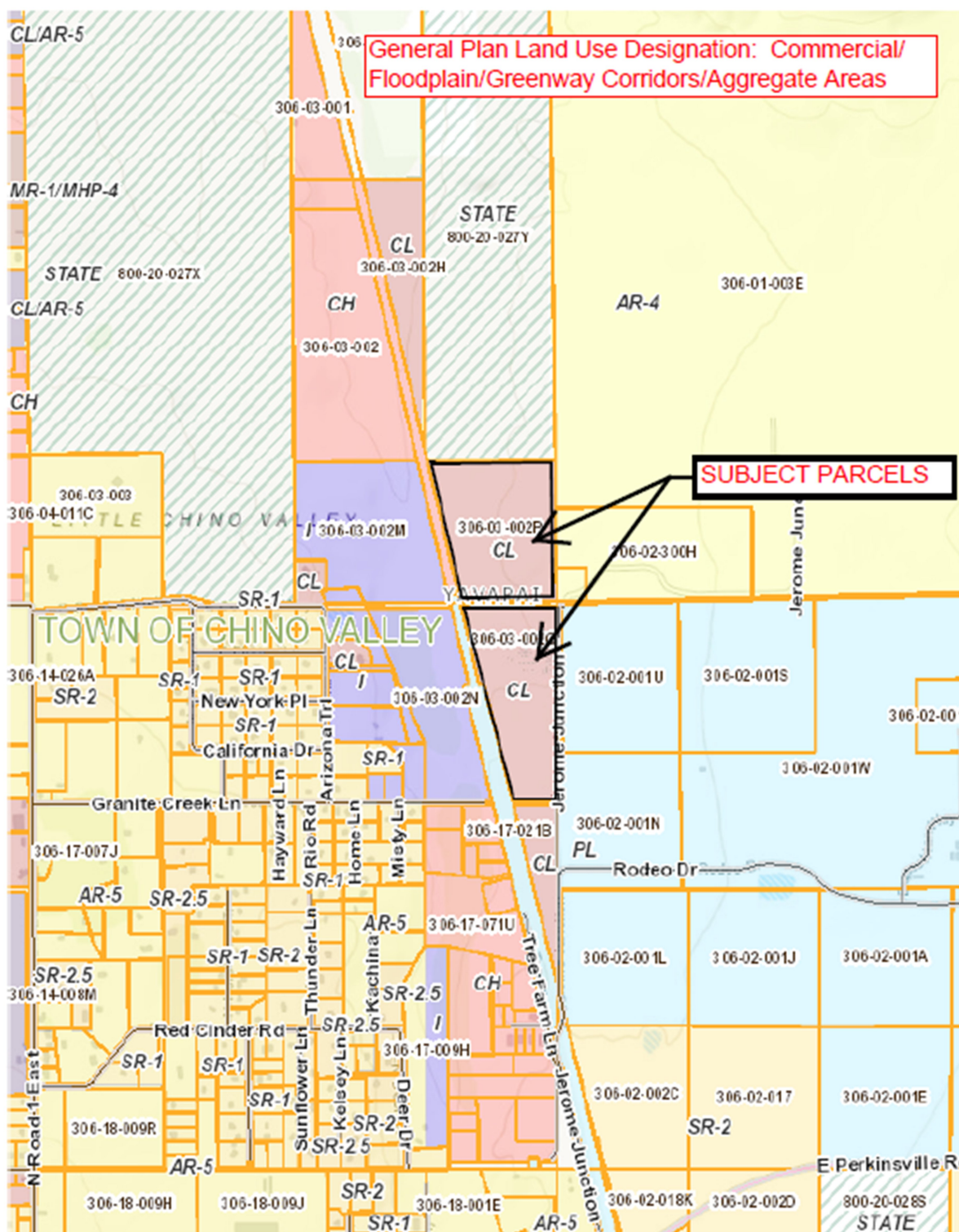
PARCEL NO. 9:

THAT PART OF TRACT 39, SECTION 11, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SUNRISE SUBDIVISION, ACCORDING TO BOOK 19 OF MAPS, PAGE 21, RECORDS OF YAVAPAI COUNTY, ARIZONA;

THENCE SOUTHERLY ALONG THE EAST BOUNDARY OF SAID SUNRISE SUBDIVISION ON A BEARING OF SOUTH 00 DEGREES, 16 MINUTES, 10 SECONDS EAST, 572.58 FEET;

Exhibit B: Zoning Map





TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. g.

Meeting Date: 12/13/2016
Contact Person: Ruth Mayday, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action Item - Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: 3445 S. State Route 89

AGENDA ITEM TITLE:

Consideration and possible action to approve a Conditional Use Permit (CUP 16-002) for approximately 1.4 acres of real property located at 3445 South State Route 89 (Assessor's Parcel Number 306-29-030C) to allow retail propane sales in the CL (Commercial Light) zoning district. (Ruth Mayday, Development Services Director)

RECOMMENDED ACTION:

MOTION: I move to approve Conditional Use Permit No.16-002 to permit retail propane sales on approximately 1.4 acres of real property located at 3445 South State Route 89, in the CL (Commercial Light) zoning district.

SITUATION AND ANALYSIS:

Summary of Issues and Staff Rationale

Applicant Olsen/Sischka Investments is requesting a Conditional Use Permit (CUP) to enable Olsen's Feed Store to sell Liquefied Petroleum Gas (LP) to the general public. Such sales are allowed in the CL (Commercial Light) zoning district as a conditional use (3.15.3 (J)) as an accessory use to an allowed commercial use. As the existing feed store is an allowed (permitted) use, the CUP would be in conformance with the Unified Development Ordinance. The UDO also requires the design to comply with the requirements of the Arizona State Fire Marshall and the local Fire Marshall; the current installation is in compliance with the adopted Fuel Gas Code. Olsen's Feed Store uses LP-powered forklifts in their daily business activities and have an existing tank for their business use only. They would like to augment their current offerings to include LP sales to the general public. Three (3) adjacent property owners were notified by first class mail of the request for the CUP; the letters were mailed on September 15, 2016. To date, no comments or objections have been received in relation to this request. Staff believes that the proposed sales of LP gas to consumers at this location does meet the required findings for a CUP, as stated in the UDO. This use is also in conformance with the General Plan land use designation of Commercial/Multi-family residential.

Findings of Fact

1. The proposed use meets the stipulation of approval by the Fire Marshall; and

2. The proposed use will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and
3. The proposed use is reasonably compatible with uses permitted in the surrounding area.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Site Map



Legend

- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------------|------------|--------|----------|--------|------------|--------------|-----------|----------------|--------|-----------------|------------|-----------------|----------|---------|-------------|------------|----------------|-------------|------------------|---------------|--------|-----------------|------------|--------|----------|--------|------------|--------------|-----------|----------------|--------|
| City Boundaries | Cottonwood | Peoria | Prescott | Sedona | Camp Verde | Chino Valley | Clarkdale | Dewey-Humboldt | Jerome | Prescott Valley | Wickenburg | County Boundary | Counties | Parcels | Major Roads | Interstate | State Highways | Major Roads | Road Centerlines | Parcel Labels | Cities | City Boundaries | Cottonwood | Peoria | Prescott | Sedona | Camp Verde | Chino Valley | Clarkdale | Dewey-Humboldt | Jerome |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Legend truncated...



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.

Map printed on: 10.27.2016

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. h.

Meeting Date: 12/13/2016
Contact Person: Ruth Mayday, Development Services Director
 Phone: 928-636-4427 x-1217
Department: Development Services
Item Type: Action Item - Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: 1151 E. Road 4 North, Chino Valley, Arizona,

AGENDA ITEM TITLE:

Consideration and possible action to approve a Conditional Use Permit for approximately 5 acres of real property located at 1151 E. Road 4 North (Assessor's Parcel No. 306-17-003Q) to permit storage of up to 6 pieces of heavy equipment (tractors, backhoes, etc.) in the AR-5 (Agricultural/Residential - 5 Acre Minimum) zoning district. (Ruth Mayday, Development Services Director)

RECOMMENDED ACTION:

MOTION: I move to approve CUP 16-001 a Conditional Use Permit for approximately 5 acres of real property located at 1151 E. Road 4 North to permit storage of up to six (6) pieces of heavy equipment in the AR-5 (Agricultural/Residential - 5 acre Minimum) zoning district as indicated on the Plot Plan Sketch and Affidavit attached to this Agenda Item, which shall be attached to the Conditional Use Permit .

SITUATION AND ANALYSIS:

Summary of Issues and Staff Rationale

The purpose of this request for the granting of a Conditional Use Permit for the storage of up to six (6) pieces of heavy equipment, on an approximately 5-acre parcel, 306-17-003Q. The subject parcel is located in the northwest quarter of Section 11, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. Surrounding zoning includes AR-5 (Agricultural Residential, 5-acre minimum) to the north, west, and east, and SR-2 (Single-Family Residential, 2-acre minimum) to the south. The property is zoned AR-5, and has had commercial heavy equipment on-site since 2010. The applicant is applying for a Conditional Use Permit after consulting with staff and understanding that the storage of heavy equipment in the AR-5 zoning district requires a Conditional Use Permit.

History

A single-family home was constructed on the subject parcel in 1999. The applicant, and current homeowner purchased the property in April 2010, and moved their heavy equipment, which is used to operate an excavating business, onto the property. The equipment has been onsite for over 6 years without complaint from neighbors or other concerned citizens. The applicant became aware of the

non-compliance, and promptly contacted staff to begin the process of applying for a Conditional Use Permit. Per Citizen Participation requirements, a Neighborhood Meeting was held on August 29, 2016, on-site, at 6:00 PM. No objections were raised.

Findings of Fact

The purpose of the applicants request is to be able to store up to six pieces of heavy equipment related to the homeowner's excavation business. A conditional use permit is necessary because the Chino Valley Unified Development Ordinance does not allow as a permitted use heavy equipment storage in the AR-5 Zoning District. The request will not be materially detrimental to persons residing or working in vicinity adjacent to the property, to the neighborhood, or to public welfare. The Land Use designation of Medium Density Residential would allow for storage of such equipment on acreage as an accessory use.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Location Map

Plot Plan

Zoning: AR-5 Agricultural/Residential 5 acre minimum
General Plan Land Use Designation: Medium Density Residential; 2 acre

Subject Parcel



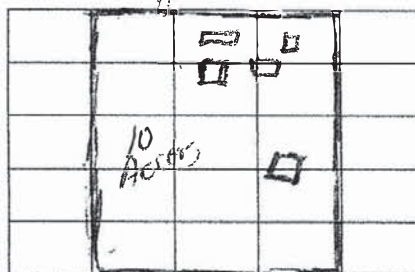
Plot Plan Sketch and Affidavit

I certify that I am authorized by the property owner to make this application, that all information provided for this application is correct and that this plot plan, as part of the permit, indicates all structures (including fences, walls, and pads), correct property and existing dimensions; setback distances; legal access and easements; road cuts; walls and/or water course (including washes, drainage ditches etc.) on or within 50' ; 100' and 150' respectively of the property. We agree to conform to all applicable laws of this jurisdiction.

[Signature]
Signature

6-18-12
Date

acres or with dimensions over 300'



Document #
111717
Sec
Twn

Rng

APN

306-17-003

Zoning:

Stories:

Height:

Slope: %

FY:

RY:

EY:

IY:

LC:

Lot Area

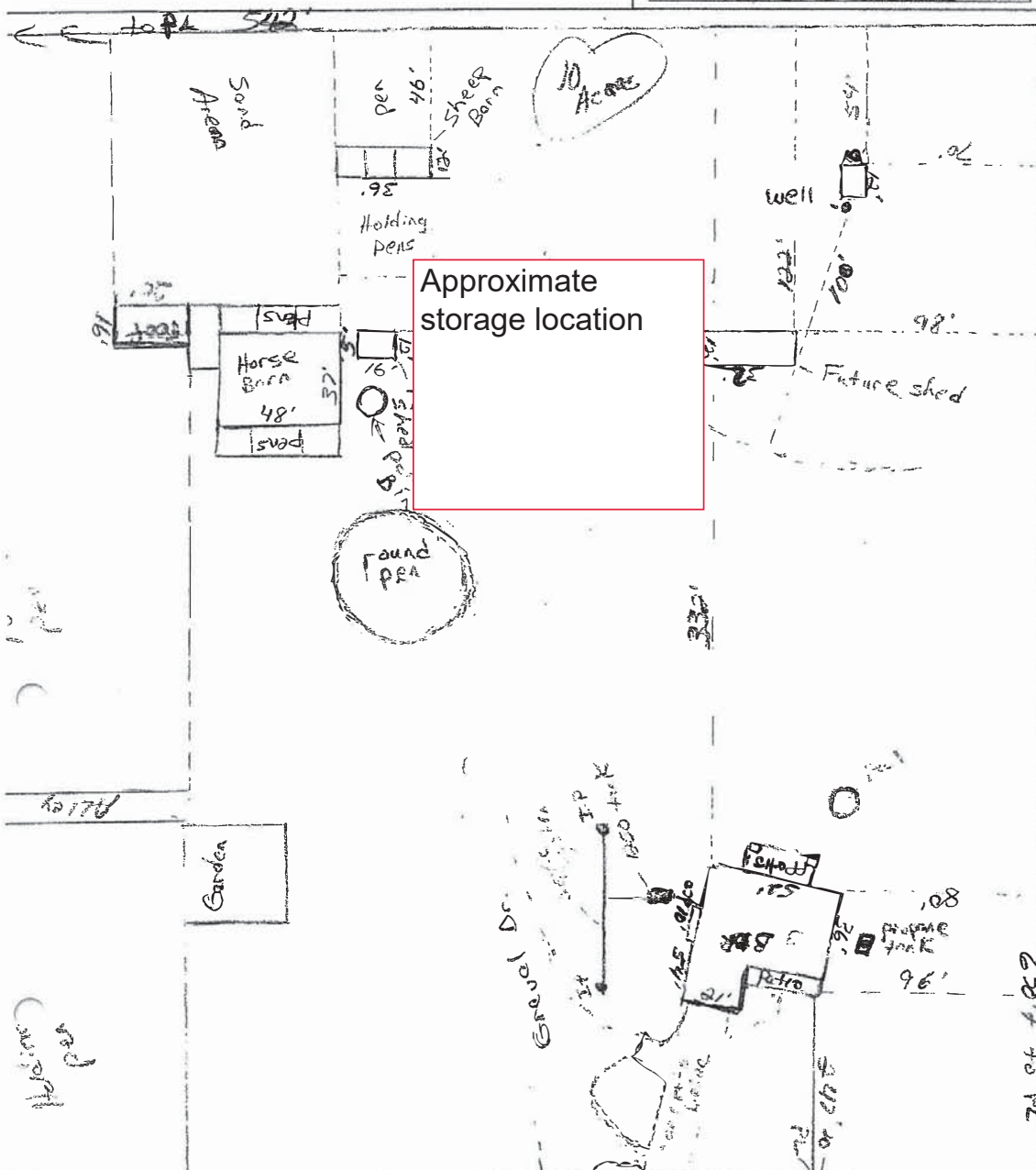
Lot %

Density Used:

1"=60'
Scale:

North Arrow

11 X 17 (X3)



LAND USE
APPROVAL BY:

DATE:

TOTAL SHIELDED LUMENS:

← -2- 595' 50' Fsm + 4 North →



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting
Item No. 7. i.

Meeting Date: 12/13/2016
Contact Person: Michael Lopez, Public Works Director/Town Engineer
 Phone: 928-636-2646 x-1226
Department: Public Works
Item Type: Action Item
Estimated length of staff presentation: 10 minutes
Physical location of item: Jerome Junction and Rodeo Drive

AGENDA ITEM TITLE:

Consideration and possible action to award the bid and construction contract to Earth Resources Corporation in an amount not to exceed \$1,853,639.00 for construction of sewer and water mains, and roadway improvements to Jerome Junction and Road 4 North, including new drainage structures across the Santa Cruz wash and adjacent tributary, and the removal and replacement of existing culverts, roadway and other incidental work. (Michael Lopez, Public Works Director/Town Engineer)

RECOMMENDED ACTION:

Award the bid and construction contract to Earth Resources Corporation in the amount not to exceed \$1,853,639.00 for construction of sewer and water mains, and roadway improvements to Jerome Junction and Road 4 North.

SITUATION AND ANALYSIS:
Issue Statement

On December 1, 2016 staff received bids for the Old Home Manor Industrial Park Improvements project. The following is the summary of the bids:

CONTRACTOR	BASE BID	DEDUCTIVE ALTERNATIVE #1	BID LESS DED. ALT #1	DEDUCTIVE ALTERNATIVE #2	BID LESS DED. ALT #'s 1 & 2	DEDUCTIVE ALTERNATIVE #3	BASE LESS DED. ALT. #'s 1, 2, & 3 TOTAL
FANN CONTRACTING, INC.	\$ 2,549,993.00	\$ 1,016,960.50	\$1,533,032.50	\$ 96,140.00	\$ 1,436,892.50	\$ 281,769.00	\$ 1,155,123.50
ASPHALT PAVING & SUPPLY, INC.	\$ 2,614,646.75	\$ 1,164,188.00	\$1,450,458.75	\$ 73,372.00	\$ 1,377,086.75	\$ 214,884.75	\$ 1,162,202.00
EARTH RESOURCES CORPORATION	\$ 1,853,639.00	\$ 793,428.39	\$1,060,210.61	\$ 72,547.40	\$ 987,663.21	\$ 214,967.64	\$ 772,695.57
CAPITAL IMPROVEMENTS, LLC	\$ 2,285,100.00	\$ 981,319.00	\$1,303,781.00	\$ 98,508.00	\$ 1,205,273.00	\$ 283,870.00	\$ 921,403.00
ENGINEER'S ESTIMATE	\$ 2,848,748.38	\$1,282,892.51	\$1,565,855.87	\$80,399.89	\$ 1,485,455.98	\$250,126.38	\$ 1,235,329.60

Applicable "Policy"

The project size requires the project to be publicly bid.

Satisfaction of "Policy"

A public bid opening was held on December 1, 2016 in accordance with procurement policies of the Town.

Summary of Issues and Staff Rationale

N/A

Findings of Fact

The project was publicly bid and the lowest responsible bidder was Earth Resources Corporation in an amount not to exceed \$1,853,639.00.

Fiscal Impact

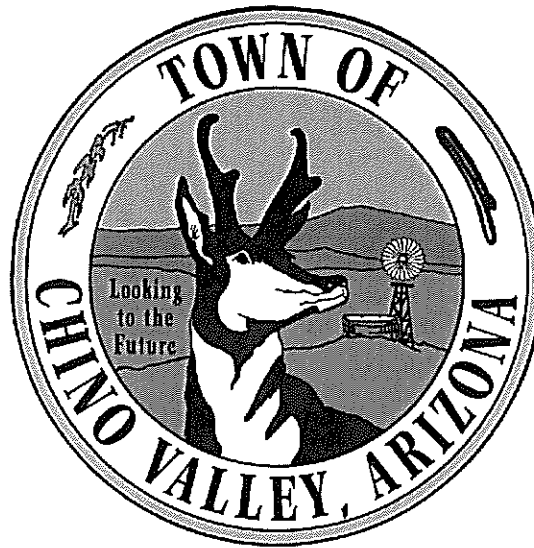
Fiscal Impact?: yes
If Yes, Budget Code: 07-30-7202
Available: \$1,853,639
Funding Source:
 See attached budget summary.

Attachments

Earth Resources Corp Construction Services Contract OHM
 OHM Bid Tabulation
 Funding Summary

**CONSTRUCTION SERVICES CONTRACT
FOR DESIGN-BID-BUILD (DBB) PROJECT**

**OLD HOME MANOR INDUSTRIAL PARK
IMPROVEMENTS PROJECT
EDA 07-01-07213**



December 13, 2016

**Mayor
Darryl Croft**

**Council Member Lon Turner
Council Member Mike Best
Council Member Susie Cuka**

**Council Member Corey Mendoza
Council Member Jack Miller
Council Member Annie Lane**

CONSTRUCTION SERVICES CONTRACT FOR DESIGN-BID-BUILD (DBB) PROJECT

THIS CONTRACT, made and entered into this 13 day of December 2016 by and between the Town of Chino Valley, Arizona, a municipal corporation organized and existing under and by virtue of the laws of the State of Arizona, hereinafter designated the "TOWN" and Earth Resources Corporation, hereinafter designated the "CONTRACTOR."

TOWN and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

1.0 CONSTRUCTION SERVICES

- 1.1 CONTRACTOR shall complete all work as specified or indicated in the Contract Documents. The work is known as and is hereinafter referred to as the Old Home Manor Industrial Park Improvements Project EDA 07-01-07213 and is generally described as follows: Complete construction of the Old Home Manor Industrial Park Improvements Project EDA 07-01-07213 in accordance with the Contract Documents. The full scope of work is described in detail in the Contract Documents.
- 1.2 CONTRACTOR shall complete, provide and perform, or cause to be performed, all work in a proper and workmanlike manner, with appropriate consideration for public safety and convenience, consistent with the highest standards of professional and construction practices and in full compliance with, and as required by or pursuant to, this Contract, and with the greatest economy, efficiency, and expediency consistent therewith all as more particularly described in the Contract Documents.

2.0 CONTRACT TIME

- 2.1 CONTRACTOR shall submit to TOWN, on or before the effective date of this Contract, a Critical Path Method (CPM) Construction Progress Schedule in Primavera compatible format, resource and cost loaded, indicating the times for starting and completing the various stages of the Work, including any Milestones specified in this Contract and as more fully described in the General Conditions and other Contract Documents. Revisions/updates to the CPM schedule shall be submitted to accurately reflect plans for completion of the work, but no less frequently than monthly.
- 2.2 Time is of the Essence. All of the time limits for Milestones, if any, for Substantial Completion and for Final Completion and readiness for final payments as stated in the Contract Documents, are of the essence for the Contract.
- 2.3 The Work shall be substantially complete within 200 working days after the date when the Contract Time commences to run as provided in the Notice to Proceed, and all Work shall be finally completed and ready for final payment in accordance with the Notice to Proceed within 215 working days after the date when the Contract Time commences to run.
- 2.4 Failure of CONTRACTOR to perform any covenant or condition contained in the Contract Documents within the time periods specified herein, shall constitute a material

breach of this Contract entitling TOWN to terminate the Contract unless CONTRACTOR applies for and receives an extension of time, in accordance with the procedures set forth in the Contract Documents.

- 2.5 Failure of TOWN to insist upon the performance of any covenant or condition within the time periods specified herein, shall not constitute a waiver of CONTRACTOR'S duty to perform every other covenant or condition within the designated periods, unless a specific waiver is granted in writing for each such covenant or condition.
- 2.6 TOWN's agreement to waive a specific time provision or to extend the time for performance shall not constitute a waiver of any other time provisions contained in the Contract Documents. Failure of CONTRACTOR to complete performance promptly within the additional time authorized in the waiver or extension of time agreement shall constitute a material breach of this Contract entitling TOWN to all the remedies set forth herein or provided by law.

3.0 LIQUIDATED AND SPECIAL DAMAGES

- 3.1 It is hereby agreed that the amounts per day set forth herein in paragraph 3.1.1 are reasonable estimates of such liquidated damages and that said amounts do in fact bear a reasonable relationship to the damage that would be sustained by TOWN, and CONTRACTOR agrees to pay such liquidated damages as herein provided.

3.1.1 TOWN and CONTRACTOR recognize that time is of the essence for this Contract and that TOWN will suffer financial loss, in addition to and apart from the costs described in Paragraph 3.2, if the Work and/or portions of the Work are not performed and completed within the times specified, plus any extensions thereof allowed in accordance within the Contract Documents. TOWN and CONTRACTOR also recognize the delays, expense, and difficulties involved in proving, through legal or arbitration proceedings, the actual loss suffered by TOWN if the Work or portion of the Work is not completed on time. Accordingly, instead of requiring any such proof, TOWN and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay TOWN Four Hundred and Thirty dollars and no cents (\$430) for each working day that expires after the time specified for substantial completion, until the Work is substantially complete. After Substantial Completion, if CONTRACTOR neglects, refuses or fails to complete the remaining Work within the Contract Time or any proper extension thereof granted by TOWN, CONTRACTOR shall pay TOWN Four Hundred and Thirty dollars and no cents (\$430) for each working day that expires after the time specified for Final Completion and readiness for final payment.

- 3.2 Special Damages: In addition to the amounts provided for liquidated damages, CONTRACTOR shall pay TOWN the actual costs reasonably incurred by TOWN for TOWN's PM/CM, if applicable, the Project Engineer and for engineering and inspection forces employed on the Work for each working day that expires after the time specified for Final Completion, including any extensions thereof made in accordance with the Contract Documents, until the Work is finally complete. The rate for inspection services for this contract is \$0 per hour. The rate for the work by the Project Engineer for this

Contract is \$0 per hour. The rate for work by TOWN is \$0 per hour. Each of these hourly rates is calculated at time and one half for work required to be performed during other than normal business hours.

- 3.3 TOWN may withhold and deduct from any payment due to CONTRACTOR the amount of liquidated damages, special damages, and other costs, such as CONTRACTOR'S failed testing costs or damages to other TOWN property, from any moneys due CONTRACTOR under the Contract.

4.0 CONTRACT PRICE

TOWN shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents, an amount in current funds not to exceed the sum **one million, eight hundred and fifty three thousand, six hundred and thirty nine dollars and no cents (\$1,853,639.00)** as more specifically set forth in CONTRACTOR'S bid, and any additional amounts agreed to pursuant to valid Change Order, approved by TOWN.

5.0 CONTRACT DOCUMENTS

The following documents are pertinent to the Project:

- 5.1 This Contract (pages i to vii inclusive).
- 5.2 Addenda consisting of Numbers 1 to 2 inclusive.
- 5.3 The project Specifications dated 9/2/2016 entitled Old Home Manor Industrial Improvement Project Special Provisions.
- 5.4 The project Drawings comprised of a set entitled Old Home Manor Industrial Park Improvements Project EDA 07-01-07213 and dated 9/2/2016
- 5.5 Performance Bond (page F-1) and Payment Bond (page G-1).
- 5.6 The approved CPM Construction Schedule dated N/A.
- 5.7 The project General Conditions.
- 5.8 The project Special Conditions.
- 5.9 Notice to Proceed dated December 19, 2016
- 5.10 CONTRACTOR'S List of Subcontractors (pages D-1 to D-10) inclusive.
- 5.11 CONTRACTOR'S Schedule of Manufacturers and Suppliers of Major Equipment and Material Items (pages D-1 to D-10).
- 5.12 The following which may be delivered or issued after the Effective Date of this Contract and are not attached hereto:

- A. Written Attachments
- B. Work Change Directives
- C. Change Order(s)

6.0 MISCELLANEOUS

- 6.1 This Agreement shall inure to the benefit of, and shall be binding upon TOWN and CONTRACTOR and their respective successors and assigns.
- 6.2 This Agreement may not be amended or any of its terms modified without the written consent of TOWN and CONTRACTOR.
- 6.3 This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
- 6.4 This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona.
- 6.5 CONTRACTOR agrees he is an independent contractor and not an agent or employee of TOWN. CONTRACTOR shall supervise and direct the Work to be done, using his best skill and attention. CONTRACTOR shall be solely responsible for all construction means, methods, techniques, sequences, procedures and for coordinating all portions of the Work, required by the Contract Documents. CONTRACTOR shall be responsible to TOWN for the acts and omissions of his employees, Subcontractors and their agents and employees, and other persons performing any of the Work under any Contract Documents.
- 6.6 Should litigation be necessary to enforce any term or provision of this Contract, or to collect any damages claimed or portion of the amount payable under this Contract, then all litigation and collection expenses, witness fees, court costs, and attorney's fees shall be paid to the prevailing party. Nothing herein shall preclude non-binding arbitration if they so elect in the event of a dispute hereunder.
- 6.7 Under Section 38-511, Arizona Revised Statutes, as amended, TOWN may cancel any contract it is a party to within three years after its execution and without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of TOWN is, at any time while the contract or any extension thereof is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party to the contract with respect to the subject matter of the contract. In the event TOWN elects to exercise its rights under Section 38-511, Arizona Revised Statutes, as amended, TOWN agrees to immediately give notice thereof to Contractor.
- 6.8 All notices and demands required or permitted by this Contract shall be in writing and shall be deemed to have been given or properly served when (1) sent by Certified Mail (postage fully prepaid) to the respective address below or to such other address as may be furnished by either party pursuant to this Section; (2) delivered personally to the authorized representative of the parties to this Contract; or (3) if given by facsimile, when

addressed and transmitted to the respective facsimile number as specified below or to such other address or facsimile number as may be furnished by either party to the other pursuant to this Section, and the appropriate confirmation of transmittal is received. Any party giving notice or demand by facsimile immediately shall send the other party a copy of such notice or demand by Certified Mail (postage fully prepaid) to the respective address below or to such other address as may be furnished by either party pursuant to this Section.

TOWN:
Town Manager
Town of Chino Valley
202 N State Route 89
Chino Valley, AZ 86323

CONTRACTOR:
Wyatt Orr, Vice President
Earth Resources Corporation
P.O. Box 1420
Dewey, Az. 86328

- 6.9 No amendment or waiver of any provision of these Contract Documents nor consent to any departure by TOWN shall be effective unless the same shall be in writing and signed by TOWN. Such waiver or consent shall be effective only in the specific instance and for the specific purpose for which given.
- 6.10 No waiver by TOWN of any default or breach by CONTRACTOR shall be deemed to be or constitute a waiver of any other or subsequent default or breach. TOWN specifically reserves and shall have all rights and remedies available to it under the provisions of the Contract Documents.
- 6.11 Immigration Law Compliance Warranty:
- 6.11.1 As required by A.R.S. § 41-4401, Contractor hereby warrants its compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). Contractor further warrants that after hiring an employee, Contractor verifies the employment eligibility of the employee through the E-Verify program.
- 6.11.2 If Contractor uses any subcontractors in performance of the Work, 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 employment eligibility of the employee through the E-Verify program.
- 6.11.3 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. Contractor 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. Contractor shall not be deemed in material breach of this Contract if the Contractor and/or 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. § 23-214(A).

- 6.11.4 Town retains the legal right to inspect the papers of any Contractor or subcontractor employee who works on the Contract to ensure that the Contractor or subcontractor is complying with the warranty. Any inspection will be conducted after reasonable notice and at reasonable times.
- 6.11.5 If state law is amended, the parties may modify this paragraph consistent with state law.
- 6.12 Non-Discrimination. Contractor, with regard to the work performed in accordance with this Agreement, will not discriminate on the grounds of race, color, national origin, religion, sex, disability or familial status in the selection and retention of subcontractors, including procurement of materials and leases of equipment. Contractor will not participate either directly or indirectly in the discrimination prohibited by or pursuant to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Age Discrimination Act of 1975 and Executive Order 2000-4. The Contractor shall carry out all applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of contract or other legally available remedies.
- 6.13 Non-Boycott of Israel. Contractor hereby certifies that it is not currently engaged in and, for the duration of the contract will not engage in, a boycott of Israel, as that term is defined in A.R.S. § 35-393.

IN WITNESS WHEREOF, the parties hereto have executed this Contract on the day and year first written above.

TOWN OF CHINO VALLEY

By: _____
Darryl Croft, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L.N. Smiley, Town Attorneys

CONTRACTOR

By: _____

Title: _____

BID TABULATION									
TOWN OF CHINO VALLEY				TOWN OF CHINO VALLEY 1982 VOSS DRIVE, 201 CHINO VALLEY, AZ 86323 (928) 636-7140					
PROJECT OLD HOME MANOR INDUSTRIAL PARK IMPROVEMENTS, EDA-07-01-07213									
PREPARED BY: lopez		DATE: UPDATE		12/2/2016					
	CONTRACTOR	BASE BID	DEDUCTIVE ALTERNATIVE #1	BID LESS DED.ALT #1	DEDUCTIVE ALTERNATIVE #2	BID LESS DED.ALT #'s 1 & 2	DEDUCTIVE ALTERNATIVE #3	BASE LESS DED. ALT. #'s 1, 2, & 3 TOTAL	
1	FANN CONTRACTING, INC.	\$ 2,549,993.00	\$ 1,016,960.50	\$ 1,533,032.50	\$ 96,140.00	\$ 1,436,892.50	\$ 281,769.00	\$ 1,155,123.50	
2	ASPHALT PAVING & SUPPLY, INC.	\$ 2,614,646.75	\$ 1,164,188.00	\$ 1,450,458.75	\$ 73,372.00	\$ 1,377,086.75	\$ 214,884.75	\$ 1,162,202.00	
3	EARTH RESOURCES CORPORATION	\$ 1,853,639.00	\$ 793,428.39	\$ 1,060,210.61	\$ 72,547.40	\$ 987,663.21	\$ 214,967.64	\$ 772,695.57	
4	CAPITAL IMPROVEMENTS, LLC	\$ 2,285,100.00	\$ 981,319.00	\$ 1,303,781.00	\$ 98,508.00	\$ 1,205,273.00	\$ 283,870.00	\$ 921,403.00	
ENGINEER'S ESTIMATE		\$ 2,848,748.38	\$ 1,282,892.51	\$ 1,565,855.87	\$ 80,399.89	\$ 1,485,455.98	\$ 250,126.38	\$ 1,235,329.60	

Town of Chino Valley
Old Home Manner EDA Grant Summary

Project Funding		Total
EDA Federal Share EDA Funds	\$1,600,074	
Arizona Commerce Authority	\$250,000	
Arizona Public Service	\$75,000	
Town Budgeted Match Funds	\$137,000	
Total Project Funds		<u>\$2,062,074</u>
Project Expenses		
Engineering	\$196,000	
Construction	\$1,853,639	
Inspection	\$40,000	
Total Project Expenses		<u>\$2,089,639</u>
Additional Town Match FY 17/18*		(\$27,565)

Note: Project must be complete by June 30, 2017 to receive Arizona Commerce Authority Funds

* The Town has sufficient funds available in the Capital Improvement Fund to cover the addition match.

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 7. j.

Meeting Date: 12/13/2016
Contact Person: Michael Lopez, Public Works Director/Town Engineer
 Phone: 928-636-2646 x-1226
Department: Public Works
Item Type: Action Item
Estimated length 10 minutes
of staff presentation:
Physical location of item: SR 89 and Road 1 North

AGENDA ITEM TITLE:

Consideration and possible action to approve the intergovernmental agreement (IGA) between the Town of Chino Valley, ADOT and Yavapai County authorizing payment of \$75,000.00 to ADOT for design of the Road 1 North and State Route 89 traffic signal. (Michael Lopez, Public Works Director/Town Engineer)

RECOMMENDED ACTION:

Approve the IGA between the Town of Chino Valley, ADOT and Yavapai County authorizing payment of \$75,000.00 to ADOT for design of the Road 1 North and State Route 89 Traffic Signal.

SITUATION AND ANALYSIS:

Issue Statement

1. The State is administering the design of a new traffic signal and roadway widening at Road 1 North along State Route (SR) 89, (the "Project"). The design phase of the project will be completed by September 1, 2017. The estimated Project design costs are **\$529,000.00**, the State has contributed **\$354,000.00** toward the Project design costs. For the remaining \$175,000 in Project design costs the County and the Town will contribute **\$100,000.00** and **\$75,000.00**, respectively, in efforts to expedite completion of Project design. Prior to expending any funds contributed by the County and Town, the State will utilize all of their \$354,000 contribution. The State will notify the Parties, should design costs exceed the County's and the Town's contribution of \$175,000.00 prior to going over the Parties contribution. The County and the Town will pay for any agreed upon costs associated with the design that exceeds the estimated Project design costs of \$529,000.00. However, the maximum contribution by the County, including any excess design costs, shall not exceed **\$150,000**. If funds are exhausted before the design is complete, work will cease and the State, County, and Town, will discuss how to proceed with finishing the design. The State will administer the design of the Project. Completion of design is necessary to assess utility relocation, right-of-way acquisition, and construction costs, these costs will be identified in a future Agreement.

Applicable "Policy"

Satisfaction of “Policy”
Summary of Issues and Staff Rationale
Findings of Fact

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 15-78-5470

Available: \$75,000

Funding Source:

Funding will come from Road Impact Fees.

Attachments

IGA-ADOT Design of SR89 & Rd 1North

ADOT File No.: IGA/JPA 16-0006010-I
 AG Contract No.: P0012016003336
 Project Location/Name: SR 89 at Road 1
 North
 Type of Work: Install Traffic Signal
Federal-aid No.: FA-089-B(213)T
ADOT Project No.: HX247 01D
TIP/STIP No.: n/a
CFDA No.: 20.205 - Highway Planning
and Construction
Budget Source Item No.: n/a

INTERGOVERNMENTAL AGREEMENT

BETWEEN
 THE STATE OF ARIZONA
 AND
 YAVAPAI COUNTY
 AND
 THE TOWN OF CHINO VALLEY

THIS AGREEMENT is entered into this date _____, pursuant to the Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and YAVAPAI COUNTY, acting by and through its CHAIRMAN and BOARD OF SUPERVISORS (the "County") AND the TOWN OF CHINO VALLEY, acting by and through its MAYOR and TOWN COUNCIL (the "Town"). The State, the County and the Town, are collectively referred to as "Parties."

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The County is empowered by Arizona Revised Statutes § 11-251 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.
3. The Town is empowered by Arizona Revised Statutes § 9-240 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the Town.
4. The State is administering the design of a new traffic signal and roadway widening at Road 1 North along State Route (SR) 89, (the "Project"). The design phase of the project will be completed by September 1, 2017. The estimated Project design costs are **\$529,000.00**, the State has contributed **\$354,000.00** toward the Project design costs. For the remaining \$175,000 in

Project design costs the County and the Town will contribute **\$100,000.00** and **\$75,000.00**, respectively, in efforts to expedite completion of Project design. Prior to expending any funds contributed by the County and Town, the State will utilize all of their \$354,000 contribution. The State will notify the Parties, should design costs exceed the County's and the Town's contribution of \$175,000.00 prior to going over the Parties contribution. The County and the Town will pay for any agreed upon costs associated with the design that exceeds the estimated Project design costs of \$529,000.00. However, the maximum contribution by the County, including any excess design costs, shall not exceed **\$150,000**. If funds are exhausted before the design is complete, work will cease and the State, County, and Town, will discuss how to proceed with finishing the design. The State will administer the design of the Project. Completion of design is necessary to assess utility relocation, right-of-way acquisition, and construction costs, these costs will be identified in a future Agreement.

5. Should the Project design costs end up less than the estimated \$529,000 the remaining portion of the County's and Town's contribution of \$175,000 will be returned to the County and Town in the same percentages as originally contributed.
6. The Parties will perform their responsibilities consistent with this Agreement, and any change or modification to the Project will only occur with the mutual written consent of the Parties.

THEREFORE, in consideration of the mutual Agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:
 - a. Execute this Agreement, and if the Project is approved by FHWA and funds for the Project are available, be the County and Town's designated agent for the Project.
 - b. Prepare and provide the design plans, specifications and other such documents and services required for the construction bidding and construction of the Project and incorporate comments from the County and Town as appropriate.
 - c. Execute this Agreement, and invoice the Parties for their share of the Project design costs, estimated at **\$100,000.00**, (County costs), and **\$75,000.00** for (Town costs).
 - d. Notify County and Town if their total costs are going to exceed \$175,000 and get approval prior to expending above the approved amount.
 - e. Be granted, without cost requirements, the right to enter County and Town rights-of-way as required to conduct any and all design related activities for said Project, including without limitation, temporary construction easements or temporary rights of entry on to and over said rights-of-way of the County, and Town.
 - f. Complete bid documents by September 1, 2017.

2. The County will:

- a. Designate the State as the authorized agent for the Project.
- b. Within 30 days of receipt of an invoice from the State, pay **\$100,000.00** of the invoiced amount to the State. Be responsible for the County's share of costs exceeding \$529,000, up to a maximum total cost of \$150,000 (includes a \$50,000 contingency for overruns above \$529,000). The County's actual share of cost overruns would be determined between the Town and County.
- c. Review the design documents required for construction of the Project and provide comments to the State as appropriate.
- d. Grant the State, its agents and/or contractors, without cost, the right to enter County rights-of-way, as required, to conduct any and all construction and preconstruction related activities, including without limitation, temporary construction easements or temporary rights of entry to accomplish among other things, soil and foundation investigations.

3. The Town will:

- a. Designate the State as the authorized agent for the Project.
- b. Within 30 days of receipt of an invoice, pay **\$75,000.00** to the State. If funds are exhausted before the design is complete, work will cease and the State, County, and Town, will discuss how to proceed with finishing the design.
- c. Review the design documents required for construction of the Project and provide comments to the State as appropriate.
- d. Grant the State, its agents and/or contractors, without cost, the right to enter Town rights-of-way, as required, to conduct any and all construction and preconstruction related activities, including without limitation, temporary construction easements or temporary rights of entry to accomplish among other things, soil and foundation investigations.

III. MISCELLANEOUS PROVISIONS

- 1. The terms, conditions and provisions of this Agreement will remain in full force and effect until completion of the Project and acceptance of related deposits or reimbursements. This Agreement may be cancelled at any time upon 30 days written notice to the other Parties. It is understood and agreed that, in the event the Parties terminate this Agreement, the County and the Town will be responsible for all costs incurred by the State up to the time of termination as proportionately determined by this Agreement. It is further understood and agreed that should the County or the Town terminate this Agreement, the State will not be obligated to complete the Project.

2. The State will include Section 107.13 of the 2008 version of the Arizona Department of Transportation Standard Specifications for Road and Bridge Construction, incorporated into this Agreement by reference, in the State's contract with any and all contractors, of which the County and the Town will be specifically named as a third-party beneficiaries. This provision may not be amended without the approval of the County and the Town.
3. The cost of design work under this Agreement is to be covered by the maximum available amount of federal funds programmed for this Project. The County and the Town acknowledge that the actual costs may exceed the maximum available amount of federal funds, or that certain costs may not be accepted by the federal government as eligible for federal funds. Therefore, the County and the Town agree to pay the difference between the actual Project costs and the federal funds received in proportional amounts as indicated in Recital No. 4.
4. Should the federal funding related to this Project be terminated or reduced by the federal government, or Congress rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State will in no way be obligated for funding or liable for any past, current or future expenses under this Agreement.
5. The cost of the Project under this Agreement includes indirect costs approved by FHWA, as applicable.
6. The Parties warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the County will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.
7. The County and Town acknowledge compliance with federal laws and regulations and may be subject to the CODE OF FEDERAL REGULATIONS, TITLE 2, PART 200 (also known as The Uniform Grant Guidance). Entities that expend \$750,000.00 or more (on or after 12/26/14) of federal assistance (federal funds, federal grants, or federal awards) are required to comply by having an independent audit in accordance with §200.331 Subpart F. Either an electronic or hardcopy of the Single Audit is to be sent to Arizona Department of Transportation Financial Management Services within the required deadline of nine months of the sub recipient fiscal year end.
 ADOT – FMS
 Attn: Cost Accounting Administrator
 206 S 17th Ave. Mail Drop 204B
 Phoenix, AZ 85007
SingleAudit@azdot.gov
8. This Agreement will become effective upon signing and dating of the Determination Letter by the State's Attorney General.
9. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.
10. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes §§ 35-214 and 35-215 will apply to this Agreement.

11. The Parties shall comply with the applicable requirements of Arizona Revised Statutes §35-393.01.
12. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement will comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".
13. Non-Availability of Funds: Every obligation of the State, County, and Town, under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State, County or Town, at the end of the period for which the funds are available. No liability will accrue to the State, County, or Town, in the event this provision is exercised, and neither party will be obligated or liable for any future payments as a result of termination under this paragraph.
14. In the event of any controversy, which may arise out of this Agreement, the Parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.
15. The Parties will comply with the applicable requirements of Arizona Revised Statutes § 41-4401.
16. The Parties hereto will comply with all applicable laws, rules, regulations and ordinances, as may be amended.
17. All notices or demands upon any Party to this Agreement will be in writing and will be delivered in person or sent by mail, addressed as follows:

For Agreement Administration:

Arizona Department of Transportation
 Joint Project Administration
 205 S. 17th Avenue, Mail Drop 637E
 Phoenix, Arizona 85007
 (602) 712-7124
 (602) 712-3132 Fax
JPABranch@azdot.gov

Yavapai County
 Attn: Byron Jaspers
 1100 Commerce Drive
 Prescott, AZ 86305
 (928) 777-7521
byron.jaspers@yavapai.us

Chino Valley
 Attn: Michael Lopez
 202 North State Route 89
 Chino Valley, AZ 86323
 (928) 636-2646
mlopez@chinoaz.net

For Project Administration:

Arizona Department of Transportation
 Project Management Group
 205 S. 17th Avenue

Yavapai County
 Attn: Byron Jaspers
 1100 Commerce Drive

Phoenix, Arizona 85007
(602) 712-8716

Prescott, AZ 86305
(928) 777-7521
byron.jaspers@yavapai.us

Chino Valley
Attn: Michael Lopez
202 North State Route 89
Chino Valley, AZ 86323
(928) 636-2646
mlopez@chinoaz.net

For Financial Administration:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax
JPABranch@azdot.gov

Yavapai County
Attn: Laura Bunn
1100 Commerce Drive
Prescott, AZ 86305
(928) 777-7521
laura.bunn@yavapai.us

Chino Valley
Attn: Michael Lopez
202 North State Route 89
Chino Valley, AZ 86323
(928) 636-2646
mlopez@chinoaz.net

18. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination, of each Party's legal counsel that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.
-

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

YAVAPAI COUNTY

STATE OF ARIZONA

Department of Transportation

By _____
JACK R. SMITH
Chairman, Board Supervisors

By _____
STEVE BOSCHEN, P.E.
Division Director

ATTEST:

By _____
KIM KAPIN
Clerk of the Board

TOWN OF CHINO VALLEY

By _____
DARRYL CROFT
Mayor

ATTEST:

By _____
JAMI LEWIS
Town Clerk

IGA/JPA 16-0006010-I**ATTORNEY APPROVAL FORM FOR YAVAPAI COUNTY**

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and YAVAPAI COUNTY, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State or Town to enter into this Agreement.

DATED this _____ day of _____, 2016.

County Attorney

IGA/JPA 16-0006010-I

ATTORNEY APPROVAL FORM FOR THE TOWN OF CHINO VALLEY

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the TOWN OF CHINO VALLEY, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State or County to enter into this Agreement.

DATED this _____ day of _____, 2016.

Town Attorney

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 8. a.

Meeting Date: 12/13/2016
Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208
Department: Council
Estimated length None
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

An executive session 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 regarding a contract with Prescott Sportsmen's Club related to management of the Chino Valley Shooting Range Facility that is the subject of negotiations. (Mayor Marley)

Attachments

No file(s) attached.

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

Item No. 8. b.

Meeting Date: 12/13/2016
Contact Person: Phyllis Smiley, Town Attorney
Department: Town Attorney
Estimated length of Staff Presentation: None
Physical location of item: n/a

AGENDA ITEM TITLE:

An executive session 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 regarding a contract in pending litigation or in settlement discussions conducted in order to resolve litigation in the matter of Town v. The Glenarm Land Company, Inc., et al. (Phyllis Smiley, Town Attorney)

Attachments

No file(s) attached.
