

AGENDA



REGULAR SESSION MAYOR AND COUNCIL TOWN OF CAMP VERDE COUNCIL CHAMBERS

473 S. Main Street, Room #106
WEDNESDAY, MARCH 19, 2008
at 6:30 P.M.

1. **Call to Order**

As a reminder, if you are carrying a cell phone, pager, computer, two-way radio, or other sound device, we ask that you turn it off at this time.

2. **Roll Call**

3. **Pledge of Allegiance** – *(Please remove your hat.)*

4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.

a) **Approval of the Minutes:**

- 1) March 12, 2008 – Joint Work Session with the Library Advisory Commission
- 2) March 12, 2008 – Special Session
- 3) March 12, 2008 – Executive Session (taped)
- 4) March 5, 2008 – Regular Session
- 5) March 5, 2008 – Executive Session
- 6) February 27, 2008 – Council Hears Planning & Zoning

b) **Set Next Meeting, Date and Time:**

- 1) Council Hears Planning & Zoning – March 26, 2008 at 6:30 p.m.
- 2) Regular Session – April 2, 2008 at 6:30 p.m.
- 3) Quarterly Work Session with the Commissions to include a Joint Work Session with the Housing Commission – April 9, 2008 at 6:30 p.m.
- 4) Regular Session – April 16, 2008 at 6:30 p.m.
- 5) Council Hears P&Z – April 23 at 6:30 p.m.

c) **Possible award of contract for CDBG Project #108-07, Senior Center Improvements to RC Homes and Development for \$57,805.00 to include the alternates, excluding Change Orders, and authorization for the Mayor to sign the Contract documents.** This is a budgeted item. (Staff Resource: Debbie Barber)

d) **Possible approval of Resolution 2008-744, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, declaring the Mayor, Vice Mayor, Finance Director, and Town Clerk as the authorized bank account signers for all bank accounts held by the Town of Camp Verde.** (Staff Resource: Michael Scannell)

e) **Possible approval of Resolution 2008-743, a Resolution of the Mayor and Council of the Town of Camp Verde, Arizona, declaring as a Public Record that certain document filed with the Town Clerk and entitled "The 2008 Amendments to the Tax Code of the Town of Camp Verde".** (Staff Resource: Michael Scannell)

f) **Possible approval of Ordinance 2008-A353, an Ordinance of the Mayor and Council of the Town of Camp Verde, Arizona, relating to the Privilege License Tax; adopting "The 2008 Amendments to the Tax Code of the Town of Camp Verde" by reference; establishing an effective date; providing for severability and providing penalties for violations.** (Staff Resource: Michael Scannell)

g) **Possible approval of the FY 2008-09 proposed budget calendar.** (Staff Resource: Michael Scannell)

- h) **Possible authorization for the Trails & Pathways Commission representatives to continue to represent the Town at the Verde Valley Regional Trails Plan meetings and to report on these meetings during the regularly scheduled Trails & Pathways Commission meetings.** (Staff Resource: Lynda Moore)
 - i) **Possible approval Proclamation declaring April as "Substance Abuse Awareness Month" in Camp Verde.** (Staff Resource: Vice Mayor Hauser)
5. **Call to the Public for Items not on the Agenda.**
6. **Council Informational Reports** Individual members of the Council may provide brief summaries of current events and activities. These summaries are strictly for informing the public of such events and activities. The Council will have no discussion, consideration, or take action on any such item, except that an individual Council member may request that the item be placed on a future agenda.
- **Councilor Garrison's Liaison Report regarding Camp Verde Sanitary District (District) meetings and possible discussion and/or determination of requests for placement on the District's standard agenda item for Council Updates/Reports.**
Note: Requests may be identified, but no discussion of the item will occur at this time.
7. **Discussion, consideration, and possible approval of an appeal to the Mayor and Town Council concerning the Town's Building Department charging impact fees in the amount of \$4,756.00 for Building Permit #2007389 for the installation of new electrical pedestals for spaces 72 and 73 within Buffalo Run Mobile Home Park as submitted by Michael Thieme Attorney, agent for Gary and Beverlee Jones, owners.** (Staff Resource: Nancy Buckel)
8. **Discussion with the Camp Verde Youth Commission and possible authorization to staff to designate the metal building located next to the new Marshal's Office as the future site for the Camp Verde Teen Center.** (Staff Resource: Lynda Moore)
9. **Presentation of the February 2008 Financial Report by Lisa Elliott.** (Staff Resource: Lisa Elliott)
10. **Discussion, consideration, and possible direction to staff as it relates to the construction of an AB gravel road off of Moser, parallel to Montezuma Castle Highway as the entrance to Black Bridge Park and the use of portable toilets with privacy walls as the restroom facility if permitted by Yavapai County.** (Staff Resource: Lynda Moore)
11. **Discussion, consideration, and possible appointment of Rodger E. Overholser to the Magistrate position, direction to staff to negotiate a 2-year contract.** (Staff Resource: Mayor Gioia)
- Councilor Garrison requested item #12 & 13:
12. **Discussion, consideration, and possible direction to staff relative to permitting alcohol sales and/or consumption on Town-owned property and at Town-sponsored events.**
13. **Discussion and possible reconsideration of the February 27, 2008 Council direction to staff to "research past Minutes to determine what previous Councils have done and said on the issue; implement a rapid process to identify the scope of legal and illegal non-conforming uses; allow for a response from Zellner's attorney, and then come back to Council with a recommendation". This direction was related to Canyon Wood Supply (formerly Zellner's Woodyard).**

14. **Discussion, consideration and possible direction to staff concerning negotiations on a proposed Development Agreement submitted by Verde Valley Properties, owner of approximately 56 acres of Commercially zoned property located along SR 260 between the intersection of Finnie Flat Road and Homestead Parkway.** Note: Council may vote to go into executive session pursuant to ARS §38-431.02(A)(4) for discussion or consultation with designated representatives in order to consider Council's position and instruct its representatives regarding negotiations on the development agreement and ARS §38-431.02(A)(3) for discussion or consultation with the attorney for legal advice. (Staff Resource: Michael Scannell)
15. **Discussion, consideration, and possible direction to staff and/or discussion or consultation with the Town Attorney for legal advice concerning the Intergovernmental Agreement between the Town and the Camp Verde Sanitary District.** Note: Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §38-431.03(A)(4) for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of negotiation. (Staff Resource: Michael Scannell)
16. **Call to the Public for Items not on the Agenda.**

There will be no Public Input on the following items:

17. **Advanced Approvals of Town Expenditures**
 - a) **There are no advanced approvals.**
18. **Manager/Staff Report**
19. **Adjournment**

Posted by: U Jones

Date/Time: 3-14-08

8:50 a.m

Note: Pursuant to A.R.S. §38-431.03.A.2 and A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.

MINUTES

JOINT WORK SESSION MAYOR and COMMON COUNCIL and the LIBRARY ADVISORY COMMISSION

473 S. Main Street, Room 106
Camp Verde, AZ

WEDNESDAY, MARCH 12, 2008
6:30 P.M.

1. **Call to Order**

Mayor Gioia called the meeting to order at 6:30 p.m.

2. **Roll Call**

Mayor Gioia, Councilors Smith, Kovacovich, Garrison, Elmer and German were present. Vice Mayor Hauser was absent. Library Commission members Mina, Heuman, Neilson, Chatley, Pastine, Sykes and Doering were present.

Also present: Town Manager Mike Scannell, Recording Secretary Virginia Jones and Administrative Assistant Sharon McCormick and Attorney William Sims on the telephone.

3. **Pledge of Allegiance**

Councilor German led the Pledge of Allegiance.

4. **Discussion, consideration, and possible direction to staff concerning the questions and concerns put forth by the Library Advisory Commission regarding the formation of a non-profit organization that is being formed to design and construct a new public library facility. Questions and concerns include, but are not limited to, Town involvement, procurement, coordinating efforts, sequential steps, funding, and project management.**

Mayor Gioia turned the meeting over to Commissioner Lisa Mina who referred to a memo from the Library Advisory Commission to the Town Council dated February 13, 2008; a copy is attached and becomes a permanent part of the minutes. In answer to how much involvement the Town would have in the process of building a new library if an independent non-profit corporation was involved, it was confirmed that the Town must follow state statute regarding procurement. If a non-profit organization proceeded to build the Library on Town owned property, the Town could be involved in property improvements. The Library Advisory Commission and Council could be involved with the non-profit as citizens, as long as they are not in a controlling position with the non-profit. It was noted that caution should be taken regarding a quorum on the Commission or Council being present during non-profit business meetings. If the Town were to proceed in building a new public library, the Town would have to go through the Request for Qualifications and Request for Proposal process as outlined by state statute.

The Town would not be circumventing state law for procurement if the non-profit took on the project. If the Town donated property for the building, the Town would have a written agreement with the non-profit with all details outlined, including items such as lease agreements on the land. If the non-profit organization failed to deliver, for any reason, they would be in breach of the agreement.

The Council noted that the Town is starting the budget process and no funds have yet been allocated for building a library and no agreements have been made with the non-profit; however, the Town is exploring all the options. The Library Advisory Commission and the non-profit group should work together because they both want the same result. Council stated the Town would not enter into any agreement until there was assurance in place that the non-profit organization would be able to complete the project.

The Commission asked Council for clear direction on what Council wanted the Commission to accomplish and it was explained the Commission should continue moving forward discussing options for the new library, continue working on items such as a 'book drop' at the current library, and every aspect that would affect the Library.

5. **Adjournment**

On a motion by Elmer seconded by Smith the meeting adjourned at 9:20 p.m.

Virginia Jones, Deputy Clerk

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING, minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Work Session of the Town Council of Camp Verde, Arizona held on the 12th day of March 2008. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____ 2008

Deborah Barber, Town Clerk

**MINTUES
SPECIAL SESSION
MAYOR and COMMON COUNCIL
of the
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. MAIN STREET, ROOM 106**

**Wednesday, March 12, 2008
4:00 p.m.**

1. **Call to Order**

Mayor Gioia called the meeting to order at 4:00 p.m.

2. **Roll Call**

Mayor Gioia, Councilors Smith, Kovacovich, Garrison, Elmer and German were present, Vice Mayor Hauser was absent.

Also Present: Town Manager Michael Scannell, Recording Secretary Virginia Jones.

3. **The Mayor and Council may interview one or more of the following candidates for the Magistrate position: Donald R. Buehler, Douglas C. Fitzpatrick, Pat Gunnells, Kennedy C. Klagge, Konstanz Kuraz, Rodger E. Overholser, Mansell D. Myers, James M. McGee.**

On a motion by Gioia seconded by Kovacovich Council voted to go into Executive Session pursuant to ARS §38-431.03(A)(1) for discussion or consideration of employment, assignment, or appointment of a public officer, appointee, or employee, at 4:01 p.m.

4. **Adjournment**

On a motion by Smith seconded by Kovacovich the meeting adjourned at 6:15 p.m.

Virginia Jones, Deputy Clerk

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING, minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Special Session of the Town Council of Camp Verde, Arizona held on the 12th day of March 2008. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____ 2008

Deborah Barber, Town Clerk

**MINUTES
REGULAR SESSION
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, MARCH 5, 2008
6:30 P.M.**

Minutes are a summary of the actions taken. They are not verbatim.
Public input is placed after Council motions to facilitate future research.
Public input, where appropriate, is heard prior to the motion.

1. **Call to Order**
The meeting was called to order at 6:33 p.m.

2. **Roll Call**
Mayor Gioia, Councilors Smith, Garrison, Kovacovich and Elmer were present. Vice Mayor Hauser and Councilor German were absent.

Also Present: Town Manager Mike Scannell, Town Attorney Bill Sims, Parks & Recreation Director Lynda Moore, Library Director Gerry Laurito, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**
The Pledge was led by Smith.

4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.
 - a) **Approval of the Minutes:**
 - 1) February 26, 2008 – Retreat/Form with Yavapai-Apache Nation Tribal Council
 - 2) February 21, 2008 – Joint Work Session Camp Verde Sanitary District
 - 3) February 20, 2008 – Regular Session
 - 4) February 13, 2008 – Joint Work Session Parks & Rec
 - b) **Set Next Meeting, Date and Time:**
 - 1) Joint Special Session with Sanitary District – March 6, 2006 at 5:00 p.m.
 - 2) Joint Work Session with Library Advisory Commission – March 12, 2008 at 6:30 p.m.
 - 3) Regular Session – March 19, 2008 at 6:30 p.m.
 - 4) Council Hears Planning & Zoning – March 26, 2008 at 6:30 p.m.
 - c) **Possible authorization for the Mayor to sign a withdrawal form to transfer \$93,217.39 from the ~~Library Endowment Fund~~ MARY LYON'S FUND banking account at AmTrust Bank to the Town's general banking account at Wells Fargo Bank for reimbursement of expenditures for the Library Master Plan Design.** (Staff Resource: Michael Scannell)
 - d) **Possible acceptance of Dee Whitt's resignation from the Trails & Pathways Commission and presentation of a Certificate of Appreciation for her service.**
 - e) **Possible appointment of Carol German to serve on the Design Review Board as the Planning & Zoning representative for a 6-month period.** (Staff Resource: Michael Scannell)
 - f) **Possible authorization for the Mayor to sign a Special Event Liquor License for the Highland Games, Welsh League of Arizona, to be held on Saturday March 29, 2008 from 10:00 a.m. to 5:00 p.m.** (Staff Resource: Lynda Moore)
 - g) **Possible authorization for the Mayor to sign a letter for transmittal (with the site and parcel map) to Arizona State Parks seeking a "Waiver of Retroactivity for Acquisition Projects" for a 118-acre Community Park.** This waiver will assist in the property purchase through a Heritage Grant. (Staff Resource: Michael Scannell)
 - h) **Possible authorization to transfer \$832,000 from the Town's General Fund Local Government Investment Pool account to the Town's Wells Fargo bank account for distribution to Yavapai Title for the purchase of 118.7 acres from the Government Services Administration for the Community Park.** (Staff Resource: Michael Scannell)

- i) **Possible authorization for the Mayor to execute a Refunding Agreement in order to memorialize the terms and conditions of the \$832,000 inter-fund loan between the Town's General Fund and the Town's Parkland Acquisition Fund.** (Staff Resource: Michael Scannell)
- j) **Possible approval of a Qwest Corporation Underground Utility Easement Agreement for an in consideration of \$10.00 and authorization for the Mayor to sign the document and all other escrow closing documents for the 118-acre Community Park.**
- k) **Consideration, and possible approval of Ordinance 2008-A350, an ordinance of the Town Council of the Town of Camp Verde, Yavapai County, Arizona, establishing a policy of conducting Criminal Record Checks for prospective Town employees and volunteers.** This ordinance will supersede Ordinance 2000-A170. (Staff Resource: David R. Smith)
- l) **Discussion, consideration, and possible direction to staff to go out to bid to hire a consultant to prepare a Master Plan for the Community Park, located at the 118-acre site, Parcel A, purchased from the U.S.F.S.**
On a motion by Smith, seconded by Kovacovich, the Consent Agenda was unanimously approved as presented, with Items 4.f), h), j) and i) pulled for discussion.

(Items pulled for separate consideration and action)

- f) **Possible authorization for the Mayor to sign a Special Event Liquor License for the Highland Games, Welsh League of Arizona, to be held on Saturday March 29, 2008 from 10:00 a.m. to 5:00 p.m.**

On a motion by Smith, seconded by Kovacovich, the Council voted 4-1 to authorize the Mayor to sign a Special Event Liquor License for the Highland Games, Welsh League of Arizona, to be held on Saturday March 29, 2008 from 10:00 a.m. to 5:00 p.m.; with a 'no' vote by Garrison.

The Council discussed the issue of liquor at Town events as well as the upcoming event which Parks & Recreation Director Moore said is no longer a Town-sponsored event. During the discussion Garrison continued to state her opinion that liquor should not be served at those events; a suggestion was made that the Council could reconsider at a later date the current policy regarding liquor at Town events.

- h) **Possible authorization to transfer \$832,000 from the Town's General Fund Local Government Investment Pool account to the Town's Wells Fargo bank account for distribution to Yavapai Title for the purchase of 118.7 acres from the Government Services Administration for the Community Park.**

On a motion by Smith, seconded by Garrison, the Council unanimously authorized the transfer of \$832,000 from the Town's General Fund Local Government Investment Pool account to the Town's Wells Fargo bank account for distribution to Yavapai Title for the purchase of 118.7 acres from the Government Services Administration for the Community Park.

Garrison had requested this item be pulled because she understood there were some individuals who wanted to speak on the issue. However, when **Tim Sykes** and **Maureen Pastine** each started to comment, the Mayor pointed out that this was not the item for input regarding location of the Library. There was no further discussion.

- i) **Possible authorization for the Mayor to execute a Refunding Agreement in order to memorialize the terms and conditions of the \$832,000 inter-fund loan between the Town's General Fund and the Town's Parkland Acquisition Fund.**

On a motion by Kovacovich, seconded by Elmer, the Council unanimously authorized the Mayor to execute a Refunding Agreement in order to memorialize the terms and conditions of the \$832,000

inter-fund loan between the Town's General Fund and the Town's Parkland Acquisition Fund.

This item had been pulled as a result of a misunderstanding, and with no further discussion the Council took the necessary action.

j) Possible approval of a Qwest Corporation Underground Utility Easement Agreement for an in consideration of \$10.00 and authorization for the Mayor to sign the document and all other escrow closing documents for the 118-acre Community Park.

On a motion by Smith, seconded by Gioia, the Council disapproved of the Underground Utility Easement Agreement.

On a motion by Gioia, seconded by Smith, the Council unanimously authorized the Mayor to sign all documents and other escrow closing documents including the purchase agreement for the 118.7-acre Community Park.

Staff was directed to discuss the Town's concerns with Qwest and to negotiate a modification to clarify the Town's access across the Easement, and to report back to Council on the 19th of March with a resolution of the issue.

Mayor Gioia pointed out concern regarding the terms of the Agreement and a potential construction problem for the Town from the Qwest easement, including the question of being able to provide emergency access, and requested that Council have staff discuss and memorialize the Town's concerns in the Easement Agreement. The Council discussed those concerns, with input from the Town Attorney regarding negotiating modifications to the agreement; it was agreed to re-address the Easement Agreement at the March 19th meeting after pursuing negotiations with Qwest to clarify the Town's access across the easement.

l) Discussion, consideration, and possible direction to staff to go out to bid to hire a consultant to prepare a Master Plan for the Community Park, located at the 118-acre site, Parcel A, purchased from the U.S.F.S.

On a motion by Garrison, seconded by Gioia, the Council voted unanimously to reconsider Item 4.l) to allow public input.

On a motion by Garrison, seconded by Elmer, the Council unanimously directed staff to go out to bid to hire a consultant to prepare a Master Plan for the Community Park located at the 118-acre site, Parcel A, purchased from the U.S.F.S.

It was determined that Item 4.l) had been approved as part of the Consent Agenda by mistake and the Council voted to reconsider the item in order to allow for public input.

Parks & Recreation Director Moore confirmed that the "scoping" documents prepared from prior public input are still in place and that input will be considered by the consultant groups who will be working on the Park. In response to some concern regarding the expense for a consultant, Town Manager Scannell said that a Master plan makes perfect sense; considering the price of the Park land, it is a small amount to pay to get the right design from the start, together with broad-based community input.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Howard Parrish commented on wanting a traffic light at access to the Park, and his concern about flooding, issues the consultant should look at.

Bob Johnson said he feels that the Town should be able to find a consultant who would donate their time and save a lot of money.

Roger Doering suggested the consultant should do a soils study in order to determine where certain things can be placed.

There was no further public input.

5. Call to the Public for Items not on the Agenda.

(Comments from the following individuals are summarized.)

Howard Parrish complained about the poor audio encountered in trying to watch the filming of the meetings shown on TV.

Amber Teague described at length what she felt was an appalling show of disrespect by the Marshal at a recent funeral service by his unkempt clothing and falling asleep at one point; she added that her complaint filed with the Manager's Office about what she believes was a reflection on the Marshal's performance was unfounded. *Town Manager Scannell responded that he had invited Ms. Teague to personally discuss the issue further, and she and her family had not elected to avail themselves of that opportunity.*

Tim Sykes said that he would bring up the issue of location of the Library on the new Park site at the Work Session scheduled for next week.

There was no further public input.

6. Council Informational Reports

Gioia reported that a subcommittee group with the Sanitary District went very well; he attended an intergovernmental group in Clarkdale, an important part of which was an update on HB 2772 regarding the inter-basin transfer from the Verde Basin to the Coconino Basin by the City of Williams, the opposition of which will be discussed in Item 10A on tonight's agenda. Gioia also reported that the Council had an excellent meeting with the Yavapai-Apache Council members recently.

7. Discussion, consideration, and possible approval of a proclamation declaring April as "Fair Housing Month" and an update by Southwest Fair Housing Council on the upcoming Camp Verde Housing Information Fair scheduled for April 11, 2008 from 4:00 to 6:00 p.m. in Rooms 206-207.

On a motion by Smith, seconded by Gioia, the Council unanimously approved a proclamation declaring April as "Fair Housing Month".

Housing Director Matt Morris said that representatives from the Southwest Fair Housing Council were unable to come to the meeting. Morris then gave a brief update on the subject planned event to be held in Camp Verde. Councilor Smith commented on today's newspaper article on attainable housing.

There was no public input.

7a. DISCUSSION, CONSIDERATION, AND POSSIBLE DIRECTION FROM COUNCIL ON THE PROPER CODING OF REVENUES GENERATED FROM THE LIBRARY'S BOOK SALES.

On a motion by Elmer, seconded by Garrison, the Council voted unanimously to support the recommendation of the Town Manager regarding following the proper accounting of the Library book sales.

Town Manager Scannell reviewed his understanding of the books involved in periodic Library book sales, and explained that proper accounting of those sales would dictate that proceeds coming from donated books would go to the Mary Lyons Library Fund, whereas the sales of Town-purchased books should be classified as sales of surplus property with those proceeds going into the General Fund. Scannell recommended that such accounting policy could be incorporated into the Library Director's administrative manual to establish the procedure for future reference and compliance by any successors.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Tim Sykes said he felt that proceeds from any book sales should all go back into the Library. *There was response to Mr. Sykes in an attempt to help him understand the need for a General Fund as opposed to autonomous handling of department funds.*

Maureen Pastine, a former librarian, pointed out that in her experience many times library books were simply trashed instead of trying to sell them.

Arlene Chronis questioned the time required by staff to follow that accounting procedure.

Roger Doering believes it would be better to just go with whatever the Library Director wants to do, and whatever works most expeditiously; he commented that some County funds also went into the purchase of books.

There was no further public input.

A recess was called at 7:47 p.m.; the meeting was called back to order at 7:53 p.m.

- 8. Update and discussion of the following items related to the CDBG Townsite Redevelopment/ Community Improvements (Restroom) Project:**
- a. **Purpose and location of the project; and**
 - b. **Sales Tax requirements related to the project; and**
 - c. **Possible approval to allocate the \$6,000 that was approved on 2/27/08 from the CIP fund rather than the Park Fund; and**
 - d. **Possible approval of the attached Revised Change Order reflecting the corrected sales tax amount to be paid; and**
 - e. **Possible authorization to expend an additional \$2,293.87 (\$8,293.87 - \$6,000) for a total payment of \$8,293.87 (sales tax and project costs) of unbudgeted monies from the CIP to complete the project.**

On a motion by Smith, seconded by Kovacovich, the Council unanimously authorized the expenditure of an additional \$2,293.87 for a total payment of \$8,293.87 of unbudgeted monies from the CIP to complete the project, and approval of the attached Revised Change Order.

Town Clerk Debbie Barber said she had brought the project back to Council after researching the question of the sales tax, and gave an update on the background and the results of her research. Barber explained that it has now been discovered that the sales tax had actually been under charged, and an additional \$2,293.87 was now due to complete the project. Barber confirmed that the project should be able to meet the Grant deadline of May 11th.

There was no public input.

- 9. Discussion, consideration, and possible adoption of a Policy Statement that authorizes the Mayor, as the Town's Chief Elected Official, to support or oppose Bills introduced during legislative sessions when they adversely affect the Town's interests and need an immediate response.**

On a motion by Smith, seconded by Garrison, the Council unanimously authorized the Chief Executive Official, the Mayor, to (1) support legislation that protects the ground water aquifer Verde River Basin; (2) oppose legislation that compromises the integrity of the ground water aquifer Verde River Basin; (3) support legislation that maintains the State Shared Revenues; (4) oppose legislation that erodes State Shared Revenues; (5) support legislation that maintains land use authority for municipalities in Arizona; and/or (6) oppose legislation that erodes the land use authority for municipalities in Arizona.

It was also suggested that Council members bring back other related items of interest to discuss at the March 19th meeting. It was also suggested that the issue of amending the Town Code also be brought back and placed on the agenda.

Scannell explained that from time to time there will be legislative issues come up between regular Council meetings that require immediate attention in order to protect the interests of the Town. Based on his past experience, Scannell recommended adopting a yearly policy which authorizes the Mayor to speak on behalf of the governing body when that body is not in session on certain items which are discussed and debated in advance, examples of which Scannell briefly cited. Scannell also outlined the procedure for keeping the Council advised of those issues on which the Mayor has represented the Town in either opposition or support. Controversial issues on which the Council could not agree could wait for discussion and debate at a regular meeting. Such a system would reduce the need for frequent emergency meetings during Legislative sessions.

The members discussed adopting such a policy on an annual basis, amending the Town Code to reflect that in order to establish that procedure. The discussion included an in-depth review of a priority list outlined in the staff report as examples of issues that the Town would include in such authorization, and it was unanimously agreed to authorize the Mayor to act on behalf of the Town on those specific issues, either in opposition or in support. Scannell outlined the procedure for the Mayor to keep the Council advised of his actions and/or to request formal approval of some, if deemed advisable. Scannell suggested that he would work with the Town Clerk to establish a reminder system prior to each December to adopt the annual policy, and draft an amendment to the Town Code to memorialize the procedure for adopting the policy.

There was no public input.

10. Discussion, consideration and possible action relative to establishing a Notification Procedure that requires the staff member or Council member who agendizes an item for Council consideration to notify the individual(s) that might be directly affected by that agendized item.

Staff was directed to establish a procedure to take whatever steps are necessary to notify any business enterprise or person who might be directly affected by an agendized item, unless the Manager determines that such notification is not practicable, and to bring back the proposed procedure to Council at the March 19th meeting for consideration.

Scannell explained that this started with a staff report that was brought up by a Council member where the topic involved an agenda item to discuss a complaint against a local business in the community. The owner only learned of the agenda item the morning of the meeting, and arranged to be represented by legal counsel that evening. Because no action was to be taken, staff did not feel duty-bound to notify the owner. Scannell said the issue was brought to the Council to discuss an appropriate procedure to follow for notification to those involved in this type of situation in the future.

The members discussed suggestions for sending out notifications and to whom the notices should be sent. Town Attorney Sims cautioned the Council about drafting a policy establishing too broad of a notice requirement, referring to a large body of laws protecting property owners' rights. Sims pointed out that there are times when it is preferred not to give notice, such as if the matter is to come before an Executive Session, or the matter deals with law enforcement, for example. Sims suggested simply

saying if a business enterprise or person is named in an agenda item, they shall be notified, "unless the Manager determines that such notification is not practicable."

There was a brief further discussion by the Council, including concern about the embarrassment to the Town because of how the specific situation had been handled. It was agreed that staff would research a procedure to follow, with input from the Attorney, and bring back a recommendation to Council on March 19th.

There was no public input.

10.A DISCUSSION, CONSIDERATION, AND POSSIBLE AUTHORIZATION FOR THE MAYOR TO RELAY CONCERNS REGARDING HB 2772, WHICH WOULD AUTHORIZE AN INTER-BASIN WATER TRANSFER BY THE CITY OF WILLIAMS, THUS PERMITTING THE CITY OF WILLIAMS TO PUMP GROUNDWATER OUT OF THE VERDE WATERSHED.

There was no action taken.

The requested authorization was given by action taken on Item 9; however, it was agreed to modify the draft letter to reflect a proposed period of 15 years for "sunsetting", instead of 15-20 years.

Mayor Gioia reviewed in detail the background of the subject HB2772, and the extreme concern of Verde Valley that it had been apparently purposely bypassed in the events that led to drafting the Bill. Gioia discussed with the Council the details in his proposed letter to the House of Representatives and the Arizona Department of Water Resources to stress the importance of protecting the Verde River Basin. Although there was one opinion expressed that the letter was not forceful enough, it was generally agreed that it was tactful and professional, and only a minor modification was to be made, and that was to request consideration of "sunsetting" the legislation after a period of 15 years instead of 15-20 years.

There was no public input.

11. Discussion and consideration of possible options relative to shortening the length and frequency of Council meetings in order to reduce the impact on Council members and staff and the costs associated with these meetings. Discussion may include, but not be limited to, having the attorney attend meetings telephonically, holding executive sessions prior to the meeting as opposed to the end of the meeting, placing all administrative items on the Consent Agenda, limiting presentations to 10 minutes, and ending the meetings at a specific time, such as 9:00 p.m.

On a motion by Smith, seconded by Garrison, the Council voted unanimously to start Executive Sessions between 5:00 and 6:00, prior to regular Council meetings.

On a motion by Smith, seconded by Kovacovich, the Council voted unanimously to conclude Council meetings at 10:00 p.m. with a planned 5-minute recess between 8:00 p.m. and 8:30 p.m.

On a motion by Smith, seconded by Kovacovich, the Council voted unanimously to direct staff to streamline our Town Code to reduce time-consuming items and bring these suggestions to Council for possible adoption.

On a motion by Smith, seconded by Garrison, the Council voted unanimously to limit oral contributions to three minutes for the Council and public, and direct staff to purchase a traffic light timer.

A motion made by Garrison, seconded by Elmer, to eliminate Council meetings on each second week during the months of June, July and August was withdrawn by Garrison after further discussion.

Kovacovich said that he believes there are several ways to streamline procedures and save costs, for example, by reviewing the necessity of bringing to Council certain items that have already been

approved, such as expenditures adopted and approved as part of the budget process; put more items on the Consent Agenda; impose a 3-minute time limit on speakers; set a time for ending meetings; and try to have Executive Sessions prior the meetings.

The pros and cons of the suggestions outlined by Kovacovich were discussed, with ideas offered for implementing them, including input from Scannell on efficiently handling the Executive Sessions, and confirmation from Attorney Sims that he would feel comfortable attending the meetings by telephone conference. Sims offered other time-saving steps such as not being required to read aloud all of the Consent Agenda items, except for Ordinances. Smith suggested reviewing the Town Code to streamline procedures; Scannell pointed out one example for a procedural change in that items already approved in the budget for acquisition could be purchased without coming to Council for a second approval, in essence. The motions were each discussed in full as they were made and passed, and there was no public input regarding each.

12. Call to the Public for Items not on the Agenda.

Robin Whatley said she believes that the Council members and the Mayor do not receive a fair compensation, especially compared with Cottonwood, and that issue should be addressed at some point.

There was no further public input.

13. Advanced Approvals of Town Expenditures

1. There are no advanced approvals.

There were no advanced approvals of Town expenditures.

14. Manager/Staff Report

Town Manager Scannell referred to the Budget Calendar that has been distributed to the members; he asked that the Council take note of the Work Session dates scheduled during the month of May and to identify the times when the members will be available; a brief discussion was held regarding the new budget process procedure.

Town Clerk Barber reported that the Senior Center bids were received; one bid was within the budget guidelines. Barber will present the recommendation to Council on March 19th, and the work will start shortly thereafter. She has also notified the Senior Center of what is happening.

15. Adjournment

On a motion by Smith, seconded by Garrison, the meeting was adjourned at 10:02 p.m.

Margaret Harper, Recording Secretary

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on the 5th day of March 2008. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2008.

Debbie Barber, Town Clerk

**MINUTES
SPECIAL SESSION
MAYOR and COMMON COUNCIL
Of the
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street #106
Wednesday, March 5, 2008
6:00 p.m.**

1. **Call to Order**
Mayor Gioia called the meeting to order at 6:02 p.m.

2. **Roll Call**
Mayor Gioia, Vice Mayor Hauser, Councilors Elmer, Garrison, Kovacovich, and Smith were present.
Councilor German was absent due to a family matter.

Also Present:

Town Attorney Bill Sims and Town Clerk Deborah Barber

Mayor Gioia recessed the meeting at 6:09 p.m. to enter into Executive Session. The meeting was reconvened at 6:29 p.m.

3. **Discussion, consideration, and possible direction to staff and/or discussion or consultation with the Town Attorney for legal advice concerning the Intergovernmental Agreement between the Town and the Camp Verde Sanitary District.**
Council took no action on this item.

4. **Adjournment**
The meeting was adjourned at 6:29 p.m. following a motion by Hauser and seconded by Kovacovich.

Deborah Barber, Town Clerk

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING, minutes are a true and accurate accounting of the discussion of the Mayor and Common Council of the Town of Camp Verde during the Special Session of the Town Council of Camp Verde, Arizona held on the 6th day of March 2008. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____ 2008

Deborah Barber, Town Clerk

MINUTES
COUNCIL HEARS PLANNING & ZONING MATTERS
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street, Room #106
WEDNESDAY, FEBRUARY 27, 2008
at 6:30 P.M.

Minutes are a summary of the actions taken. They are not verbatim.
Public input is placed after Council motions to facilitate future research.
Public input, where appropriate, is heard prior to the motion.

1. **Call to Order**

The meeting was called to order at 6:30 p.m.

2. **Roll Call**

Mayor Gioia, Vice Mayor Hauser, Councilors Smith, Garrison, Kovacovich, and Elmer were present; German was absent due to a death in the family.

Also Present: Town Manager Mike Scannell, Town Attorney Bill Sims, *by telephone conference*, Community Development Director Nancy Buckel, Sr. Planner Mike Jenkins, Town Engineer Ron Long, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Smith.

4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.

a) Approval of the Minutes:

1) February 12, 2008 – Retreat

b) Set Next Meeting, Date and Time:

1) Joint Work Session – February 21, 2008 at 5:00 p.m.

2) Regular Session – March 5, 2008 at 6:30 p.m.

5) Joint Work Session with Library Advisory Commission – March 12, 2008 at 6:30 p.m.

6) Regular Session – March 19, 2008 at 6:30 p.m.

7) Council Hears Planning & Zoning – March 26, 2008 at 6:30 p.m.

c) Possible authorization for the Mayor to sign the request to rescind the acquisition proposal between the Town and the USFS for 223+ acres under the Town Site Act Purchase and request a refund of the remaining Collection Agreement Account deposit of approximately \$5,000 and possible direction to staff to cancel the appraisal.

On a motion by Smith, seconded by Kovacovich, the Council unanimously approved the Consent Agenda as presented, with the corrections noted, a meeting with the Sanitary District set for March 6, 2008, at 5:00 p.m., and Item 4.c) pulled for discussion.

Garrison requested a correction to the February 12, 2008 Retreat Minutes, Page 2, middle of the page; Garrison said that to the contrary, she had no knowledge that Parry lived outside the Town limits when he was elected. Gioia commented that he had other corrections as well; he will discuss that with the Town Manager. Garrison also requested that Item 4.c) be pulled for discussion.

c) Possible authorization for the Mayor to sign the request to rescind the acquisition proposal between the Town and the USFS for 223+ acres under the Town Site Act Purchase and request a refund of the remaining Collection Agreement Account deposit of approximately \$5,000 and possible direction to staff to cancel the appraisal.

Staff was directed to take no action and to bring the issue back to Council at a later date.

Garrison questioned the need to immediately rescind the subject proposal for acquisition of the 223+ acres. Town Manager Scannell explained that he had contacted Forest Service personnel who had suggested the move and the retrieval of the \$5,000 deposit, since the Town would be acquiring the 118-acre site; during their conversation Scannell had indicated that it was inconceivable that the Town would have any further interest in the 223 acres. After discussion, it was generally agreed to delay a formal rescission of the proposal at this time.

5. **Call to the Public for Items not on the Agenda.**

There was no public input.

6. **Council Informational Reports**

Elmer reported that he had attended the Chamber meeting last Thursday; the discussion was on ways to measure their performance.

Hauser said today was the MATForce meeting; Camp Verde has the highest rate in the Verde Valley of underage drinking offenses.

Smith commented that the meeting with the Yavapai-Apache Council last night was a great experience, and added special appreciation for the dinner served by the Church ladies.

Garrison also commented on the good experience at the Yavapai-Apache meeting, and reported on the Sanitary District special meeting last Tuesday; it was determined that the design structural failure is the reason for the problem with the wastewater treatment plant.

Kovacovich expressed thanks to the Church group and the staff for all the preparations for the great meal.

Gioia also thanked everybody involved in the Y-A meeting, including the creative staff members, and commented on how well the meeting went, much of it informally but very productive. Gioia reported on Fox TV's contact with him on the Fossil Creek Wild & Scenic designation, and briefly addressed his concern about HB 2772 that was on the agenda for further consideration.

7. **Discussion, consideration, and possible appointment of three (3) Council members to serve on an Interview Panel with the Manager and a Judicial Branch Representative for the Magistrate position and direction to staff to set appointments for interviews as soon as possible. The HR Director will serve on the Interview Panel as a staff resource and non-voting member.**

Staff was directed that Mayor Gioia and Councilors Smith and Kovacovich are appointed to serve on the subject Interview Panel as discussed.

Harry Cipriano explained that Judge Brutinel felt that since Marshal Dave Smith was also the Human Resource Director there might be the appearance of impropriety to have him participate on the Interview Panel, and it was incumbent upon the Town to make sure that interviews are conducted pursuant to the law. Scannell expressed agreement with the point made by Cipriano; and three Council members volunteered to serve on the Panel. Cipriano requested that the appointment be made as soon as possible so that somebody will be in place no later than April 14, 2008 to be available for a scheduled critical new judge rotation training school.

There was no public input.

Note: As a courtesy to the individuals in attendance, it was agreed to address Item 13 ahead of Item 7A and the remainder of the Agenda.

7A. **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL OF CHANGE ORDER #2 FOR \$27,000 TO PROVIDE A TURN-KEY OPERATION FOR THE CDBG TOWNSITE**

REDEVELOPMENT/COMMUNITY IMPROVEMENTS (RESTROOM) PROJECT; AND POSSIBLE AUTHORIZATION TO REQUEST A TRANSFER OF \$20,000 FROM ACTIVITY #1, ADMINISTRATION FUNDS OF ADOH CONTRACT #137-06 TO ACTIVITY #2, THE PROJECT; AND POSSIBLE AUTHORIZATION TO EXPEND APPROXIMATELY \$6,000 OF UNBUDGETED MONIES FROM THE PARKS FUND TO COMPLETE THE PROJECT.

On a motion by Hauser, seconded by Elmer, the Council unanimously approved change order #2 for \$27,000 to provide a turn-key operation for the CDBG project for the CDBG Townsite Redevelopment/Community Improvements (Restroom) project, and to research a refund of the \$19,000 in taxes, and if appropriate request a refund.

Town Engineer Ron Long was questioned about the need for the subject Change Order for the final hook-up costs and how those formulating the Grant were unaware of the need for that expense. Long said he had not been employed by the Town when the project was initiated in 2005 so he could not answer that question. Long discussed with Council the design and construction of the planned restrooms, as well as the planned location. It was suggested that the \$19,000-plus charged as tax may have been inappropriate; Long will review that with the Clerk and if possible obtain a refund of that amount.

PUBLIC INPUT

(Comments from the following individual are summarized.)

Robin Whatley commented that consideration should be given to providing more accommodations for the women using public bathrooms.

There was no further public input.

A recess was called at 7:55 p.m.; the meeting was called back to order at 8:05 p.m.

8. **Public Hearing, discussion, consideration, and possible approval of a Roadway Abandonment (Vacation), STABNDMT 2007-02, for a portion of Pheasant Run Circle located in the Jordan Meadows Subdivision, Unit 1 as initiated by petition and submitted by JoAnn Sawyer, owner of parcel 404-03-026A adjacent to the proposed Abandonment (Vacation).**

On a motion by Smith, seconded by Garrison, the Council unanimously approved a Roadway Abandonment (Vacation), STABNDMT 2007-02, for a portion of Pheasant Run Circle located in the Jordan Meadows Subdivision, Unit 1 as initiated by petition and submitted by JoAnn Sawyer, owner of parcel 404-03-026A adjacent to the proposed Abandonment (Vacation).

STAFF PRESENTATION

Community Development Director Buckel said this type of request is usually made by individuals that live adjacent to pieces of property that are either dead-ends or rights-of-way that were to have been part of planned subdivisions and no longer apply. Both of the issues tonight involve streets that are not maintained or improved but are just in a backyard. The legal requirements have been complied with. This first hearing is to determine whether the Town wishes to consider the abandonment, and to assess the value. The Town Engineer has determined that the proposed roadway for abandonment does not provide any benefit or future use to the Town. A second public hearing will include documentation of a legal survey and a road abandonment agreement that the applicant will assume all responsibility for the abandoned roadway.

PUBLIC HEARING OPEN

Applicant's Statement

JoAnn Sawyer pointed out her property and the proposed roadway abandonment on the overhead projection, stating that she has been maintaining that parcel for five years and would like to improve on it and make it an asset to the community.

COMMENT FROM OTHER PERSONS

There were no comments from other persons.

APPLICANT'S REBUTTAL

No rebuttal was necessary.

PUBLIC HEARING CLOSED

Council Discussion

The members discussed with Buckel the background of the proposed abandonment, together with input from Ms. Sawyer to confirm that the other homeowners have access to their property. Buckel said that the applicant will pay all the costs associated with the legal steps required for the abandonment and conveyance.

9. **Public Hearing, discussion, consideration, and possible approval of a Roadway Abandonment (Vacation), STABNDMT 2007-01, for a portion of Spruce Street located in the Jordan Meadows Subdivision, Unit 1 as initiated by petition and submitted by Carlos and June Trinidad, owners of parcel 404-03-042 adjacent to the proposed Abandonment (Vacation).**

On a motion by Smith, seconded by Gioia, the Council unanimously approved a Roadway Abandonment (Vacation), STABNDMT 2007-01, for a portion of Spruce Street located in the Jordan Meadows Subdivision, Unit 1 as initiated by petition and submitted by Carlos and June Trinidad, owners of parcel 404-03-042 adjacent to the proposed Abandonment (Vacation).

STAFF PRESENTATION

Buckel explained that this application involves a similar situation to the preceding one; the right-of-way was dedicated in one phase, and the letter of opposition was from an individual whose property is in a separate phase and he has access off another street.

PUBLIC HEARING OPEN

Applicant's Statement

June Trinidad provided some photos to help clarify what is being looked at and considered; the applicants are requesting the abandonment so that they will be able to irrigate their property. For the last four years they have been taking care of the property proposed to be abandoned.

COMMENT FROM OTHER PERSONS

There were no comments from other persons.

APPLICANT'S REBUTTAL

No rebuttal was necessary.

PUBLIC HEARING CLOSED

Council Discussion

There was comment that abandoning the parcels appeared to be a reasonable solution, and it was an example of neighbors working with neighbors for a resolution.

10. **Public Hearing, discussion, consideration, and possible approval of Resolution 2008-739 of the Town Council of the Town of Camp Verde, Arizona, approving General Plan Amendment (2007-02) that amends the Land Use Map of the General Plan for Parcel 404-18-161G from Rural Residential to Low Density Residential. This amendment is to accommodate a Minor Land Division; this property is located off Arena Del Loma east of Esther Parkway on the south side of the roadway adjacent to Arena Del Loma Estates.**

Approval of Resolution 2008-739 was denied for lack of a motion.

STAFF PRESENTATION

Buckel explained that the property owners are seeking a rezoning of the property to R1L-35 so the lower portion can be used for an additional dwelling. The rezoning would qualify as a Minor Amendment, and Buckel reviewed the list of requirements for a Minor Amendment, together with

the agency comments, adding that letters of opposition have been received. Staff will be looking for certain conditions that will have to be met before a lot split can be approved. The Planning & Zoning Commission by a vote of 2-5 indicated that they are recommending non-approval by the Council.

PUBLIC HEARING OPEN

Applicant's Statement

Jeff Adams, attorney for the applicants, suggested that the Council look at the request as the best use of the land; the topography with its natural lower and upper plateaus seems to call for the lot split. The applicants want to be a good neighbor and make good use of their land. Displaying an overhead projection, Mr. Adams outlined the lot and the lots of the surrounding neighbors who are in opposition. Mr. Adams stressed that the owners are willing to have the Council dictate the location of the egress and ingress points in order to have the least impact on the Arena del Loma Estates traffic, as well as how the property can be developed. Mr. Adams believes that the best use of the property would be to allow it to be split and to be developed so it can become a credit to the neighborhood.

COMMENT FROM OTHER PERSONS

(Pronunciation of name unintelligible) spoke in favor of the General Plan Amendment.

Don Gaines said he wholeheartedly approves the requested zoning.

Dugan McDonald also spoke in support of the requested change; other changes have been made with far less community support. (Mr. McDonald later offered to show an estimated lot split that he had prepared as a licensed surveyor; Council declined.)

APPLICANT'S REBUTTAL

There was no rebuttal.

PUBLIC HEARING CLOSED

Council Discussion

When asked about where the lot would be split, Buckel explained that the split would depend on the site plan that they would submit; it will be necessary to review the existing structure, placement of wells, septic and setbacks for the new structure before the split can be determined and approved. Buckel agreed that the Council would be considering a General Plan amendment and zoning change without knowing if the plan can meet the criteria for approval and if it does not and the request had been approved, the General Plan and zoning changes will remain in effect for no reason, basically. Dugan McDonald, a licensed surveyor, volunteered a preliminary site plan he had prepared indicating that the lot split would meet all requirements; however, there was comment from the Council that it would be inappropriate to consider such a document at this time. Buckel confirmed the lot split determination would depend on the site plan that is submitted as a later step. After further discussion, the Council decided that there do not appear to be extenuating circumstances to justify the General Plan Amendment, and that it is an inappropriate request.

11. **Public Hearing, discussion, consideration, and possible approval of Ordinance 2008-A347, an Ordinance of the Town of Camp Verde, Yavapai County, Arizona adopting an amendment to the Zoning Map of the Planning and Zoning Ordinance for parcel 404-18-161G consisting of approximately 1.80 acres from R1L-70 to R1L-35. This rezoning is to allow for a minor land division; this property is located off Arena Del Loma east of Esther Parkway on the south side of the roadway adjacent to Arena Del Loma Estates.**

There was no action taken; the requested Zoning Map change was not acted upon since the preceding General Plan Amendment was not passed.

STAFF PRESENTATION

Buckel said that this item cannot be considered because the preceding request for a General Plan Amendment did not pass.

12. **Public Hearing, discussion, consideration, and possible approval of Ordinance 2008-A348, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 108D of the Zoning Ordinance to define the criteria for raising swine within the Town, to add definitions for commercial livestock activity and livestock breeding activity, to change the Use Permit process for youth livestock activity on parcels smaller than 1/2 acre, and to add language for setback requirements for livestock activity as was previously stated in Section 109.** A motion by Garrison to approve one swine only for one-half acre or less was seconded by Hauser who then withdrew her second; motion failed for lack of a second.

Staff was directed to move forward as soon as possible on the adding the recommended nuisance provision to the Town Code and bring it back to Council; staff is directed to work with Cody Carter on the details as discussed and bring it back to Council.

Buckel said that pursuant to direction from Council she has worked with the Youth Advisor, Cody Carter, on changing the language somewhat and streamlining the process for Temporary Youth Organization Use Permits, and the changes discussed by Council at the last meeting have been incorporated into the document referred to as 2nd Council Draft. Buckel explained that the Town Attorney has recommended changes to the Town Code for enforcement of violations, and she briefly outlined the difference between a civil hearing before the Magistrate and a criminal citation that would be heard in Superior Court. The recommended change would be to remove the nuisance language from the Zoning Ordinance and include it in the Town Code since the Code Enforcement Officer is limited in what he is able to enforce regarding violations of the nuisance prohibitions.

The Council discussed at length with Buckel the recommended changes to Section 108, together with input from Youth Advisor Cody Carter on the procedure arrived at from the meetings with Buckel on the Temporary Youth Organization User Permit process, as well as the recommendations made by the Town Attorney, all of which are noted in the final Summary below. During the discussion the option of accommodating several children in one family wanting to raise swine was addressed at length, countered with the argument that a choice should have to be made in order to comply with the generally preferred limit of one swine.

To clarify the issue of removing the nuisance provisions from 108, as had been recommended, the Town Attorney explained as follows, summarized in part: The Town Code, not the Zoning Code, needs more amplification on the power of the Town to enforce prohibitions on a nuisance as a criminal misdemeanor, whether related to the raising of swine, or noise. Simply referring to it in the Zoning Code would have no effect on concerns regarding rodents, vermin or noise. Nuisance provisions should be set forth in one portion of the Town Code, not solely in the Zoning Code; "nuisance" deals with actions whereas zoning deals with use of properties, setbacks, etc. The Code Enforcement Official can make a determination as to whether or not the Code is being complied with and can order remedies, but cannot go in and threaten the property owner with removal of the swine. The Magistrate can issue fines, or a jail sentence; he cannot lock the doors and keep the swine from smelling up the neighborhood, only a court can do that. The nuisance issue can be left in Section 108, but citizens should not be led to think the enforcement officer has the power to force compliance; he can only note the discrepancy. The nuisance issue remaining in 108 will have to be revisited later when the nuisance provision is included in the Town Code.

FINAL SUMMARY of changes and additions as recommended and discussed:

Changes recommended by Attorney:

- (1) Language in Paragraph 6.c.: "...shall have the authority to determine a

reduction in the number and removal of the animals is necessary to comply with this Section 108."

(2) Remove Paragraph **6.d.**

(3) Language in Paragraph **6.e.:** "...has the authority to determine that removal of the animals under circumstances where they constitute a health or safety hazard to human beings is necessary to comply with Section 108."

Per Cody Carter: Add **5.i.:** "More than one swine may be added with a petition filed with the Community Development Director by November 1st of the project year through the local Youth Group Advisor, providing that there is enough space to observe setbacks and space requirements for raising of the market swine project. No more than one swine project will be allowed per student."

Revised per discussion with Attorney): Paragraph **5.e.5)** The ultimate decision on whether the activity is considered to be in compliance with this Section 108 shall be made by the Community Development Director or designee.

Suggested during discussion: Paragraph **5.e.3.)** – "A sign must be posted on the property with the year and date where the livestock activity will be conducted, indicating membership"

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Susan Danner believes that swine should continue to be allowed as long as it does not interfere with the neighbors' rights to enjoy their property; breeding of swine should not be allowed in a residential neighborhood, unless one swine per household for 4-H or FFA project; Town Code should be enforced more quickly.

Ira Piper insisted on a limit of one swine, four months, and then get rid of it.

Vivian Raines said that permits should not be issued for any activity that has the potential to become a nuisance; the neighbors bear the brunt of the problems that arise, including decrease in property values and health issues; the Enforcement Officer should have clear-cut authority..

Loren Eldridge asked why all three kids in one family have to raise pigs; they can just share or choose a different animal.

Sue Peterson requested that the Council seriously consider the point system; a lot of families will be affected now by what is happening with the point system and it is unfair since there are obvious violations existing. *Buckel discussed the points with Ms. Peterson briefly.*

Leonard Krautbauer questioned whether the activity next door to him would be grandfathered in. *Buckel responded that it would not since it was never authorized to begin with.*

There was no further public input.

A poll of the Council requesting each member's preference for limiting and/or regulating the number of swine allowed is set forth in brief as follows:

Garrison: One swine.

Smith: One swine, plus conditional use process for additional one, with two maximum.

Kovacovich: One swine, and then let Youth Advisor decide; and if more land, then no problem.

Hauser: One swine; permit for a second one.

Elmer: Number determined on whether it is going to work.

Gioia: One swine regardless of size of property.

Kovacovich: One swine, and then let Youth Advisor decide; and if more land, then no problem.

Hauser: One swine; permit for a second one.

Elmer: Number determined on whether it is going to work.

Gioia: One swine regardless of size of property.

Buckel reminded the Council of the burden placed on staff through the Use Permit and neighborhood hearing process. Buckel outlined the areas that she felt the Council was still having difficulty with, including dealing with numbers and special exceptions, and pointing out that the Temporary Use Permit is only required where the property is less than one-half acre, or involves points. Basically, the questions are: Allow more than one swine? Allow excessive numbers of animals for 4-H projects only? Who determines the number, either by recommendation or the Use Permit process.

It was finally generally acknowledged that without agreement on the entire working process as discussed, no decision could be made at this time; staff will work with Cody Carter on the details discussed and bring back to Council for further review.

13. **Discussion, consideration, and possible direction to staff concerning citizen complaints about Zellner's Woodyard. Complaints include, but are not limited to noise, vermin, fire danger, and zoning issues.**

Staff was directed to follow through with the fact-finding as outlined; notify all parties as soon as possible; research past Minutes to determine what previous Councils have done and said on the issue; implement a rapid process to identify the scope of legal and illegal non-conforming uses; allow for a response from Zellners' attorney, and then come back to Council with a recommendation.

Councilor Smith explained that this issue arose as the result of a citizen complaint, and it was deemed important enough to bring before the Council. A petition with 45 signatures was submitted by Clinton Gray, together with some data that is being reviewed. Further steps will be taken by staff to investigate the status of the legal non-conforming operation, when that occurred, and whether expansion beyond the original site has taken place, including using aerial photographs. Both the community and Council will be kept informed of the resulting findings. Town Manager Scannell further explained that the intent is to try to resolve the problem with a fair and objective assessment of both sides of the issue.

Mayor Gioia read into the record the petition received from **Clinton Gray** that outlined the reasons supporting the citizens' complaint, including excessive noise, trash, dust, and traffic from the operation of the woodyard. **Mr. Gray** said he represented the neighbors and property owners who had signed the petition, and stressed the problems outlined in the petition, including the expansion of the operation over the years since 1984. The Council noted the documents that Mr. Gray has collected, copies of which will be supplied to Planning & Zoning; staff will also research further documents to trace the establishment and subsequent operation of the woodyard to date, as well as research possible deficiencies in the existing Fire Code.

Daryl Manhart spoke on behalf of the Zellner family, objecting that the recent citizen complaint was brought to Council without notifying that family. Mr. Manhart said the family feels they have resolved these issues several times in the past already, and he hopes no action will be taken at this meeting tonight. He added that he looks forward to working with Town staff to resolve the issues brought forward by Mr. Gray, issues with which the Zellner family does not agree. Mayor Gioia apologized that the family had not been notified, and briefly discussed that issue with staff.

Responding to the complaint that the Zellners were not notified in advance that this Agenda item was scheduled to be addressed, Town Attorney Sims explained that the public has the right to raise issues, but that this item is not intended to be a public hearing where property owners' rights will be impacted; it is simply an agenda item to raise the issue, possibly get advice from the Attorney at an Executive Session on the legal ramifications. Staff can then present facts at a

later public hearing, if so directed, on the issues of a continuing non-conforming use and a conflict regarding whether the Town acted in the past to permit that.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Shari Williams complained about the trucks parking overnight in front of her property, and the drivers publicly relieving themselves in the morning.

Howard Parrish said that he lives a quarter of a mile away from the woodyard, and can hear the noise from the wood splitter and chain saws.

Art Coppinger expressed his understanding of grandfathered rights to continue non-conforming uses; however, that is not intended to allow the expansion of the non-conforming use which is apparently what has happened with the woodyard.

Danny Parker said he has lived in the area since 1943, and most of the homes were built out there years ago; the woodyard has expanded and it should be brought back to what it was.

Stacy Barker commented on what he feels is an attack on the Zellner family, and urged the Town to look at both sides equally; he also objected to what he perceived as Smith being over-friendly to Mr. Gray and sharing some documents. *Smith responded that he was in essence simply a messenger returning some papers to Mr. Gray who had allowed the Town to copy them.*

There was no further public input.

13A. DISCUSSION, CONSIDERATION, AND POSSIBLE AUTHORIZATION FOR THE MAYOR TO RELAY CONCERNS REGARDING HB 2772, WHICH WOULD AUTHORIZE AN INTER-BASIN WATER TRANSFER BY THE CITY OF WILLIAMS, THUS PERMITTING THE CITY OF WILLIAMS TO PUMP GROUNDWATER OUT OF THE VERDE WATERSHED.

There was no action taken; it was agreed to revisit this item next week.

Mayor Gioia reviewed at length the details of the subject inter-basin water transfer request that he believes would set a precedent for other inter-basin transfers, responding to requests from the members for further information in order for them to consider supporting his request for authorization to relay his concerns.

There was no public input.

Note: Vice Mayor Hauser left the meeting at 11:15 p.m.

14. Call to the Public for Items not on the Agenda.

There was no public input.

15. Advanced Approvals of Town Expenditures

a) There are no advanced approvals.

There were no advanced approvals.

16. Manager/Staff Report

Buckel gave an update on the request from Council for the procedural change on the agenda packets; also, time will be extended on scheduling hearings in order to provide staff additional time to process the reports.

17. Adjournment

On a motion by Garrison, seconded by Kovacovich, the meeting was adjourned at 11:38 p.m.

Margaret Harper, Recording Secretary

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on the 27th day of February 2008. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2008.

Debbie Barber, Town Clerk

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Type: Regular

Meeting Date: 3-19-2008

Submitting Department: Clerk's Office

Contact Person: Debbie Barber

Consent: **Regular:** **Requesting Action:** **Report Only:**

Type of Document Needing Approval (Check all that apply):

- | | | |
|---|--|--|
| <input type="checkbox"/> Acceptance/Approval | <input checked="" type="checkbox"/> Agreement/Contract | <input type="checkbox"/> Emergency Clause |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Grant Submission | <input type="checkbox"/> Intergovernmental Agreement |
| <input type="checkbox"/> Liquor/Bingo Application | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Resolution | <input type="checkbox"/> Special Consideration |
| <input type="checkbox"/> Special/Temp Use Permit | <input type="checkbox"/> Other: | |

Agenda Text (Be Exact): Discussion, consideration, and possible award of contract for CDBG Project #108-07, Senior Center Improvements to RC Homes and Development for \$57,805.00 to include the alternates, excluding Change Orders, and authorize the Mayor the execute the contract documents.

Staff Recommendation: Approve Budgeted/Amount Yes \$58,775.00

Suggested Motion: Move to award the bid to RC Homes and Development to include the alternate bids for a total contract price of \$57,805.00, excluding possible Change Orders and authorize the Mayor to execute the Contract Documents.

Purpose of Item and Background Information: This is the second bid process for the Senior Center project. NACOG recommends awarding the contract to the lowest bidder. RC Homes and Development was checked with the Registrar of Contractors. The company had one resolved complaint. The company has presented the required bonds.

List All Attachments as Follows: Bid Tabluations, NACOG Recommendation, and contract

Type(s) of Presentation: Verbal Only

Signatures of Submitting Staff:

Name: _____ **Title:** _____



Northern Arizona Council of Governments

AREA AGENCY ON AGING • 119 EAST ASPEN AVENUE • FLAGSTAFF, ARIZONA 86001-5222
(928) 774-1894 • FAX (928) 214-7235 • E-MAIL: aaadir@nacog.org

KENNETH J. SWEET
EXECUTIVE DIRECTOR

March 5, 2008

8 pages total

Debbie Barber
Town of Camp Verde
473 S. Main St., Suite 102
86322

Dear Mrs. Barber and Town Council:

I received the bid results from your office. I have reviewed them all and verified the apparent low bidder as RC Homes. For RC Homes I performed a license check through the Registrar of Contractors Office and noted only 1 complaint that was Resolved, Settled or Withdrawn. RC Homes is licensed in the proper category and carries sufficient bonding. No other specifics were available. I verified that RC Homes is not listed on the Excluded Parties List for contracting with a government agency. Copies of the above are attached.

After working out the details on how much fascia might need to be replaced, I adjusted RC Homes alternate bid up by \$2100, bringing their Total with Alternates up to \$57805. This amount is still lower than any other contractor even without adjusting theirs upward by the same factor.

The Grant has \$58,775.00 for improvements, which leaves \$970 or 1.65% for unforeseen circumstances. Therefore, NACOG recommends awarding a contract for Senior Center Improvements to RC Homes in the amount of \$57,805 excluding change orders.

The three lowest bids received are as follows:

RC Homes and Development	Base	\$45,665.00	w/ Alternates	\$57,805.00
JJ McClanahan	Base	\$62,075.00	w/ Alternates	\$71,709.00
Caymus Corporation	Base	\$62,352.00	w/ Alternates	\$74,111.00

If you have questions I can be reached at 928-213-5241, or by email.

Sincerely,

Carl Stewart
CDBG Program Specialist II
cstewart@nacog.org

TOWN OF CAMP VERDE



BID POSTING

**Request for Proposal
Senior Center Improvements
CDBG #108-07
BID OPENING
02-28-2008
473 S. MAIN STREET
3:15 p.m.**

Present: Town Clerk Debbie Barber, Administrative Assistant Sharon McCormick, , John Bassous-Tierra Verde Investments, Susan A. Seay - Seay Construction, Jared Payne-Montana Builders & Sharon Ford - RC Homes Development, Blair Cox - NCCI Inc.

Bids

BIDS RECEIVED				
COMPANY	ADDRESS	Total Bid item #1-19	Total Bid with alternates 20-22	Price per linear Foot
JJ McClanahan Construction of Sedona, Inc.	P.O.Box 5047 Lake Montezuma, AZ 86342	\$62,075	\$71,709	Total for Linear Ft \$2473.00
Tierra Verde Investments John Bassous	P.O. Box 2898 Camp Verde, AZ 86322	\$67,955	\$80,760	\$11.85
Skyline Builders & Restoration	2401 N. 24 th Ave Phoenix, AZ 85009	\$95,442.48	\$109,329.99	\$31.87
Caymus Corporation	6202 S. Maple Ave, Suite 127 Tempe, AZ 85283	\$62,352	\$74,111	\$11.00
RC Homes & Development Inc.	P.O. Box 2183 Camp Verde, AZ 86322	\$45,665	\$55,705 \$59,805	\$10.00 x 210. \$2100.00
Montana Builders	1579 Lisa Lane Prescott, AZ 86301	\$75,400	\$82,000	\$19.75
Seay Construction	44 Stutz Bearcat Dr Sedona, AZ 86336	\$69,010	\$75,335	\$15.00
NCCI, Inc	8390 E. Via de Venture, Scottsdale, AZ 85258	\$108,0875	\$123,578	\$18.25

Posted By: Sharon McCormick Date/Time 2-28-08 4:45 PM

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.



ROC Home Search by Name Search by License

VIEW BOND DETAIL

The data supplied below is based on your specific request(s) and is correct to the best of our knowledge as of the date and time it was extracted from our data files. The information is provided without personal research or analysis. The data is subject to change on a daily basis. If this information is required for legal purposes, you may request an affidavit or certified copies for a fee as specified in A.R.S. 32-1104A3. Please read our Standard Disclaimer at www.azroc.gov/LegalDisclaimer.html

License Information ROC231572

Mar 5, 2008 8:28:07 AM

Please note: The company or individuals listed on this license may hold other Arizona contracting licenses. To view information, status and complaint history for the past two years on other licenses held, go to the License Inquiry page and do a "Company Name and Personnel" search by entering the name of the company or individuals listed on the license.

Company Name: R C HOMES AND DEVELOPMENT INC

License Status: CURRENT

Status Date:

Action:

Status Narrative:

Address: P O BOX 2183 CAMP VERDE, AZ 88322

Phone Number: 928-567-6132

Former Company Name:

Date of Name Change:

License Number: ROC231572

License Class: KB-02 DUAL DUAL RESIDENCE AND SMALL COMMERCIAL

License Entity: CORPORATION

License Issue Date: 4/2/2007

Renewed Thru: 4/30/2009

Qualifying Party Information: (Last name listed first)

DALE ROBERT CRAIG

Position: CORPORATE OFFICER

Date Qualified: 4/2/2007

Principal Information: (Last name listed first)

LEBEDEVA DALE ECATERINA, PRES

Complaint Information:

Complaints against this contractor are listed below. Complaints that were cancelled, resolved or settled without a corrective work order or dismissed are not included.

Contact the Registrar of Contractors at 802-542-1525 or toll-free statewide at 1-888-271-9288 to identify the ROC office location you need to visit to view complete complaint documentation.

Open: 0 This is the number of complaints against this contractor that are currently open except those in which an agency inspection has not occurred or a violation was not found. Upon adjudication some complaints are found to be without merit and are dismissed.

Closed:

Disciplined: 0 This is the number of complaints against this contractor that resulted in discipline being imposed after an administrative hearing or default because of a violation(s) of state contracting law.

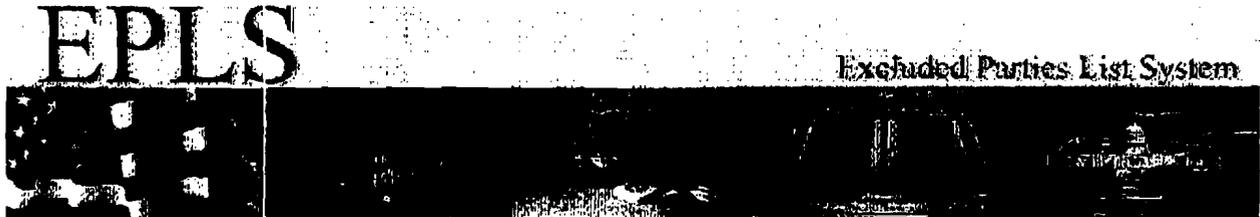
Resolved/Settled/Withdrawn: 1 This is the number of complaints closed against this contractor that were resolved or settled by the contractor or withdrawn by the complainant after issuance of a corrective work order or formal citation.

Denied Access: 0 This is the number of complaints against this contractor that were closed without corrective work being performed because the contractor was denied access by the complainant.

Bankruptcy: 0 This is the number of complaints against this contractor that were closed because the contractor is in bankruptcy.

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Search - Current Exclusions

- > Advanced Search
- > Multiple Names
- > Exact Name and SSN/TIN
- > MyEPLS
- > Recent Updates

View Cause and Treatment Code Descriptions

- > Reciprocal Codes
- > Procurement Codes
- > Nonprocurement Codes

Agency & Acronym Information

- > Agency Contacts
- > Agency Descriptions
- > State/Country Code Descriptions

OFFICIAL GOVERNMENT USE ONLY

- > Debar Maintenance
- > Administration
- > Upload Login

EPLS Search Results

Search Results for Parties Excluded by

Exact Name : R C Homes and Development Inc.
 or R C Dale or Robert Craig Dale or Robert C Dale or Ecaterina Dale
 As of 03-Mar-2008 3:40 PM EST
 Save to MyEPLS

Your search returned no results.

[Back](#) [New Search](#) [Printer-Friendly](#)

Resources

- > Search Help
- > Public User's Manual
- > FAQ
- > Acronyms
- > Privacy Act Provisions
- > News

Reports

-
- > Advanced Reports
 - > Recent Updates

Archive Search - Past Exclusions

-
- > Advanced Archive Search
 - > Multiple Names
 - > Recent Updates

Contact Information

- > Email: support@epls.gov
eplscomments@epls.gov
- > Phone: 1-866-GSA-EPLS
1-866-472-3757

02-28-08P03:20 RCVD

Town of Camp Verde
Senior Center Improvements
 C/O NACOG, 119 E. Aspen Ave., Flagstaff, AZ 86001
 928-213-5241
 TDD 1-800-367-8939

RC Homes

Senior Center BID SPECIFICATIONS 2007

1. Install an Arizona Steps and Ramps ADA Unit or equivalent code compliant wheelchair ramp system and landing; at the front (North) entrance complete with metal handrails. Approximately 30' long by 4' wide to main entrance, and 12' long by 4' wide leading from main ramp to the service entrance on left.

Bid Amount \$ 3950 .00

2. Install ADA code compliant handrails on the existing landing at the Right side (West) entrance.

Bid Amount \$ 600 .00

3. Provide and install stock ADA plastic or metal signs with Braille and Raised Picture or Raised Letters at entrances to all spaces interior of the building, and 5 on exterior entrances. Total number of 20 signs.

Bid Amount \$ 495 .00

Amount for each additional sign as needed. \$ 35 .00

4. Provide and install 2 metal ADA code compliant HC parking signs on metal posts at designated HC spaces. Signs should state ARS code and amount of fine. Existing signs are to be moved to adjoining spaces to provide extra HC spaces.

Bid Amount \$ 375 .00

5. Clean and sweep 2 HC parking lot areas to be painted. Paint or demark 2 HC parking spaces located closest to the new ramp.

Bid Amount \$ 550 .00

6. Provide and install better quality lever type locksets on all doors of building. 5 Exterior Entry all keyed alike, 11 Interior Entry, and 4 Privacy. Schlage or equivalent. Interior side of entry doors are to be equipped with panic hardware per city code.

Bid Amount \$ 2970 .00

7. Demolish and properly dispose of partitions in 4 restrooms, remove 4 toilets, 4 lavatories, and 2 urinals. Cap 1 urinal drain and supply line in lower laundry room no longer to be used.

Bid Amount \$ 950 .00

15

and install commercial vinyl tile in 3 restrooms approximately 72 sq ft each or 216 sq ft.

Bid Amount \$ 1950 .00

9. Provide and paint 3 restrooms, and 1 laundry room, approximately 1600 sq ft total.

Bid Amount \$ 1100 .00

10. Provide and install 3 ADA compliant toilets, 3 ADA compliant, Eljer or better, wall hung lavatories with ADA faucets, Delta or better, with new angle stops, new supply and drain lines, and pipe protection. Install 3 sets of ADA compliant grab bars around toilets.

Bid Amount \$ 3850 .00

11. Provide and install 1 good quality ADA compliant urinal with flush valve in the upstairs men's restroom. Provide code compliant partition between toilet and urinal.

Bid Amount \$ 550 .00

12. Provide and install 4 lighted single sided EXIT signs with battery backup emergency lights at interior side of entry doors.

Bid Amount \$ 1150 .00

13. Remove and dispose of all old ceiling lights. Provide and install to code 56 good quality surface mounted 48" fluorescent light fixtures each with 2, 40-watt tubes and diffusers.

Bid Amount \$ 15,120 .00

14. Provide and install metal ADA code compliant handrails on interior stairs both sides approximately 15 lineal feet each side or 30 lineal feet total.

Bid Amount \$ 750 .00

15. Provide and install hardwired smoke detectors/alarms to local code (NFPA 72) throughout building.

Bid Amount \$ 2850 .00

16. Provide and install commercial grade recessed or surface mounted combination towel dispenser and waste units in 3 restrooms. Can be painted or stainless. Hillyard brand or equal.

Bid Amount \$ 750 .00

17. Provide and install commercial grade recessed or surface mounted multi-roll toilet paper dispensers in 3 restrooms. Can be painted or stainless. Hillyard brand or equal.

Bid Amount \$ 435 .00

6

and install commercial grade surface-mounted liquid soap dispensers in 3 restrooms, brand or equal.

Bid Amount \$ 250 .00

19. Evaporative Cooling. Remove all existing evaporative cooling. Install 5 new coolers, 3 roof mounted and 2 window mounted. Units are to be properly sized for the total building space. Include all the needed supporting structures, water lines, and control switches. Also provide 4 portable maximum size 115V AC units that can be placed in different areas of the facility as needed.

Bid Amount \$ 7000 .00

Total Bid Items 1-19.

Total Amount \$ 45,605 .00

Alternates:

20. Exterior Painting. Pressure wash and prep exterior approximately 4600 sq ft. Drive down loose nails and set using an additional screw to hold, caulk cracks and holes. Paint full coverage all field and trim using 1 base color and 1 trim color. Paint to be Sherwin Williams Pro Mar or better.

Bid Amount \$ 6590 .00

21. Fascia. Price per lineal foot to replace 2x6 damaged or rotten fascia.

*PC Sharon Ford & Carl Stewart
7/4/08 210 lined ft = \$2100.00*

Bid Amount \$ 10 x 210 = 2100 .00

22. Gutters. Remove old gutters and dispose. Install new seamless gutter with down spouts.

Bid Amount \$ 3450 .00

Grand Total 57 805.00

All items include demolition/removal from site and site cleanup. All items include any labor activities and incidental materials (listed or unlisted) necessary for a "good, finished, professional" completion. All materials used or installed will be new, unless previously agreed upon by the owner and Rehab Services. All activities will meet minimum appropriate existing code requirements, etc. If any questions arise on acceptable codes local building officials will be contacted for a final determination.

Cost is to include permits, Davis Bacon Wages, materials, installation, debris removal, profit, applicable taxes, shipping, handling, and all other incidental costs to have a completed system. The Town of Camp Verde reserves the right to reject any and/or all bids; to waive irregularities of information in any bid; and/or to take any steps determined prudent in order to resolve a protest. The undersigned hereby proposes and agrees to furnish any and all required labor, materials, transportation, and services for the completion of the project and hereby declares that

visited the site and examined the contract documents relating to the work covered by bid.

The undersigned states that he/she is the owner or authorized representative of the below stated contractor or firm.

I have received addenda numbered _____.

The project shall be completed within 120 calendar days after the starting date set forth in the Notice to Proceed.

Signature: 

Printed or Typed Name: Robert C. Date Date: 2/28/08

Representing: RC Homes and Development Inc.

Contractor License No. 231572 KB-02

Federal Employee ID No.: 20-5422934

Phone: 928-567-6132 FAX 928-567-6303

Mailing Address: PO Box 2183 Camp Verde AZ 86322

Email Address: RC.CONSTRUCTIONCV@yahoo.com

The award of the contract is expected at the next available council meeting.

Town of Camp Verde
473 S. Main Street, Suite 102, Camp Verde, AZ 86322



Contract Documents

with
RC Homes and Development Inc.
P.O. Box 2183
Camp Verde, AZ86322

Council Approved on _____, 2008

for
Senior Center Improvements

Community Development Block Grant # 108-07

CONTRACT AGREEMENT

THIS AGREEMENT, entered into this _____ day of _____, 2008 by and between the Town of Camp Verde, Yavapai County, State of Arizona (herein called the "Town of Camp Verde") acting herein by the **Mayor, Tony Gioia** of the Town of Camp Verde, hereunto duly authorized, and RC Homes and Development Inc., (Contractor) (hereinafter called the "CONTRACTOR") acting herein by Robert C. Dale, hereunto authorized.

WITNESSETH THAT:

The Town of Camp Verde desires to engage the CONTRACTOR to render construction services for the **Senior Center Improvements, CDBG Grant #108-07.**

1. Work

CONTRACTOR shall complete all work as specified in the bid documents and contract documents,. The work is generally described as follows:

Exhibit B Work Specifications, Contractor will provide and install new interior lighting, interior and exterior painting, new evaporative cooling,, restroom remodeling, ADA ramp and handrails, door hardware replacement, signage and parking lot demarcation. Cost includes any required State permits, inspections, and approvals.

2. Access to Information

It is agreed that all information, data reports, records as exist, available and necessary for carrying out of the work outlined above have been furnished to the CONTRACTOR by the Town of Camp Verde and its agencies. CONTRACTOR hereby acknowledges receipt of same. No charge will be made to the CONTRACTOR for such information and the Town of Camp Verde and its agencies will cooperate with the CONTRACTOR in every way possible to facilitate the performance of the work described herein.

3. Project Manager - Administration

The Town of Camp Verde has designated NACOG as project manager. The project manager shall be empowered to perform all administrative functions as required for management of the project and verification of compliance with CDBG requirements.

4. Architect (N/A)

Project Manager is to act as the Town of Camp Verde's representative, assume all duties and responsibilities and have the rights and authority assigned to the contract documents in connection with completion of the work in accordance with the contract documents.

5. Contract Times

The work will be completed and ready for final payment within 120 calendar days of the date in the Notice to Proceed.

6. Liquidated Damages

Town of Camp Verde and CONTRACTOR recognize that time is of the essence of this Agreement and that the Town of Camp Verde will suffer financial loss if the work is not completed within the time specified. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by the Town of Camp Verde if the work is not completed on time. Accordingly, instead of requiring any such proof, the Town of Camp Verde and the CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay the Town of Camp Verde (\$250) for each day that expires after the time specified for final completion until the work is complete and ready for final payment.

7. **Compensation and Method of Payment**

The maximum amount of compensation and reimbursement to be paid hereunder shall not exceed: Fifty Eight Thousand Seven Hundred Seventh Five dollars and no cents (\$58,775.00). Originals of the Applications for Payment are to be submitted to:

The Town of Camp Verde
Attention: Deborah Barber
473 S. Main Street, Suite 102
Camp Verde, AZ 86322

Additionally, a copy of the Application for Payment is to be faxed to: Carl Stewart, (fax) 928-773-1135.

The Project Manager shall verify completion of all necessary documentation required by CDBG, including but not limited to Davis-Bacon and Federal Labor Standards.

The Town of Camp Verde and CONTRACTOR mutually agree that the Town of Camp Verde will make progress payment based on a percentage of completion of work duly certified by NACOG or designated Town of Camp Verde Employee.

Upon submission of a Request for Payment, and upon approval by the GRANTEE of the completed work, GRANTEE shall pay the CONTRACTOR monthly progress payments of ninety percent (90%) of the approved estimate of the work performed during the preceding calendar month, and retain ten percent (10%) until final completion and acceptance of all material, equipment and work covered by the contract, less such amounts as the GRANTEE shall determine for all incomplete work and unsettled claims. All payments to the CONTRACTOR shall be made within thirty (30) days of the submission of a Request for Payment, provided said Request for Payment is approved by the GRANTEE. GRANTEE shall not withhold payment to the CONTRACTOR except for non-compliance with the terms of this Contract, and the GRANTEE shall not request the CONTRACTOR to perform work outside the scope of this Contract as a condition of receiving payment.

8. **Indemnification**

CONTRACTOR shall comply with the requirements of all applicable laws, rules and regulations, and shall exonerate, indemnify, and hold harmless the Town of Camp Verde and its agency members, and the Arizona Department of Housing from and for any violation caused by him and shall assume full responsibility for payment of Federal, State and local taxes on contributions imposed or required under the Social Security, workmen's compensation and income tax laws.

9. **Miscellaneous Provisions**

- a. This Agreement shall be construed under and in accordance with the laws of the State of Arizona, and all obligations of the parties created hereunder are performable in Yavapai County, Arizona.
- b. This Agreement shall be binding upon and ensure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.
- c. In any case one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable said holding shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision and never been contained herein.
- d. Action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs, and necessary disbursements in addition to any other relief to which such party may be entitled

- e. This Agreement may be amended only by mutual agreement of the parties hereto in writing to be attached to and incorporated into this Agreement.

10. Project Familiarity and Identification of Conflicts

In order to induce the Town of Camp Verde to enter into this Agreement, CONTRACTOR makes the following representation:

- a. CONTRACTOR has familiarized himself/herself with the nature and extent of the contract documents, work, site, locality, and all local conditions and laws and regulations that in any manner may affect cost, progress, performance, or furnishing of the work.
- b. CONTRACTOR has given the Project Manager a written notice of all conflicts, errors, or discrepancies discovered in the contract documents and the written resolution thereof by the Project Manager and NACOG is acceptable to the CONTRACTOR.
- c. CONTRACTOR has examined and carefully studied the contract documents and other related data identified in the bidding documents including "technical data."
- d. CONTRACTOR is familiar with the satisfied as to all federal, state and local laws and regulations that may affect cost, progress, performance and furnishing of the work.

11. Insurance

Certificate(s) of Insurance naming the Town of Camp Verde and Contractor as co-insured verifying the minimum coverage's as listed below shall be delivered as specified in the Notice of Award prior to issuance of the Notice to Proceed:

- a. Worker's Compensation.....statutory
- b. Protective Bodily Injury.....\$1,000,000
- c. Property.....\$1,000,000
- d. Personal Automobile bodily Injury and Property Damage.....\$1,000,000

12. Timely Submission of Labor Standard Forms

All forms necessary for compliance with the Davis-Bacon Wage Act, as identified in the Section Labor Standards shall be delivered to NACOG prior to issuance of the Notice to Proceed and subsequent Requests for Payment.

13. Contract Documents

The contract documents which comprise the entire agreement between the Town of Camp Verde and the CONTRACTOR concerning the work consist of the following:

- a. This Agreement including Exhibit A
- b. Certifications as noted in paragraph 15, below.
- c. Performance, Payment and other Bonds.
- d. Notice to Proceed.
- e. All bidding documents including addenda acknowledged in CONTRACTOR bid.

14. Terms and Conditions

This Agreement is subject to provisions entitled, "Terms and Conditions" attached hereto and incorporated by reference herein as "Exhibit A." This Addendum shall be interpreted as if Exhibit "A" were printed in full herein.

15. Certifications

This Agreement is subject to the provisions entitled "Certifications" which were submitted by the CONTRACTOR in the bid dated 02/28/2008, and are incorporated by reference herein and shall be interpreted as if the Certifications were printed in full herein.

IN WITNESSETH HEREOF, the parties have hereunto set their hands and seals.

Town of Camp Verde

Approved as to Form:

Town Attorney

Mayor, Tony Gioia

Attest:

Town Clerk, Debbie Barber

Town Manager, Michael Scannell

CONTRACTOR: RC Homes and Development Inc.

Robert C. Dale / Corporate Officer

Exhibit "A"

TERMS AND CONDITIONS

1. Termination of contract

- a. If, for any reason, the CONTRACTOR shall fail to fulfill in a timely and proper manner his/her obligations under this contract, or if the CONTRACTOR shall violate any of the covenants, agreements, or stipulations of this contract, the Town of Camp Verde shall thereupon have the right to terminate the contract by giving written notice to the CONTRACTOR of such termination and specifying the effective date thereof. In such event, all finished or unfinished site or structural improvements as well as all materials or equipment acquired or stored by the CONTRACTOR under this contract shall, at the option of the Town of Camp Verde, become Town of Camp Verde's property and the CONTRACTOR shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder.

Notwithstanding the above, the CONTRACTOR shall not be relieved of liability to the Town of Camp Verde for damages sustained by the Town of Camp Verde by virtue of any breach of the contract by the CONTRACTOR, and the Town of Camp Verde may withhold any payments to the CONTRACTOR for the purpose of set-off until such time as the exact amount of damages due the Town of Camp Verde from the CONTRACTOR is determined.

- b. The Town of Camp Verde may terminate this contract at any time by giving at least ten (10) days notice in writing to the CONTRACTOR. If the contract is terminated by the Town of Camp Verde as provided herein, the CONTRACTOR will be paid as provided in the Addendum for the time expended and expenses incurred up to the termination date. If this contract is terminated due to the fault of the CONTRACTOR, Paragraph 1.a hereof relative to termination shall apply.
- c. This contract may be terminated as per A.R.S. §38-511, Conflict of Interest.

2. Sanction, Penalties and Debarment

A breach of the contract provisions concerning violations of federal labor standards may be ground for termination of the contract and result in sanctions, penalties including liquidated damages, and/or debarment of the contractor.

3. Changes

The Town of Camp Verde may request changes in the scope of the services of the CONTRACTOR to be performed hereunder. Such changes, including any increase or decrease in the amount of the CONTRACTOR'S compensation, which are mutually agreed upon by and between the Town of Camp Verde and the CONTRACTOR, shall be incorporated in written amendments to this contract.

4. Personnel

- a. The CONTRACTOR represents that he/she has, or will secure at his own expense, all personnel required in performing the services under this contract. Such personnel shall not be employees of or have any contractual relationship with the Town of Camp Verde.
- b. All of the services required hereunder will be performed by the CONTRACTOR or under his/her supervision and all personnel engaged in the work shall be fully qualified, authorized and permitted for such work under state and local law to perform such services.
- c. None of the work or services covered by this contract shall be subcontracted without the prior written approval of the Town of Camp Verde. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this contract.

5. **Assign ability**

The CONTRACTOR shall not assign any interest on this contract, and shall not transfer any interest in the same (whether by assignment or notation), without the prior written consent of the Town of Camp Verde thereto: Provided, however, that claims for money by the CONTRACTOR from the Town of Camp Verde under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the Town of Camp Verde.
6. **Reports and Information**

The CONTRACTOR, at such times and in such forms as the Town of Camp Verde may require, shall furnish the Town of Camp Verde such periodic reports as it may request pertaining to the work or services undertaken pursuant to this contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this contract.
7. **Records Maintenance and Retention**

The CONTRACTOR shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the contract and such other records as may be deemed necessary by the Town of Camp Verde to assure proper accounting for all project funds, both Federal and non-Federal shares. These records will be retained for five years after the expiration of this contract unless permission to destroy them is granted in writing by the Town of Camp Verde.
8. **Findings Confidential**

All of the reports, information, data, etc., prepared or assembled by the CONTRACTOR under this contract are confidential and the CONTRACTOR agrees that they shall not be made available to any individual or organization without the prior written approval of the Town of Camp Verde, the Arizona Department of Housing, or HUD.
9. **Copyright**

No report, plan drawing or other documents produced in whole or in part under this contract shall be the subject of an application for copyright by or on behalf of the CONTRACTOR.
10. **Compliance with Local Laws**

The CONTRACTOR shall comply with all applicable laws, ordinances and codes of the State and local governments, and the CONTRACTOR shall save the Town of Camp Verde harmless with respect to any damages arising from any tort done by the CONTRACTOR or representatives in performing any of the work embraced by this contract.
11. **Section 3 - Compliance with the Provision of Training, Employment and Business Opportunities**
 - a. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that the employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
 - b. The parties to this contract agree to comply with HUD's regulations in 24 DFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
 - c. The contractor agrees to send to each labor organization or representative of workers with which the contractor has collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in

conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

- d. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations 34 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulation in 24 CFR part 135.
- e. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, where not filled to circumvent the contractor's obligations under 24 CFR part 135.
- f. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- g. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to provisions of Section 3 and section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

12. CONTRACTOR will comply with the requirements of the American with Disabilities Act (ADA).

13. Interest of Members of the Town of Camp Verde Governing Body
No member of the Governing body of the Town of Camp Verde and no other officer, employee, or agent of the Town of Camp Verde who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct, or indirect, in this contract; and the CONTRACTOR shall take appropriate steps to assure compliance.

14. Interest of Other Local Public Officials
No member of the governing body of the locality and no other public official of such locality, who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this contract; and the CONTRACTOR shall take appropriate steps to assure compliance.

15. Interest of CONTRACTOR and Employees
The CONTRACTOR covenants that he/she presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his/her services hereunder. The CONTRACTOR further covenants that no person having any such interest shall be employed in the performance of this contract.

16. **Handicapped Access**
In performing all construction CONTRACTOR agrees to comply with the American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable By, the Physically Handicapped (ANSI) and the Americans with Disabilities Accessibility Guidelines (ADAAG). CONTRACTOR represents that he understands said standard specifications and same are incorporated herein by this reference.
17. **Clean Air Act, Clean Water Act**
The CONTRACTOR shall comply with all provisions requiring compliance with all applicable standards, orders or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738 and EPA regulations, 40 CFR Part 15 which prohibit the use of non-exempt Federal contracts, grants or loans of facilities included on the EPA List of Violating Facilities. The provision requires reporting of violations to the USFPA Assistant Administrator for Enforcement.
18. **Federal Labor Standards Provisions**
This agreement is subject to the Federal Labor Standards Provisions, Davis-Bacon Act of 1931, contract Work Hours and Safety Standards Act of 1962, Copland Act of 1934 and the Fair Labor Standards Act of 1939.

The CONTRACTOR agrees to comply with Federal Labor Standards Provisions (HUD Form 4010) which is incorporated by reference herein. The Contractor shall supply information to the Town of Camp Verde as necessary for monitoring of compliance to include, but not be limited to, submission of Labor Standard Forms included in the bid package, on-site inspections, investigations and/or enforcement by the Town of Camp Verde. The Contractor agrees to comply with Wage Rate Determination General Decision Number AZ20080005, Building, dated 2/8/08 and incorporated by reference.

THIS PROJECT IS IN WHOLE OR IN PART FEDERALLY FUNDED AND ADHERENCE TO DAVIS-BACON/FEDERAL LABOR STANDARD PROVISIONS IS REQUIRED.

The Project Manager *will* monitor compliance with such provisions and standards on behalf of the Town of Camp Verde. The successful bidder will be required to complete the following forms in order to comply. A brief explanation of the form and when the form is to be submitted to NACOG is listed below. Should you have any questions concerning Federal Labor Standards or the forms to be submitted, please feel free to call Carl Stewart at (928)-213-5241 or Isabel Rollins at (928) 778-2692.

LS2 CDBG CONTRACTOR'S CERTIFICATION CONCERNING LABOR STANDARDS AND PREVAILING WAGE REQUIREMENTS (2 pages)

A separate form is to be completed by the contractor and **submitted as part of the bid package**. The form must be reviewed and the contractor approved by CDBG Program staff prior to award of the contract.

LS3 CDBG SUBCONTRACTOR'S CERTIFICATION CONCERNING LABOR STANDARDS AND PREVAILING WAGE REQUIREMENTS (2 PAGES)

This form is to be completed by **each** subcontractor and **submitted to NACOG within 10 days of execution of the subcontract and a minimum of 7 days prior to the date the subcontractor is scheduled to start work on site**.

LS4 WEEKLY PAYROLL REPORT (2 Pages)

This form is to be completed by each contractor and subcontractor weekly during any period that the contractor or subcontractor is on site. **Forms must be complete, correctly signed and submitted to NACOG within seven (7) days of the end of the work week.**

Weekly Payroll Reports will be verified by NACOG and the CDBG Program staff to confirm payment of the required wages. The Weekly Payroll Reports must include all employees who have worked on the job site, including persons exempt from Davis-Bacon and Related Acts wage rate. Exempt persons are:

- a. Self-employed Owner: This person must be listed on the LS2 or LS3 as an owner, partner or principal (Section 5C) and must also be able to document that the business is bona fide via a tax ID number. Relatives of the owner who are not listed in Section 5C must be paid Davis Bacon and Related Acts wages. A subcontractor who cannot document that the business is bona fide must be listed as an employee on the prime contractor's Weekly Payroll Report.
- b. Apprentices: The contractor/subcontractor must provide written evidence of the registration of the program with DOL Employment Training Administration, Bureau of Apprentices and Training (BAT) or a state apprenticeship agency. For additional information concerning apprentices, please call NACOG.
- c. Youth Employment: These individuals must be employed in a bona fide summer youth employment or opportunity program. For additional information concerning apprentices, please call NACOG.
- d. Other: On site but non-construction (non-hands on) superintendents, inspectors, engineers, watch persons, water carriers, messengers, clerical workers and working foremen who devote less than 20% of their time to construction work are exempt. If a foreman devotes more than 20% of his/her time to mechanic or laborer duties, they must be paid the applicable wage rate(s) for all hours worked.

LS5 STATEMENT OF COMPLIANCE (1 Page)

This form is the certification for the Payroll Form LS-4. A separate form is to be completed by each contractor and subcontractor weekly during any period that contractor or subcontractor is on site. **Forms must be complete, correctly signed and submitted to NACOG with the LS-4 within seven (7) days of the end of the work week, or payment can be withheld.**

The LS-5 must list all deductions indicated on the LS-4 and must indicate whether the fringes were paid in cash or to an approved fringe benefit plan. The LS-5 must be signed in ink by the owner or officer as listed on the LS-2 or LS-3, or by an employee designated in writing by the owner/officer as authorized to sign.

LS7 NOTICE TO ALL EMPLOYEES (1 Page)

This notice must be **posted** on the job site prior to the start of construction and must **remain posted** during construction.

LS15 AUTHORIZATION FOR DEDUCTIONS (1 Page)

This form is to be completed by each contractor and subcontractor and is to be **submitted to NACOG one week prior to the first payroll.** Please note that each employee who authorizes payroll deductions for items other than standard state and federal taxes must sign the form.

The following information or action is also required in order to comply with Federal Labor Standards.

VERIFICATION OF FRINGE BENEFIT PLAN

If fringe benefits are not paid in cash, each contractor and subcontractor must submit verification of each fringe benefit plan at least one week prior to the first payroll, by submitting the following information:

- a. A copy of the most recent remittance statement from the company holding the benefit plan such as a bank, union, etc. The remittance statement must verify the employees covered by the Plan and the amount paid into the Plan for each employee by the contractor or subcontractor.
OR
- b. A letter addressed to NACOG from each bank, union, etc. holding the fringe benefit plan. The letter must verify which employees are covered by the Plan and the amount paid into the Plan for each employee by the contractor or subcontractor.

PRE-CONSTRUCTION CONFERENCE

The purpose of the Pre-Construction Conference is to provide a forum for the Town of Camp Verde, contractor, and subcontractors to discuss the technical nature of the construction project and all of the compliance requirements of the contract.

Contact and subcontractor representatives shall attend. It is very important that the person preparing the Weekly Payroll Sheets attend this conference as well.

NOTICE OF PROVISIONS

The Federal Labor Standards Provisions as well as the General Wage Decision included in this bid package must be posted on site during construction as well as the Equal Opportunity Employment/Non-Discrimination Notice. All postings shall be clearly visible and easily accessible to employees.

During construction, NACOG will monitor compliance with the Davis-Bacon Federal Labor Standards Provisions. This monitoring shall include but not be limited to contractor and subcontractor employee interviews, on site inspections, review of the weekly payroll, etc. as required. Copies of the LS forms to be completed during monitoring are available from NACOG.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: March 19, 2008

Meeting Type: Regular

Type of Presentation: Visual

REFERENCE DOCUMENT: Financial Policies

AGENDA TITLE: (Be Exact): Possible approval of Resolution 2008-744, Declaring the Mayor, Vice-Mayor, Finance Director and Town Clerk as the authorized bank account signers for all bank accounts held by the Town of Camp Verde.

PURPOSE AND BACKGROUND INFORMATION: In reviewing all of the bank accounts held by the Town of Camp Verde, there were multiple discrepancies discovered in the listed account signers. In an effort to make consistent the banking policies and procedures of the Town, Staff feels it necessary for Council to designate the Mayor, Vice-Mayor, Finance Director and Town Clerk as the authorized bank account signers for all bank accounts held by the Town of Camp Verde. The current accounts held by the Town of Camp Verde as follows:

- Wells Fargo Bank
 1. General Fund Bank Account
 2. General Government Impact Fee Account
 3. Police Services Impact Fee Account
 4. Library Impact Fee Account
 5. Parks & Recreation Impact Fee Account
 6. Medical Reimbursement Account
 7. Magistrate Court Account
 8. Employee Assistance Fund - may be excluded as it is an employee run function
- Chase Bank
 1. Purchasing Account
 2. Revolving Loan Fund (CDBG)
 3. Library E-bay Account
 4. High Interest Savings Account
- AmTrust Bank
 1. Library Endowment Account
- Local Government Investment Pool
 1. General Fund Account
 2. HURF Account

Staff will be bringing to Council for approval a list of recommended accounts for consolidation at the next regular Council meeting.

STAFF RECOMMENDATION(S): (Suggested Motion) Approve Resolution 2008-744, Declaring the Mayor, Vice-Mayor, Finance Director and Town Clerk and the authorized bank account signers for all bank accounts held by the Town of Camp Verde.

Type of Document Needing Approval: Resolution 2008-744

Finance Director Review

Budgeted/Amount n/a

Comments:

Fund:

Line Item:

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: March 19, 2008

Meeting Type: Regular

Type of Presentation: Visual

REFERENCE DOCUMENT: Tax Code

AGENDA TITLE: (Be Exact): Possible Approval of Ordinance 2008-A353, Adopting the 2008 Amendments to the Tax Code of the Town of Camp Verde and Resolution 2008-743, Declaring a Public Record, the 2008 Amendments to the Tax Code of the Town of Camp Verde.

PURPOSE AND BACKGROUND INFORMATION: Adoption of the Amendments to the Tax Code are intended to bring the Town's Tax Code language in line with Legislative changes to the Model City Tax Code. The updated language appears in upper case letters for additions/changes and lines striking deletions in the attached amendments.

STAFF RECOMMENDATION(S): (Suggested Motion) Approval of Ordinance 2008-A353, Adopting the 2008 Amendments to the Tax Code of the Town of Camp Verde and Resolution 2008-743, Declaring a Public Record, the 2008 Amendments to the Tax Code of the Town of Camp Verde.

Type of Document Needing Approval: Ordinance 2008-A353 and Resolution 2008-743

Finance Director Review

Budgeted/Amount n/a

Comments:

Fund:

Line Item:

Submitting Department: Finance Department

Contact Person: Michael Scannell

Town Manager/Designee:

Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.

RESOLUTION 2008-743

A RESOLUTION OF THE MAYOR AND COUNCIL
OF THE TOWN OF CAMP VERDE, ARIZONA,
DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED
WITH THE TOWN CLERK AND ENTITLED "THE 2008 AMENDMENTS TO THE TAX CODE
OF THE TOWN OF CAMP VERDE".

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CAMP VERDE,
ARIZONA:

That certain document entitled "THE 2008 AMENDMENTS TO THE TAX CODE OF THE
TOWN OF CAMP VERDE", three copies of which are on file in the office of the town clerk, is
hereby declared to be a public record, and said copies are ordered to remain on file with the
town clerk.

PASSED AND ADOPTED BY THE Mayor and Council of the Town of CAMP VERDE,
Arizona, this _____ 19th _____ day of _____ March _____, 2008.

Tony Gioia, Mayor

ATTEST:

APPROVED AS TO FORM:

Deborah Barber, Town Clerk

Town Attorney

2008 AMENDMENTS TO THE TAX CODE OF THE TOWN OF CAMP VERDE

Section 1. Section 8-100 of the Tax Code of the Town of Camp Verde is amended to read:

Sec. 8-100. General definitions.

For the purposes of this Chapter, the following definitions apply:

"Assembler" means a person who unites or combines products, wares, or articles of manufacture so as to produce a change in form or substance of such items without changing or altering component parts.

"Broker" means any person engaged or continuing in business who acts for another for a consideration in the conduct of a business activity taxable under this Chapter, and who receives for his principal all or part of the gross income from the taxable activity.

"Business" means all activities or acts, personal or corporate, engaged in and caused to be engaged in with the object of gain, benefit, or advantage, either direct or indirect, but not casual activities or sales.

"Business Day" means any day of the week when the Tax Collector's office is open for the public to conduct the Tax Collector's business.

"Casual Activity or Sale" means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a tax imposed by this Chapter. However, no sale, rental, license for use, or lease transaction concerning real property nor any activity entered into by a business taxable by this Chapter shall be treated, or be exempt, as casual. This definition shall include sales of used capital assets, provided that the volume and frequency of such sales do not indicate that the seller regularly engages in selling such property.

"Combined Taxes" means the sum of all applicable Arizona Transaction Privilege and Use Taxes; all applicable transportation taxes imposed upon gross income by this County as authorized by Article III, Chapter 6, Title 42, Arizona Revised Statutes; and all applicable taxes imposed by this Chapter.

"Commercial Property" is any real property, or portion of such property, used for any purpose other than lodging or lodging space, including structures built for lodging but used otherwise, such as model homes, apartments used as offices, etc.

"Communications Channel" means any line, wire, cable, microwave, radio signal, light beam, telephone, telegraph, or any other electromagnetic means of moving a message.

"Construction Contracting" refers to the activity of a construction contractor.

"Construction Contractor" means a person who undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, highway, road, railroad, excavation, or other structure, project, development, or improvement to real property, or to do any part thereof. "Construction contractor" includes subcontractors, specialty contractors, prime contractors, and any person receiving consideration for the general supervision and/or coordination of such a construction project except for remediation contracting. This definition shall govern without regard to whether or not the construction contractor is acting in fulfillment of a contract.

"Delivery (of Notice) by the Tax Collector" means "receipt (of notice) by the taxpayer".

"Delivery, Installation, or Other Direct Customer Services" means services or labor, excluding repair labor, provided by a taxpayer to or for his customer at the time of transfer of tangible personal property; provided further that the charge for such labor or service is separately billed to the customer and maintained separately in the taxpayer's books and records.

"Engaging", when used with reference to engaging or continuing in business, includes the exercise of corporate or franchise powers.

"Equivalent Excise Tax" means either:

- (1) a Privilege or Use Tax levied by another Arizona municipality upon the transaction in question, and paid either to such Arizona municipality directly or to the vendor; or
- (2) an excise tax levied by a political subdivision of a state other than Arizona upon the transaction in question, and paid either to such jurisdiction directly or to the vendor; or
- (3) an excise tax levied by a Native American Government organized under the laws of the federal government upon the transaction in question, and paid either to such jurisdiction directly or to the vendor.

"Federal Government" means the United States Government, its departments and agencies; but not including national banks or federally chartered or insured banks, savings and loan institutions, or credit unions.

"Food" means any items intended for human consumption as defined by rules and regulations adopted by the Department of Revenue, State of Arizona, pursuant to A.R.S. Section 42-5106. Under no circumstances shall "food" include alcoholic beverages or tobacco, or food items purchased for use in conversion to any form of alcohol by distillation, fermentation, brewing, or other process.

"Hotel" means any public or private hotel, inn, hostelry, tourist home, house, motel, rooming house, apartment house, trailer, or other lodging place within the Town offering lodging, wherein the owner thereof, for compensation, furnishes lodging to any transient, except foster homes, rest homes, sheltered care homes, nursing homes, or primary health care facilities.

"Job Printing" means the activity of copying or reproducing an article by any means, process, or method.

"Job printing" includes engraving of printing plates, embossing, copying, micrographics, and photo reproduction.

"Lessee" includes the equivalent person in a rental or licensing agreement for all purposes of this Chapter.

"Lessor" includes the equivalent person in a rental or licensing agreement for all purposes of this Chapter.

"Licensing (for Use)" means any agreement between the user ("licensee") and the owner or the owner's agent ("licensor") for the use of the licensor's property whereby the licensor receives consideration, where such agreement does not qualify as a "sale" or "lease" or "rental" agreement.

"Lodging (Lodging Space)" means any room or apartment in a hotel or any other provider of rooms, trailer spaces, or other residential dwelling spaces; or the furnishings or services and accommodations accompanying the use and possession of said dwelling space, including storage or parking space for the property of said tenant.

"Manufactured Buildings" means a manufactured home, mobile home or factory built building, as defined in A.R.S. Section 41-2142.

"Manufacturer" means a person engaged or continuing in the business of fabricating, producing, or manufacturing products, wares, or articles for use from other forms of tangible personal property, imparting to such new forms, qualities, properties, and combinations.

"Mining and Metallurgical Supplies" means all tangible personal property acquired by persons engaged in activities defined in Section 8-432 for such use. This definition shall not include:

- (1) janitorial equipment and supplies.
- (2) office equipment, office furniture, and office supplies.
- (3) motor vehicles licensed for use upon the highways of the State.

"Modifier" means a person who reworks, changes, or adds to products, wares, or articles of manufacture.

"Nonprofit Entity" means any entity organized and operated exclusively for charitable purposes, or operated by the Federal Government, the State, or any political subdivision of the State.

"Occupancy (of Real Property)" means any occupancy or use, or any right to occupy or use, real property including any improvements, rights, or interests in such property.

"Out-of-Town Sale" means the sale of tangible personal property and job printing if all of the following occur:

- (1) transference of title and possession occur without the Town; and
- (2) the stock from which such personal property was taken was not within the corporate limits of the Town; and
- (3) the order is received at a permanent business location of the seller located outside the Town; which location is used for the substantial and regular conduct of such business sales activity. In no event shall the place of business of the buyer be determinative of the situs of the receipt of the order.

For the purpose of this definition it does not matter that all other indicia of business occur within the Town, including, but not limited to, accounting, invoicing, payments, centralized purchasing, and supply to out-of-Town storehouses and out-of-Town retail branch outlets from a primary storehouse within the Town.

"Out-of-State Sale" means the sale of tangible personal property and job printing if all of the following occur:

- (1) The order is placed from without the State of Arizona; and
- (2) ~~the order is placed by other than a resident of the State to be determined in a manner similar to "resides within the City"; and~~
- (32) the property is delivered to the buyer at a location outside the State; and
- (43) the property is purchased for use outside the State.

"Owner-Builder" means an owner or lessor of real property who, by himself or by or through others, constructs or has constructed or reconstructs or has reconstructed any improvement to real property.

"Person" means an individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, broker, the Federal Government, this State, or any political subdivision or agency of this State. For the purposes of this Chapter, a person shall be considered a distinct and separate person from any general or limited partnership or joint venture or other association with which such person is affiliated. A subsidiary corporation shall be considered a separate person from its parent corporation for purposes of taxation of transactions with its parent corporation.

"Prosthetic" means any of the following tangible personal property if such items are prescribed or

recommended by a licensed podiatrist, chiropractor, dentist, physician or surgeon, naturopath, optometrist, osteopathic physician or surgeon, psychologist, hearing aid dispenser, physician assistant, nurse practitioner or veterinarian:

- (1) any man-made device for support or replacement of a part of the body, or to increase acuity of one of the senses. Such items include: prescription eyeglasses; contact lenses; hearing aids; artificial limbs or teeth; neck, back, arm, leg, or similar braces.
- (2) insulin, insulin syringes and glucose test strips sold with or without a prescription.
- (3) hospital beds, crutches, wheelchairs, similar home health aids, or corrective shoes.
- (4) drugs or medicine, including oxygen.
- (5) equipment used to generate, monitor, or provide health support systems, such as respiratory equipment, oxygen concentrator, dialysis machine.
- (6) durable medical equipment which has a Federal Health Care Financing Administration common procedure code, is designated reimbursable by Medicare, can withstand repeated use, is primarily and customarily used to serve a medical purpose, is generally not useful to a person in the absence of illness or injury and is appropriate for use in the home.

"Qualifying Community Health Center"

- (1) means an entity that is recognized as nonprofit under Section 501(c)(3) of the United States Internal Revenue Code, that is a community-based, primary care clinic that has a community-based board of directors and that is either:
 - (a) the sole provider of primary care in the community.
 - (b) a nonhospital affiliated clinic that is located in a federally designated medically underserved area in this State.
- (2) includes clinics that are being constructed as qualifying community health centers.

"Qualifying Health Care Organization" means an entity that is recognized as nonprofit under Section 501(c) of the United States Internal Revenue Code and that uses, saves or invests at least eighty percent (80%) of all monies that it receives from all sources each year only for health and medical related educational and charitable services, as documented by annual financial audits prepared by an independent certified public accountant, performed according to generally accepted accounting standards and filed annually with the Arizona Department of Revenue. Monies that are used, saved or invested to lease, purchase or construct a facility for health and medical related education and charitable services are included in the eighty percent (80%) requirement.

"Qualifying Hospital" means any of the following:

- (1) a licensed hospital which is organized and operated exclusively for charitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.
- (2) a licensed nursing care institution or a licensed residential care institution or a residential care facility operated in conjunction with a licensed nursing care institution or a licensed kidney dialysis center, which provides medical services, nursing services or health related services and is not used or held for profit.
- (3) a hospital, nursing care institution or residential care institution which is operated by the federal government, this State or a political subdivision of this State.
- (4) a facility that is under construction and that on completion will be a facility under subdivision (1), (2) or (3) of this paragraph.

"Receipt (of Notice) by the Taxpayer" means the earlier of actual receipt or the first attempted delivery by certified United States mail to the taxpayer's address of record with the Tax Collector.

"Remediation" means those actions that are reasonable, necessary, cost-effective and technically feasible in the event of the release or threat of release of hazardous substances into the environment such that the waters of the State are or may be affected, such actions as may be

necessary to monitor, assess and evaluate such release or threat of release, actions of remediation, removal or disposal of hazardous substances or taking such other actions as may be necessary to prevent, minimize or mitigate damage to the public health or welfare or to the waters of the State which may otherwise result from a release or threat of release of a hazardous substance that will or may affect the waters of the State. Remediation activities include the use of biostimulation with indigenous microbes and bioaugmentation using microbes that are nonpathogenic, nonopportunistic and that are naturally occurring. Remediation activities may include community information and participation costs and providing an alternative drinking water supply.

"Rental Equipment" means tangible personal property sold, rented, leased, or licensed to customers to the extent that the item is actually used by the customer for rental, lease, or license to others; provided that:

- (1) the vendee is regularly engaged in the business of renting, leasing, or licensing such property for a consideration; and
- (2) the item so claimed as "rental equipment" is not used by the person claiming the exemption for any purpose other than rental, lease, or license for compensation, to an extent greater than fifteen percent (15%) of its actual use.

"Rental Supply" means an expendable or nonexpendable repair or replacement part sold to become part of "rental equipment", provided that:

- (1) the documentation relating to each purchased item so claimed specifically itemizes to the vendor the actual item of "rental equipment" to which the purchased item is intended to be attached as a repair or replacement part; and
- (2) the vendee is regularly engaged in the business of renting, leasing, or licensing such property for a consideration; and
- (3) the item so claimed as "rental equipment" is not used by the person claiming the exemption for any purpose other than rental, lease, or license for compensation, to an extent greater than fifteen percent (15%) of its actual use.

"Repairer" means a person who restores or renews products, wares, or articles of manufacture.

"Resides within the Town" means in cases other than individuals, whose legal addresses are determinative of residence, the engaging, continuing, or conducting of regular business activity within the Town.

"Restaurant" means any business activity where articles of food, drink, or condiment are customarily prepared or served to patrons for consumption on or off the premises, also including bars, cocktail lounges, the dining rooms of hotels, and all caterers. For the purposes of this Chapter, a "fast food" business, which includes street vendors and mobile vendors selling in public areas or at entertainment or sports or similar events, who prepares or sells food or drink for consumption on or off the premises is considered a "restaurant", and not a "retailer".

"Retail Sale (Sale at Retail)" means the sale of tangible personal property, except the sale of tangible personal property to a person regularly engaged in the business of selling such property.

"Retailer" means any person engaged or continuing in the business of sales of tangible personal property at retail.

"Sale" means any transfer of title or possession, or both, exchange, barter, conditional or otherwise, in any manner or by any means whatsoever, including consignment transactions and auctions, of property for a consideration. "Sale" includes any transaction whereby the possession of such property is transferred but the seller retains the title as security for the payment of the price. "Sale" also includes the fabrication of tangible personal property for consumers who, in whole or in part, furnish either directly or indirectly the materials used in such fabrication work.

"SOLAR DAYLIGHTING" MEANS A DEVICE THAT IS SPECIFICALLY DESIGNED TO CAPTURE AND REDIRECT THE VISIBLE PORTION OF THE SOLAR BEAM, WHILE CONTROLLING THE INFRARED PORTION, FOR USE IN ILLUMINATING INTERIOR BUILDING SPACES IN LIEU OF ARTIFICIAL LIGHTING.

"SOLAR ENERGY DEVICE" MEANS A SYSTEM OR SERIES OF MECHANISMS DESIGNED PRIMARILY TO PROVIDE HEATING, TO PROVIDE COOLING, TO PRODUCE ELECTRICAL POWER, TO PRODUCE MECHANICAL POWER, TO PROVIDE SOLAR DAYLIGHTING OR TO PROVIDE ANY COMBINATION OF THE FOREGOING BY MEANS OF COLLECTING AND TRANSFERRING SOLAR GENERATED ENERGY INTO SUCH USES EITHER BY ACTIVE OR PASSIVE MEANS, INCLUDING WIND GENERATOR SYSTEMS THAT PRODUCE ELECTRICITY. SOLAR ENERGY SYSTEMS MAY ALSO HAVE THE CAPABILITY OF STORING SOLAR ENERGY FOR FUTURE USE. PASSIVE SYSTEMS SHALL CLEARLY BE DESIGNED AS A SOLAR ENERGY DEVICE, SUCH AS A TROMBE WALL, AND NOT MERELY AS A PART OF A NORMAL STRUCTURE, SUCH AS A WINDOW.

"Speculative Builder" means either:

- (1) an owner-builder who sells or contracts to sell, at anytime, improved real property (as provided in Section 8-416) consisting of:
 - A) custom, model, or inventory homes, regardless of the stage of completion of such homes; or
 - B) improved residential or commercial lots without a structure; or
- (2) an owner-builder who sells or contracts to sell improved real property, other than improved real property specified in subsection (1) above:
 - A) prior to completion; or
 - B) before the expiration of twenty-four (24) months after the improvements of the real property sold are substantially complete.

"Substantially Complete" means the construction contracting or reconstruction contracting:

- (1) has passed final inspection or its equivalent; or
- (2) certificate of occupancy or its equivalent has been issued; or
- (3) is ready for immediate occupancy or use.

"Supplier" means any person who rents, leases, licenses, or makes sales of tangible personal property within the Town, either directly to the consumer or customer or to wholesalers, jobbers, fabricators, manufacturers, modifiers, assemblers, repairers, or those engaged in the business of providing services which involve the use, sale, rental, lease, or license of tangible personal property.

"Tax Collector" means the Council or its designee or agent for all purposes under this Chapter.

"Taxpayer" means any person liable for any tax under this Chapter.

"Telecommunication Service" means any service or activity connected with the transmission or relay of sound, visual image, data, information, images, or material over a communications channel or any combination of communications channels.

"Transient" means any person who either at the person's own expense or at the expense of another obtains lodging space or the use of lodging space on a daily or weekly basis, or on any other basis for less than thirty (30) consecutive days.

"Utility Service" means the producing, providing, or furnishing of electricity, electric lights, current, power, gas (natural or artificial), or water to consumers or ratepayers.

Section 2. Section 8-415 of the Tax Code of the Town of Camp Verde is amended to read:

Sec. 8-415. Construction contracting: Construction contractors.

- (a) The tax rate shall be at an amount equal to three percent (3%) of the gross income from the business upon every construction contractor engaging or continuing in the business activity of construction contracting within the Town.
- (1) However, gross income from construction contracting shall not include charges related to groundwater measuring devices required by A.R.S. Section 45-604.
 - (2) (Reserved)
 - (3) gross income from construction contracting shall not include gross income from the sale of manufactured buildings taxable under Section 8-427.
 - (4) FOR TAXABLE PERIODS BEGINNING FROM AND AFTER JULY 1, 2008, THE PORTION OF GROSS PROCEEDS OF SALES OR GROSS INCOME ATTRIBUTABLE TO THE ACTUAL DIRECT COSTS OF PROVIDING ARCHITECTURAL OR ENGINEERING SERVICES THAT ARE INCORPORATED IN A CONTRACT IS NOT SUBJECT TO TAX UNDER THIS SECTION. FOR THE PURPOSES OF THIS SUBSECTION, "DIRECT COSTS" MEANS THE PORTION OF THE ACTUAL COSTS THAT ARE DIRECTLY EXPENDED IN PROVIDING ARCHITECTURAL OR ENGINEERING SERVICES.
- (b) Deductions and exemptions.
- (1) Gross income derived from acting as a "subcontractor" shall be exempt from the tax imposed by this Section.
 - (2) All construction contracting gross income subject to the tax and not deductible herein shall be allowed a deduction of thirty-five percent (35%).
 - (3) The gross proceeds of sales or gross income attributable to the purchase of machinery, equipment or other tangible personal property that is exempt from or deductible from privilege or use tax under:
 - (A) Section 8-465, subsections (g) and (p)
 - (B) Section 8-660, subsections (g) and (p)shall be exempt or deductible, respectively, from the tax imposed by this Section.
 - (4) The gross proceeds of sales or gross income that is derived from a contract entered into for the installation, assembly, repair or maintenance of income-producing capital equipment, as defined in Section 8-110, that is deducted from the retail classification pursuant to Section 8-465(g) that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this Section. If the ownership of the realty is separate from the ownership of the income-producing capital equipment, the determination as to permanent attachment shall be made as if the ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, "permanent attachment" means at least one of the following:
 - (A) to be incorporated into real property.
 - (B) to become so affixed to real property that it becomes part of the real property.
 - (C) to be so attached to real property that removal would cause substantial damage to the real property from which it is removed.
 - (5) The gross proceeds of sales or gross income received from a contract for the construction of an environmentally controlled facility for the raising of poultry for the production of eggs and the sorting, or cooling and packaging of eggs shall be exempt from the tax imposed under this Section.
 - (6) The gross proceeds of sales or gross income that is derived from the installation, assembly, repair or maintenance of clean rooms that are deducted from the tax base of the retail classification pursuant to Section 8-465, subsection (g) shall be exempt from the tax imposed under this Section.

- (7) The gross proceeds of sales or gross income that is derived from a contract entered into with a person who is engaged in the commercial production of livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this State for the construction, alteration, repair, improvement, movement, wrecking or demolition or addition to or subtraction from any building, highway, road, excavation, manufactured building or other structure, project, development or improvement used directly and primarily to prevent, monitor, control or reduce air, water or land pollution shall be exempt from the tax imposed under this Section.
 - (8) The gross proceeds of sales or gross income received from a post construction contract to perform post-construction treatment of real property for termite and general pest control, including wood destroying organisms, shall be exempt from tax imposed under this Section.
 - (9) Through December 31, 2009, the gross proceeds of sales or gross income received from a contract for constructing any lake facility development in a commercial enhancement reuse district that is designated pursuant to A.R.S. § 9-499.08 if the contractor maintains the following records in a form satisfactory to the Arizona Department of Revenue and to the Town:
 - (A) The certificate of qualification of the lake facility development issued by the Town pursuant to A.R.S. § 9-499.08, subsection D.
 - (B) All state and local transaction privilege tax returns for the period of time during which the contractor received gross proceeds of sales or gross income from a contract to construct a lake facility development in a designated commercial enhancement reuse district, showing the amount exempted from state and local taxation.
 - (C) Any other information considered to be necessary.
 - (10) Development or impact fees included in a construction or development contract for payment to the state or local government to offset governmental costs of providing public infrastructure, public safety and other public services to a development.
 - (11) FOR TAXABLE PERIODS BEGINNING FROM AND AFTER JULY 1, 2008 AND ENDING BEFORE JANUARY 1, 2011, THE GROSS PROCEEDS OF SALES OR GROSS INCOME DERIVED FROM A CONTRACT TO PROVIDE AND INSTALL A SOLAR ENERGY DEVICE. THE CONTRACTOR SHALL REGISTER WITH THE DEPARTMENT OF REVENUE AS A SOLAR ENERGY CONTRACTOR. BY REGISTERING, THE CONTRACTOR ACKNOWLEDGES THAT IT WILL MAKE ITS BOOKS AND RECORDS RELATING TO SALES OF SOLAR ENERGY DEVICES AVAILABLE TO THE DEPARTMENT OF REVENUE AND THE CITY, AS APPLICABLE, FOR EXAMINATION.
- (c) Subcontractor means a construction contractor performing work for either:
- (1) a construction contractor who has provided the subcontractor with a written declaration that he is liable for the tax for the project and has provided the subcontractor his Town Privilege License number.
 - (2) an owner-builder who has provided the subcontractor with a written declaration that:
 - (A) the owner-builder is improving the property for sale; and
 - (B) the owner-builder is liable for the tax for such construction contracting activity; and
 - (C) the owner-builder has provided the contractor his Town Privilege License number.
 - (3) a person selling new manufactured buildings who has provided the subcontractor with a written declaration that he is liable for the tax for the site preparation and set-up; and provided the subcontractor his Town Privilege License number.

Subcontractor also includes a construction contractor performing work for another subcontractor as defined above.

Section 3. Section 8-416 of the Tax Code of the Town of Camp Verde is amended to read:

Sec. 8-416. Construction contracting: speculative builders.

- (a) The tax shall be equal to three percent (3%) of the gross income from the business activity upon every person engaging or continuing in business as a speculative builder within the Town.
- (1) The gross income of a speculative builder considered taxable shall include the total selling price from the sale of improved real property at the time of closing of escrow or transfer of title.
 - (2) "Improved Real Property" means any real property:
 - (A) upon which a structure has been constructed; or
 - (B) where improvements have been made to land containing no structure (such as paving or landscaping); or
 - (C) which has been reconstructed as provided by Regulation; or
 - (D) where water, power, and streets have been constructed to the property line.
 - (3) "Sale of Improved Real Property" includes any form of transaction, whether characterized as a lease or otherwise, which in substance is a transfer of title of, or equitable ownership in, improved real property and includes any lease of the property for a term of thirty (30) years or more (with all options for renewal being included as a part of the term). In the case of multiple unit projects, "sale" refers to the sale of the entire project or to the sale of any individual parcel or unit.
 - (4) "Partially Improved Residential Real Property," as used in this Section, means any improved real property, as defined in subsection (a)(2) above, being developed for sale to individual homeowners, where the construction of the residence upon such property is not substantially complete at the time of the sale.
- (b) Exclusions.
- (1) In cases involving reconstruction contracting, the speculative builder may exclude from gross income the prior value allowed for reconstruction contracting in determining his taxable gross income, as provided by Regulation.
 - (2) Fair Market value of land. Gross income from the sale of improved real property shall not include the "fair market value" of the land which is included in the real property sold, when a charge for such land is included in the total selling price of the real property sold.
 - (A) Except as provided in subsection (b)(2)(B) below, the taxpayer must document such "fair market value" to the satisfaction of the Tax Collector, and maintain and provide such documentation upon demand in addition to and in like manner to the books and records required in Article III.
 - (B) In lieu of the documented fair market value of land allowed in subsection (b)(2)(A) above, an amount equal to twenty percent (20%) of the total selling price may be used to estimate the "fair market value" of land.
 - (3) (Reserved)
 - (4) A speculative builder may exclude gross income from the sale of partially improved residential real property as defined in (a)(4) above to another speculative builder only if all of the following conditions are satisfied:
 - (A) The speculative builder purchasing the partially improved residential real property has a valid Town privilege license for construction contracting as a speculative builder; and
 - (B) At the time of the transaction, the purchaser provides the seller with a properly completed written declaration that the purchaser assumes liability for and will pay all privilege taxes which would otherwise be due the Town at the time of sale of the partially improved residential real property; and
 - (C) The seller also:

- (i) maintains proper records of such transactions in a manner similar to the requirements provided in this chapter relating to sales for resale; and
- (ii) retains a copy of the written declaration provided by the buyer for the transaction; and
- (iii) is properly licensed with the Town as a speculative builder and provides the Town with the written declaration attached to the Town privilege tax return where he claims the exclusion.

(5) FOR TAXABLE PERIODS BEGINNING FROM AND AFTER JULY 1, 2008, THE PORTION OF GROSS PROCEEDS OF SALES OR GROSS INCOME ATTRIBUTABLE TO THE ACTUAL DIRECT COSTS OF PROVIDING ARCHITECTURAL OR ENGINEERING SERVICES THAT ARE INCORPORATED IN A CONTRACT IS NOT SUBJECT TO TAX UNDER THIS SECTION. FOR THE PURPOSES OF THIS SUBSECTION, "DIRECT COSTS" MEANS THE PORTION OF THE ACTUAL COSTS THAT ARE DIRECTLY EXPENDED IN PROVIDING ARCHITECTURAL OR ENGINEERING SERVICES.

(c) Tax liability for speculative builders occurs at close of escrow or transfer of title, whichever occurs earlier, and is subject to the following provisions, relating to exemptions, deductions and tax credits:

(1) Exemptions.

- (A) The gross proceeds of sales or gross income attributable to the purchase of machinery, equipment or other tangible personal property that is exempt from or deductible from privilege or use tax under:
 - (i) Section 8-465, subsections (g) and (p)
 - (ii) Section 8-660, subsections (g) and (p)
 shall be exempt or deductible, respectively, from the tax imposed by this Section.
- (B) The gross proceeds of sales or gross income received from a contract for the construction of an environmentally controlled facility for the raising of poultry for the production of eggs and the sorting, or cooling and packaging of eggs shall be exempt from the tax imposed under this Section.
- (C) The gross proceeds of sales or gross income that is derived from the installation, assembly, repair or maintenance of clean rooms that are deducted from the tax base of the retail classification pursuant to Section 8-465, subsection (g) shall be exempt from the tax imposed under this section.
- (D) The gross proceeds of sales or gross income that is derived from a contract entered into with a person who is engaged in the commercial production of livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this state for the construction, alteration, repair, improvement, movement, wrecking or demolition or addition to or subtraction from any building, highway, road, excavation, manufactured building or other structure, project, development or improvement used directly and primarily to prevent, monitor, control or reduce air, water or land pollution shall be exempt from the tax imposed under this Section.
- (E) Development or impact fees included in a construction or development contract for payment to the state or local government to offset governmental costs of providing public infrastructure, public safety and other public services to a development.

(2) Deductions.

- (A) All amounts subject to the tax shall be allowed a deduction in the amount of thirty-five percent (35%).
- (B) The gross proceeds of sales or gross income that is derived from a contract entered into for the installation, assembly, repair or maintenance

of income-producing capital equipment, as defined in Section 8-110, that is deducted from the retail classification pursuant to Section 8-465(g), that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this Section. If the ownership of the realty is separate from the ownership of the income-producing capital equipment, the determination as to permanent attachment shall be made as if the ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, "permanent attachment" means at least one of the following:

- (i) to be incorporated into real property.
 - (ii) to become so affixed to real property that it becomes part of the real property.
 - (iii) to be so attached to real property that removal would cause substantial damage to the real property from which it is removed.
- (C) FOR TAXABLE PERIODS BEGINNING FROM AND AFTER JULY 1, 2008 AND ENDING BEFORE JANUARY 1, 2011, THE GROSS PROCEEDS OF SALES OR GROSS INCOME DERIVED FROM A CONTRACT TO PROVIDE AND INSTALL A SOLAR ENERGY DEVICE. THE CONTRACTOR SHALL REGISTER WITH THE DEPARTMENT OF REVENUE AS A SOLAR ENERGY CONTRACTOR. BY REGISTERING, THE CONTRACTOR ACKNOWLEDGES THAT IT WILL MAKE ITS BOOKS AND RECORDS RELATING TO SALES OF SOLAR ENERGY DEVICES AVAILABLE TO THE DEPARTMENT OF REVENUE AND THE CITY, AS APPLICABLE, FOR EXAMINATION.
- (3) Tax credits.
The following tax credits are available to owner-builders or speculative builders, not to exceed the tax liability against which such credits apply, provided such credits are documented to the satisfaction of the tax collector:
- (A) A tax credit equal to the amount of town privilege or use tax, or the equivalent excise tax, paid directly to a taxing jurisdiction or as a separately itemized charge paid directly to the vendor with respect to the tangible personal property incorporated into the said structure or improvement to real property undertaken by the owner-builder or speculative builder.
 - (B) A tax credit equal to the amount of privilege taxes paid to this Town, or charged separately to the speculative builder, by a construction contractor, on the gross income derived by said person from the construction of any improvement to the real property.
 - (C) No credits provided herein may be claimed until such time that the gross income against which said credits apply is reported.

Section 4. Section 8-417 of the Tax Code of the Town of Camp Verde is amended to read:

Sec. 8-417. Construction contracting: owner-builders who are not speculative builders.

- (a) At the expiration of twenty-four (24) months after improvement to the property is substantially complete, the tax liability for an owner-builder who is not a speculative builder shall be at an amount equal to three percent (3%) of:
 - (1) the gross income from the activity of construction contracting upon the real property in question which was realized by those construction contractors to

- whom the owner-builder provided written declaration that they were not responsible for the taxes as prescribed in Subsection 8-415(c)(2); and
- (2) the purchase of tangible personal property for incorporation into any improvement to real property, computed on the sales price.

(b) FOR TAXABLE PERIODS BEGINNING FROM AND AFTER JULY 1, 2008, THE PORTION OF GROSS PROCEEDS OF SALES OR GROSS INCOME ATTRIBUTABLE TO THE ACTUAL DIRECT COSTS OF PROVIDING ARCHITECTURAL OR ENGINEERING SERVICES THAT ARE INCORPORATED IN A CONTRACT IS NOT SUBJECT TO TAX UNDER THIS SECTION. FOR THE PURPOSES OF THIS SUBSECTION, "DIRECT COSTS" MEANS THE PORTION OF THE ACTUAL COSTS THAT ARE DIRECTLY EXPENDED IN PROVIDING ARCHITECTURAL OR ENGINEERING SERVICES.

(c) The tax liability of this Section is subject to the following provisions, relating to exemptions, deductions and tax credits:

(1) Exemptions.

(A) The gross proceeds of sales or gross income attributable to the purchase of machinery, equipment or other tangible personal property that is exempt from or deductible from privilege or use tax under:

(i) Section 8-465, subsections (g) and (p)

(ii) Section 8-660, subsections (g) and (p)

shall be exempt or deductible, respectively, from the tax imposed by this Section.

(B) The gross proceeds of sales or gross income received from a contract for the construction of an environmentally controlled facility for the raising of poultry for the production of eggs and the sorting, or cooling and packaging of eggs shall be exempt from the tax imposed under this Section.

(C) The gross proceeds of sales or gross income that is derived from the installation, assembly, repair or maintenance of cleanrooms that are deducted from the tax base of the retail classification pursuant to Section 8-465, subsection (g) shall be exempt from the tax imposed under this Section.

(D) The gross proceeds of sales or gross income that is derived from a contract entered into with a person who is engaged in the commercial production of livestock, livestock products or agricultural, horticultural, viticultural or floricultural crops or products in this state for the construction, alteration, repair, improvement, movement, wrecking or demolition or addition to or subtraction from any building, highway, road, excavation, manufactured building or other structure, project, development or improvement used directly and primarily to prevent, monitor, control or reduce air, water or land pollution shall be exempt from the tax imposed under this Section.

(E) Development or impact fees included in a construction or development contract for payment to the state or local government to offset governmental costs of providing public infrastructure, public safety and other public services to a development.

(2) Deductions.

(A) All amounts subject to the tax shall be allowed a deduction in the amount of thirty-five percent (35%).

(B) The gross proceeds of sales or gross income that is derived from a contract entered into for the installation, assembly, repair or maintenance of income-producing capital equipment, as defined in Section 8-110, that is deducted from the retail classification pursuant to Section 8-465(g), that does not become a permanent attachment to a building, highway, road, railroad, excavation or manufactured building or other structure, project, development or improvement shall be exempt from the tax imposed by this Section. If the ownership of the realty is separate from the ownership of the income-producing capital equipment, the determination as to permanent attachment shall be made as if the

ownership was the same. The deduction provided in this paragraph does not include gross proceeds of sales or gross income from that portion of any contracting activity which consists of the development of, or modification to, real property in order to facilitate the installation, assembly, repair, maintenance or removal of the income-producing capital equipment. For purposes of this paragraph, "permanent attachment" means at least one of the following:

- (i) to be incorporated into real property.
- (ii) to become so affixed to real property that it becomes part of the real property.
- (iii) to be so attached to real property that removal would cause substantial damage to the real property from which it is removed.

(C) FOR TAXABLE PERIODS BEGINNING FROM AND AFTER JULY 1, 2008 AND ENDING BEFORE JANUARY 1, 2011, THE GROSS PROCEEDS OF SALES OR GROSS INCOME DERIVED FROM A CONTRACT TO PROVIDE AND INSTALL A SOLAR ENERGY DEVICE. THE CONTRACTOR SHALL REGISTER WITH THE DEPARTMENT OF REVENUE AS A SOLAR ENERGY CONTRACTOR. BY REGISTERING, THE CONTRACTOR ACKNOWLEDGES THAT IT WILL MAKE ITS BOOKS AND RECORDS RELATING TO SALES OF SOLAR ENERGY DEVICES AVAILABLE TO THE DEPARTMENT OF REVENUE AND THE CITY, AS APPLICABLE, FOR EXAMINATION.

(3) Tax credits.

The following tax credits are available to owner-builders and speculative builders, not to exceed the tax liability against which such credits apply, provided such credits are documented to the satisfaction of the tax collector:

- (A) A tax credit equal to the amount of town privilege or use tax, or the equivalent excise tax, paid directly to a taxing jurisdiction or as a separately itemized charge paid directly to the vendor with respect to the tangible personal property incorporated into the said structure or improvement to real property undertaken by the owner-builder or speculative builder.
- (B) A tax credit equal to the amount of privilege taxes paid to this Town, or charged separately to the speculative builder, by a construction contractor, on the gross income derived by said person from the construction of any improvement to the real property.
- (C) No credits provided herein may be claimed until such time that the gross income against which said credits apply is reported.
- (eD) The limitation period for the assessment of taxes imposed by this Section is measured based upon when such liability is reportable, that is, in the reporting period that encompasses the twenty-fifth (25th) month after said unit or project was substantially complete. Interest and penalties, as provided in Section 8-540, will be based on reportable date.
- (eE) (Reserved)

Section 5. Section 8-465 of the Tax Code of the Town of Camp Verde is amended to read:

Sec. 8-465. Retail sales: exemptions.

Income derived from the following sources is exempt from the tax imposed by Section 14-460:

- (a) sales of tangible personal property to a person regularly engaged in the business of selling such property.
- (b) out-of-Town sales or out-of-State sales.
- (c) charges for delivery, installation, or other direct customer services as prescribed by Regulation.
- (d) charges for repair services as prescribed by Regulation, when separately charged and separately maintained in the books and records of the taxpayer.
- (e) sales of warranty, maintenance, and service contracts, when separately charged and separately maintained in the books and records of the taxpayer.

- (f) sales of prosthetics.
- (g) sales of income-producing capital equipment.
- (h) sales of rental equipment and rental supplies.
- (i) sales of mining and metallurgical supplies.
- (j) sales of motor vehicle fuel and use fuel which are subject to a tax imposed under the provisions of Article I or II, Chapter 16, Title 28, Arizona Revised Statutes; or sales of use fuel to a holder of a valid single trip use fuel tax permit issued under A.R.S. Section 28-5739, or sales of natural gas or liquefied petroleum gas used to propel a motor vehicle.
- (k) sales of tangible personal property to a construction contractor who holds a valid Privilege Tax License for engaging or continuing in the business of construction contracting where the tangible personal property sold is incorporated into any structure or improvement to real property as part of construction contracting activity.
- (l) sales of motor vehicles to nonresidents of this state for use outside this state if the vendor ships or delivers the motor vehicle to a destination outside this state.
- (m) sales of tangible personal property which directly enters into and becomes an ingredient or component part of a product sold in the regular course of the business of job printing, manufacturing, or publication of newspapers, magazines, or other periodicals. Tangible personal property which is consumed or used up in a manufacturing, job printing, publishing, or production process is not an ingredient nor component part of a product.
- (n) sales made directly to the Federal government to the extent of:
 - (1) one hundred percent (100%) of the gross income derived from retail sales made by a manufacturer, modifier, assembler, or repairer.
 - (2) fifty percent (50%) of the gross income derived from retail sales made by any other person.
- (o) sales to hotels, bars, restaurants, dining cars, lunchrooms, boarding houses, or similar establishments of articles consumed as food, drink, or condiment, whether simple, mixed, or compounded, where such articles are customarily prepared or served to patrons for consumption on or off the premises, where the purchaser is properly licensed and paying a tax under Section 8-455 or the equivalent excise tax upon such income.
- (p) sales of tangible personal property to a qualifying hospital, qualifying community health center or a qualifying health care organization, except when the property sold is for use in activities resulting in gross income from unrelated business income as that term is defined in 26 U.S.C. Section 512 or sales of tangible personal property purchased in this State by a nonprofit charitable organization that has qualified under Section 501(c)(3) of the United States Internal Revenue Code and that engages in and uses such property exclusively for training, job placement or rehabilitation programs or testing for mentally or physically handicapped persons.
- (q) sales of food for home consumption.
- (r) (Reserved)
 - (1) (Reserved)
 - (2) (Reserved)
 - (3) (Reserved)
 - (4) (Reserved)
- (s) sales of groundwater measuring devices required by A.R.S. Section 45-604.
- (t) (Reserved)
- (u) sales of aircraft acquired for use outside the State, as prescribed by Regulation.
- (v) sales of food products by producers as provided for by A.R.S. Sections 3-561, 3-562 and 3-563.
- (w) (Reserved)
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)
- (aa) the sale of tangible personal property used in remediation contracting as defined in Section 8-100 and Regulation 8-100.5. (bb) sales of materials that are purchased by or for publicly funded libraries including school district libraries, charter school libraries,

community college libraries, state university libraries or federal, state, county or municipal libraries for use by the public as follows:

- (1) printed or photographic materials.
 - (2) electronic or digital media materials.
- (cc) sales of food, beverages, condiments and accessories used for serving food and beverages to a commercial airline, as defined in A.R.S. § 42-5061(A)(49), that serves the food and beverages to its passengers, without additional charge, for consumption in flight. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
- (dd) in computing the tax base in the case of the sale or transfer of wireless telecommunication equipment as an inducement to a customer to enter into or continue a contract for telecommunication services that are taxable under Section 8-470, gross proceeds of sales or gross income does not include any sales commissions or other compensation received by the retailer as a result of the customer entering into or continuing a contract for the telecommunications services.
- (ee) for the purposes of this Section, a sale of wireless telecommunication equipment to a person who holds the equipment for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunication services that are taxable under Section 8-470 is considered to be a sale for resale in the regular course of business.
- (ff) sales of alternative fuel as defined in A.R.S. § 1-215, to a used oil fuel burner who has received a Department of Environmental Quality permit to burn used oil or used oil fuel under A.R.S. § 49-426 or § 49-480.
- (gg) sales of food, beverages, condiments and accessories to a public educational entity, pursuant to any of the provisions of Title 15, Arizona Revised Statutes; to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
- (hh) sales of personal hygiene items to a person engaged in the business of and subject to tax under Section 8-444 of this code if the tangible personal property is furnished without additional charge to and intended to be consumed by the person during his occupancy.
- (ii) For the purposes of this Section, the diversion of gas from a pipeline by a person engaged in the business of operating a natural or artificial gas pipeline, for the sole purpose of fueling compressor equipment to pressurize the pipeline, is not a sale of the gas to the operator of the pipeline.
- (jj) Sales of food, beverages, condiments and accessories to a nonprofit charitable organization that has qualified as an exempt organization under 26 U.S.C Section 501(c)(3) and regularly serves meals to the needy and indigent on a continuing basis at no cost. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.
- (kk) sales of motor vehicles that use alternative fuel was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and sales of equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in A.R.S. § 1-215.
- (ll) SALES OF SOLAR ENERGY DEVICES, FOR TAXABLE PERIODS BEGINNING FROM AND AFTER JULY 1, 2008. THE RETAILER SHALL REGISTER WITH THE DEPARTMENT OF REVENUE AS A SOLAR ENERGY RETAILER. BY REGISTERING, THE RETAILER ACKNOWLEDGES THAT IT WILL MAKE ITS BOOKS AND RECORDS RELATING TO SALES OF SOLAR ENERGY DEVICES AVAILABLE TO THE DEPARTMENT OF REVENUE AND CITY, AS APPLICABLE, FOR EXAMINATION.

ORDINANCE 2008-A353

AN ORDINANCE OF THE MAYOR AND COUNCIL
OF THE TOWN OF CAMP VERDE, ARIZONA,
RELATING TO THE PRIVILEGE LICENSE TAX; ADOPTING "THE 2008
AMENDMENTS TO THE TAX CODE OF THE TOWN OF CAMP VERDE"
BY REFERENCE; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR
SEVERABILITY AND PROVIDING PENALTIES FOR VIOLATIONS.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN
OF CAMP VERDE, ARIZONA that:

Section 1: That certain document known as "The 2008 Amendments to the Tax Code of the Town of Camp Verde," three copies of which are on file in the office of the town clerk of the Town of Camp Verde, Arizona, which document was made a public record by Resolution No. 2008-743 of the Town of Camp Verde, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2: Any person found guilty of violating any provision of these amendments to the tax code shall be guilty of a class two misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the tax 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: The provisions of sections 1 through 5 of this ordinance shall be effective from and after July 1, 2008.

PASSED AND ADOPTED by the Mayor and Council of the Town of Camp Verde, Arizona, this 19th day of March, 2008.

Tony Gioia, Mayor

ATTEST:

Deborah Barber, Town Clerk

Date

Approved as to Form:

Attorney

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: March 19, 2008

Meeting Type: Regular

Type of Presentation: Visual

REFERENCE DOCUMENT: Budget Calendar

AGENDA TITLE: (Be Exact): Possible Approval of the Fiscal Year 2008-2009 Proposed Budget Calendar.

PURPOSE AND BACKGROUND INFORMATION: Staff has been working on revising the budget documents along with the budget process. Staff has developed a budget calendar for guidance on completing budget tasks to ensure the adoption of the FY08-09 budget by June 25, 2008. Staff has identified dates to meet with Council to review, amend and approve the budget documents as prepared by Staff. Staff is requesting Council approve the proposed budget calendar and allocate time in Council's schedule for budget worksessions with Staff.

STAFF RECOMMENDATION(S): (Suggested Motion) Approval of the Fiscal Year 2008-2009 Budget Calendar as prepared by Staff.

Type of Document Needing Approval: Acceptance/Approval FY 2008-2009 Budget Calendar

Finance Director Review

Budgeted/Amount n/a

Comments:

Fund:

Line Item:

Submitting Department: Finance Department

Contact Person: Michael Scannell

Town Manager/Designee:

Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.

Proposed Budget Calendar for FY 2008-09

Date	Task to be completed
19-Feb-08	Brief Department Heads on Budget Calendar
20-Feb-08	Brief Town Council on Budget Calendar
4-Mar-08	Finance Department completes new budget templates
4-Mar-08	Finance Department completes non departmental revenue estimates
7-Mar-08	Finance Department distributes budget worksheets to department heads
20-Mar-08	Department Heads submit capital outlay requests to Finance Department
21-Mar-08	Departments submit completed budget work papers to Finance Department
7-Apr-08	First day for departmental budget study sessions
25-Apr-08	Last day for departmental budget study sessions
5-May-08	First day for budget work sessions with Town Council
23-May-08	Last day for budget work sessions with Town council
6-Jun-08	Budget workpapers compiled
11-Jun-08	Last review of budget workpapers by finance staff
11-Jun-08	Budget agenda packet transferred to agenda secretary for meeting on 6-18
18-Jun-08	Town Council reviews budget documents and approves staff to proceed
25-Jun-08	Town Council adopts the FY 2008-089 budget including resolutions et al
1-Jul-08	Start the FY 2008-09 year

*Please note that dates may change if necessary due to delayed information.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: March 19, 2008

Meeting Type: Regular

Type of Presentation: Verbal Only

REFERENCE DOCUMENT: Regional Trails Plan

AGENDA TITLE: (Be Exact): Possible authorization for the Trails & Pathways Commission representatives to continue to represent the Town at the Verde Valley Regional Trails Plan meetings and to report on these meetings during the regularly scheduled Trails & Pathways Commission meetings.

PURPOSE AND BACKGROUND INFORMATION: There was a request made by the Verde Valley Regional Trails Plan to have a Town of Camp Verde staff person attend their monthly meetings. I attended the February meeting and feel it is important to have representation from Camp Verde attend, but staff time is very limited and the meetings take place in the mornings and proceed for 3-4 hours. The Town of Camp Verde Trails & Pathways Commission currently has a representative and an alternate who regularly attends these meetings. I think it would best serve staff and Council if the representative from the Trails & Pathways Commission served as liasons for the Town of Camp Verde. Monthly reports on the Verde Valley Regional Trails Plan will be given at the Commissions monthly meetings as well as in their quarterly reports to Council.

STAFF RECOMMENDATION(S): (Suggested Motion) Approve the Trails & Pathways Commission representative as liasons for the Town of Camp Verde to attend the monthly Verde Valley Regional Trails Plan meetings and report back to staff monthly during regular scheduled Trails & Pathways Commission meetings.

Type of Document Needing Approval: Acceptance/Approval

Finance Director Review

Budgeted/Amount

Comments:

Fund:

Line Item:

Submitting Department: Parks Recreation

Contact Person: Lynda Moore

Town Manager/Designee:

Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.



**Town of Camp Verde
Camp Verde, Arizona**

PROCLAMATION

Declaring April as:

SUBSTANCE ABUSE AWARENESS MONTH

WHEREAS, few citizens of the Town of Camp Verde are unaffected by substance abuse; and

WHEREAS, substance abuse is directly associated with crimes against persons and property, domestic violence, physical illness, child abuse, driving while impaired and drug-related vehicular collisions; and

WHEREAS, the resources and capacity of the courts and detention system, hospital emergency rooms and providers of behavioral health services are severely stretched by the proliferation of methamphetamine and other substances within the Town of Camp Verde; and

WHEREAS, the Town of Camp Verde has united against methamphetamine and drugs and alcohol abuse to form MATForce, the Yavapai County Substance Abuse Coalition; and

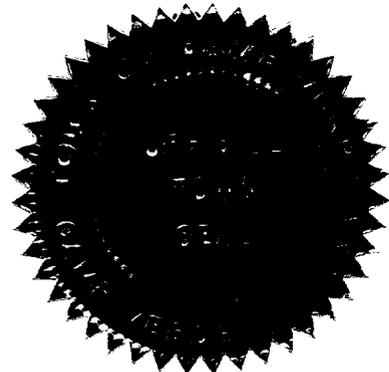
WHEREAS, MATForce views substance abuse as a community problem that is best addressed through a variety of strategies that bring together education, treatment and criminal justice resources in a coordinated, individualized approach; and

WHEREAS, MATForce has declared April 2008, as "Substance Abuse Awareness Month" to heighten public awareness of the dangers of substance abuse and of available treatment options.

THEREFORE, the Town of Camp Verde proclaims the month of April 2008 as Substance Abuse Awareness Month.

DATED this _____ day of _____, 2008.

**Tony Gioia, Mayor
Town of Camp Verde**



TOWN OF CAMP VERDE
Council Agenda Action Form

Meeting Type: Regular

Meeting Date: 3-19-08

Consent:

Executive Session/Confidential:

Type(s) of Presentation: Verbal Only

AGENDA TITLE: An appeal to the Mayor and Town Council concerning the Town's Building Department charging impact fees for Building Permit #2007389 for installation of new electrical pedestals for spaces 72 and 73 within the Buffalo Run Mobile Home Park submitted by Michael Thieme Attorney, agent for Gary and Beverie Jones, owners.

PURPOSE AND BACKGROUND INFORMATION: When application was made for placement of a manufactured home on Space 72, staff determined this was a newly activation site and should have had development fees assessed at the time the site was equipped with electrical supply. By installing the pedestals, the owner of the park was increasing his ability to provide housing that was not available previously. Staff issued the letter of January 17, 2008 requesting payment of the impact fees for these new sites.

Manufactured Home Parks offer a different type of housing unit from an individual dwelling unit and because of this, they are charged impact fees at the time of the space development and activation. These parks are either developed in phases, such as Buffalo Run, or developed all at once, like an apartment complex. When a new park is constructed, the impact fees are levied against all sites being developed. For those parks already in place before the impact fees were established, the parks are only charged at the time of any expansion. The only permit the owner pulls for expansion is the pedestal permit allowing power to be supplied to a new site, therefore, this is when the Building Department should levy the impact fee.

The renter of the space pays for the installation of the home and pulls all permits, but because they may move out and another home takes the space, no charge is levied on the renter. If these homes are later placed on a private piece of property, the owner will then be charged an impact fee.

The applicant indicates all expansion was approved and permitted prior to the date of the establishment of the impact fees. Staff has no record of any building permits being issued other than a grading permit in 1998. The infrastructure for manufactured home parks has historically been constructed by the owner with no permits required. Only when electrical supply is needed for the site is a permit required. No exhibits have been provided by the applicant showing that permits were issued in 1998 as outlined in the narrative. The only other applications received from the Jones during this time was for rezoning parcels 403-19-146, -147A and -148A to PAD for the expansion approval of the Manufacture Home Park that was processed by the Planning Department. The Building Department processed a grading permit #98282 in 1998 for \$135.

Infrastructure for mobile or manufactured home parks are constructed on private property and requires no permitting or inspections by the Building Code. Yavapai County permits the septic system. The water supply is from a private well on site, again no permits required by the Town. Only the pedestals providing power to spaces require permitting and inspections. The State has contracted with the Town's Building Department to inspect the setting and connections of all utilities to manufactured homes. This is the only other activity requiring a Building Permit and inspection.

Mr. and Mrs. Jones are now providing additional spaces that were not available previously, allowing our community to grow and, as a result, making additional demands for services to the Town. For this reason, the Building Department issued the letter dated January 12, 2008 requesting back payment of impact fees. It should be noted that after additional research of the building permits issued to the Mr. Jones during this time proved one of the pedestal permits was for a replacement of a pedestal that was damaged, but in place prior to the

establishment of impact fee, staff revised the amount owed to only two new spaces and issued a revised invoice and letter dated February 14, 2008.

According to Section 7-10-5 of the Town Code impact fees will be charged to all new residential development in the Town of Camp Verde at the time of building permit issuance. The permit was issued on December 27, 2007 as noted on the copy of the receipt,

Staff is recommending to Council denial of this appeal based on the issuance date of the electric pedestal permits issuance is well past the date of initiation of impact fees of March 22, 2007.

STAFF RECOMMENDATION(S): Disapprove

LIST ALL ATTACHMENTS: Staff Report, copies of the issued permits, map of park expansion, Planning Department application and approvals, letter and invoices sent by the Building Department and the applicant's appeal .

Type of Document Needing Approval (Check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Acceptance/Approval | <input type="checkbox"/> Agreement/Contract | <input type="checkbox"/> Emergency Clause |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Grant Submission | <input type="checkbox"/> Intergovernmental Agreement |
| <input type="checkbox"/> Liquor/Bingo Application | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Resolution | <input type="checkbox"/> Special Consideration |
| <input type="checkbox"/> Special/Temp Use Permit | <input checked="" type="checkbox"/> Other: | <input type="checkbox"/> Presentation/Report Only |

Submitting Department: P&Z

Contact Person: Nancy Buckel



TOWN OF CAMP VERDE

P.O. Box 710 ♦ 473 S. Main Street ♦ Camp Verde, Arizona 86322 ♦ (928) 567-6631 FAX 567-9061
Marshal 567-6621 ♦ Parks & Recreation 567-0535 ♦ Community Development 567-8513 ♦ www.campverde-az.gov

February 15, 2008

Buffalo Run Mobile Home Park
Gary & Beverlee Jones
2223 Arena Del Loma
Camp Verde, AZ 86322

RE: Development Fees

Dear Mr. & Mrs. Jones,

I am writing regarding a letter the Town of Camp Verde Building Department recently sent to you explaining that as of March 22, 2007 all new building projects must be charged a development fee in addition to building permit fees. Attached to said letter was an invoice in the amount of \$7,134.00 for pedestal permits on lots 72, 73 & 76.

After further review, the director has determined that permit #2007389 issued for three pedestals on December 27, 2007 was actually for placement of pedestals on lots 72 & 73 and repairs to an existing pedestal on lot #76. Lot #76 had previously had a permit taken for an electric pedestal in June 2006 (permit #2006315) and was placed previous to development fees taking effect, therefore, we will not charge development fees for lot #76. Attached please find a revised invoice with development fees assessed for lots 72 & 73.

Should you have any questions or require additional information, please call our office at (928) 567-8514.

Respectfully,

Valerie House
Building Department Administrative Assistant

VH

CC: Community Development Director Nancy Buckel
File

Enc. - Invoice





Town of Camp Verde

473 S. Main St., Suite 102
Camp Verde, Arizona 86322
(928) 567-8513 fax (928) 567-7401

Invoice No.

80214

INVOICE

Customer

Name Buffalo Run MHP - Gary & Beverlee Jones
Address 2223 Arena Del Loma
City Camp Verde State AZ ZIP 86322
Phone _____

Date 2/14/2008
Order No. 080214
Rep BO
FOB _____

Qty	Description	Unit Price	TOTAL
	Development Fees - 2 newly created Mfg Home Spaces		
1	Space #72	\$2,378.00	\$2,378.00
1	Space #73	\$2,378.00	\$2,378.00

SubTotal	\$4,756.00
Shipping & Handling	
Taxes	
TOTAL	\$4,756.00

Payment Details

- Cash
- Check
- Credit Card

Name _____
CC # _____
Expires _____

Office Use Only

Thank You! If you have any questions feel free to call!



TOWN OF CAMP VERDE

P.O. Box 710 ♦ 473 S. Main Street ♦ Camp Verde, Arizona 86322 ♦ (928) 567-6631 FAX 567-9061
Marshal 567-6621 ♦ Parks & Recreation 567-0535 ♦ Community Development 567-8513 ♦ www.campverde-az.gov

January 17, 2008

Buffalo Run Mobile Home Park
Gary & Beverlee Jones
2223 Arena Del Loma
Camp Verde, AZ 86322

RE: Development Fees

Dear Mr. & Mrs. Jones,

The Town of Camp Verde Building Department recently sent you a letter explaining that as of March 22, 2007 all new building projects must be charged a development fee in addition to building permit fees. This would include any of your new rental spaces that will require the installation of an electrical pedestal for electric service.

According to our records, on December 27, 2007 you applied for permits to install 3 new electric pedestals. Since these pedestals were permitted after March 22, 2007, we are requiring payment of development fees in the amount of \$7,134.00. Because these fees are required per Town Code Article 7-10, we do not have the power to waive them.

Please find the attached invoice for fees. They are due and payable now. Please remember, development fees will not be charged for permits where a manufactured home is to be located on a rental space where electric service was available before March 22, 2007.

If you feel you that we have assessed these fees incorrectly, you may appeal our decision per Town Code Article 7-10, Section 4-F Appeals, as follows:

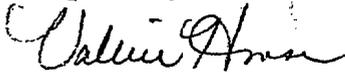
F. Appeals.

1. An appeal from any decision of a Town official pursuant to this Development Fee Code shall be made to the Mayor and Council by filing a written appeal pursuant to the appropriate Town form, if any, with the Town Clerk within thirty (30) days following the decision which is being appealed; provided, however, that if the notice of appeal is accompanied by a cash bond or letter of credit in a form satisfactory to the Town Attorney and the Finance Director in an amount equal to the Development Fee calculated to be due, a building permit may be issued to the New Development. The filing of an appeal shall not stay the imposition or collection of the Development Fee as calculated by the Town unless a cash bond or other sufficient surety has been provided.



2. The burden of proof shall be on the appellant to demonstrate that the decision of the Town is erroneous pursuant to the applicable legal standard.
3. All appeals shall detail the specific grounds therefore and other relevant information and shall be filed in such form as requested by the Town for such purposes.

Respectfully,



Valerie House
Building Department Administrative Assistant

VH

CC: Community Development Director Nancy Buckel
File

Enc. - Invoice



TOWN OF CAMP VERDE
Community Development Department
Building Division
473 S. Main Street, Suite 108
Camp Verde, AZ 86322
(928) 567-8514 • Fax (928) 567-7401

DATE REC'D: 12/27/07

PERMIT NO. 2007389

11/10/08 BGD
FINALED

APPLICATION FOR PERMIT

PROPERTY AND BUILDING INFORMATION

PARCEL NO: 403-19-008N LEGAL DESCRIPTION _____
 PROJECT ADDRESS 2223 Arena Del Loma 72-73-76
 DESCRIPTION OF PROJECT Buffalo Run MHP-3 Elect. Fed. IMPACT FEES APPLY: YES NO
 HAS WORK COMMENCED ON THIS PROPERTY? _____ SQUARE FOOTAGE _____ APPLICANT'S VALUATION \$1000⁰⁰
 PROJECT TYPE: RESIDENTIAL COMMERCIAL INDUSTRIAL NEW ALTERATION/REMODELING ADDITION DEMOLITION

PROPERTY OWNER INFORMATION

OWNER NAME Gary H Jones
 MAILING ADDRESS 2223 Arena Del Loma #10 CITY Camp Verde
 STATE Az ZIP 86322 PHONE 928-300-1567

Attention Applicant: If you are not the owner of this parcel, you must have something in writing from the owner granting you permission to take out this permit. Also, if you recently purchased this parcel you may have to show proof of ownership documentation.

APPLICANT OR CONTRACTOR INFORMATION

OWNER AGENT CONTRACTOR TENANT
 APPLICANT NAME Sam McDonald Bros
 MAILING ADDRESS _____ CITY _____
 STATE _____ ZIP _____ PHONE _____
 CONTRACTOR'S LICENSE # _____ CLASS _____ TOWN BUSINESS LICENSE # _____

THE FOLLOWING INFORMATION IS REQUIRED FOR COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY PROJECTS ONLY

PROPOSED USE Same MHP EXISTING USE _____
 PROPOSED CONSTRUCTION TYPE WALLS: Combustible Non-Combustible ROOF STRUCTURE: Combustible Non-Combustible
 EXISTING CONSTRUCTION TYPE WALLS: Combustible Non-Combustible ROOF STRUCTURE: Combustible Non-Combustible
 IF THIS IS AN EXISTING BUILDING, DOES IT HAVE A FIRE SPRINKLER SYSTEM?: _____ FIRE ALARM SYSTEM?: _____
 OCCUPANCY LOAD: _____ IBC OCCUPANCY TYPE: _____ IBC CONSTRUCTION TYPE: _____

SPECIAL REQUIREMENTS:

ALL FRAMING WORK PER INTERNATIONAL BUILDING CODE 2003/INTERNATIONAL RESIDENTIAL CODE 2003
 ALL ELECTRICAL WORK PER NATIONAL ELECTRIC CODE 2002
 ALL PLUMBING WORK PER INTERNATIONAL PLUMBING CODE 2003
 ALL MECHANICAL WORK PER INTERNATIONAL MECHANICAL CODE 2003
 ALL WORK PER INTERNATIONAL FIRE CODE 2003;2002NFPA;2003 A.S.T.M Standards
The Applicant assumes all responsibility for complying with any deed restrictions (CC&R's) that may apply to the property.

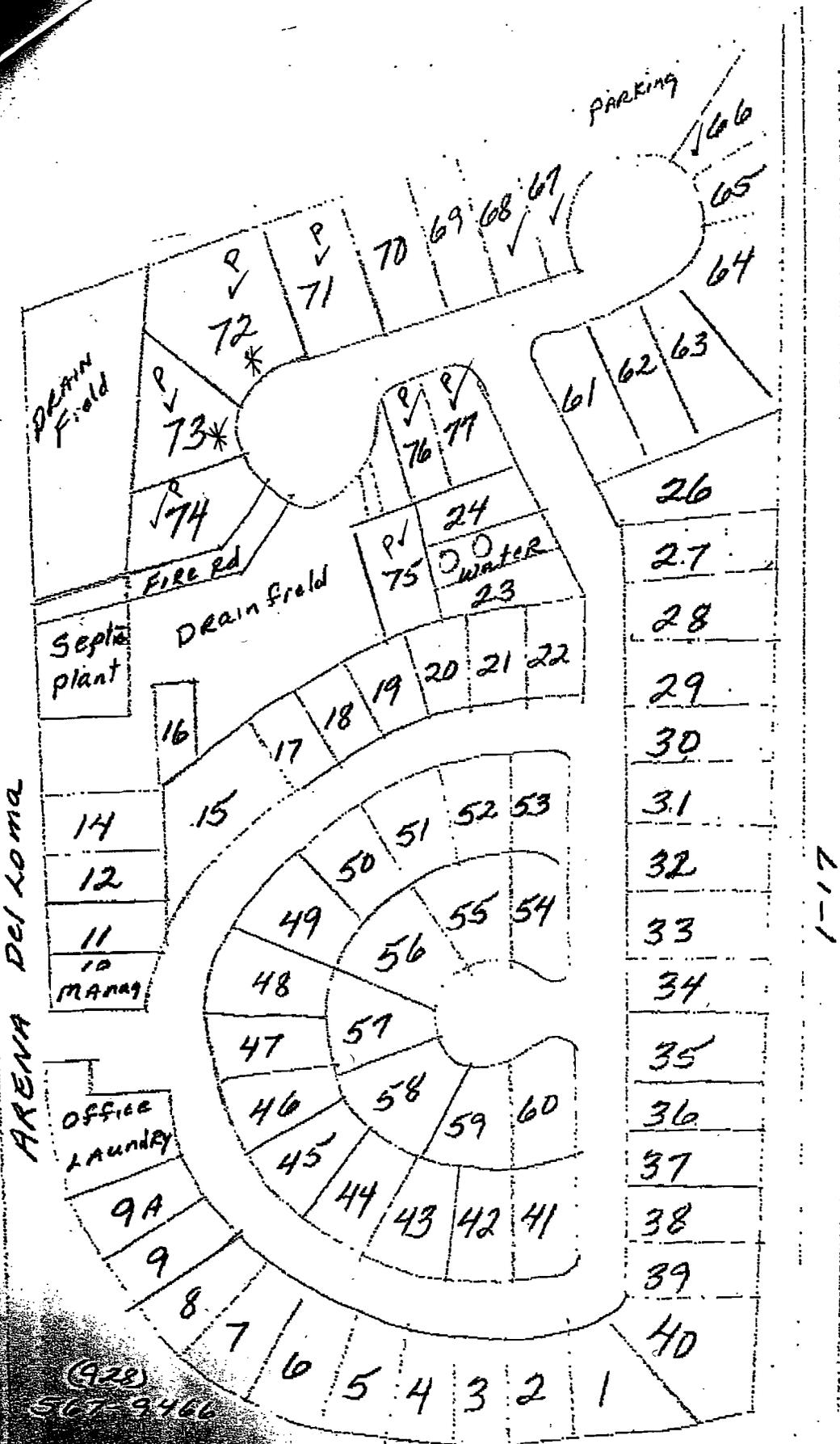
UNDER PENALTY OF INTENTIONAL MISREPRESENTATION AND/OR PERJURY, I DECLARE that I have examined and/or made this application and it is true and correct to the best of my knowledge and belief. I agree to construct said improvement in compliance with all provisions of the Ordinances of the Town of Camp Verde. I realize that the information that I have stated heron forms a basis for the issuance of the Building Permit herein applied for and approval of any plans in connection therewith shall not be construed to permit any construction upon said premises or use thereof in violation of any provision of the Town Code or any other ordinance or to excuse the owner or his successors in from complying therewith. WHERE NO WORK HAS BEEN STARTED WITHIN 180 DAYS AFTER THE ISSUANCE OF A PERMIT OR WHEN MORE THAN 180 DAYS LAPSES BETWEEN APPROVAL OF REQUIRED INSPECTIONS, SUCH PERMIT SHALL BE VOID.

I hereby certify that I am the OWNER at this address or that, for the purposes of obtaining this approval; I am acting on behalf of the owner. All contract work on this project will be done by a contractor holding a valid privilege tax license and contractor's license issued by the State of Arizona and the Town of Camp Verde.

OWNER APPLICANT (Special Power of Attorney or Agent)
 NAME (Printed) Gary H Jones SIGNATURE: Gary H Jones

BUILDING		
ELECTRICAL	<u>10000</u>	
PLUMBING		
ZONING CLEARANCE		
MECHANICAL		
POOLS		
FENCES		
DEPOSIT		
TOTAL	<u>10000</u>	
RECEIPT#:	<u>12742</u>	
CHECK #	<u>6781</u>	
APPLICATION TAKEN BY:	<u>B. Quinn</u>	

Jones



Flagstaff
54 miles



Phoenix
90 miles

ARENA DEL LOMA

1-17

(928)
567-9466

Buffalo Ren. MHP
2283 Arena Del Loma #10
Camp Verde, AZ 86322

APPLICATION FOR PERMIT TOWN OF CAMP VERDE, ARIZONA	PERMIT NO. <u>98282</u>	DATE
	AZ SALES TAX LICENSE # <u>Fax 567-0542</u>	ASSESSOR NO. <u>403-19-146, 147A, & 148A</u>

CONSTRUCTION ADDRESS <u>2223 Arena Del Loma</u>	LEGAL DESCRIPTION (Metes & Bounds or Subdivision & Lot #) <u>Vieta Hermosa M.H.P.</u>
--	--

OWNER'S NAME & CURRENT MAILING ADDRESS <u>Gary Jones 2223 Arena Del Loma # 567-0542</u>	PHONE	BUSINESS LICENSE #
--	-------	--------------------

BUILDER'S NAME & ADDRESS <u>Radio McDonald Bros Court</u>	PHONE <u>7-6335</u>	CONTRACTORS LICENSE # <u>076913 Class A</u>
--	------------------------	--

NEW CONSTRUCTION	MOBILE / MFG / FBB yr.	SINGLE FAMILY	FRONT SETBACK FT
REMODEL	SERIAL #	MULTI # OF UNITS	REAR SETBACK FT
ADDITION	OTHER: SIGN, FENCE, ETC.	COMMERCIAL	SIDE SETBACK N-S-E-W FT
ACCESSORY-STRUCTURE	SEPTIC PERMIT #	HEIGHT FT	SIDE SETBACK N-S-E-W FT
DEMOLITION	SEWER ELEC	FLOOR AREA LIV. SqFT	ZONING DISTRICT
WOOD FRAME	WATER L.P.G.	GARAGE SqFT	FLOOD CONTROL APPROVAL
MASONRY	NAT. GAS	TOTAL UR SqFT	ZONING APPROVED BY
METAL	GAS SUPPLIER	# OF BEDROOMS 1-2-3-4-5	DATE
IF IMPROVEMENT, SPECIFY (AWNING, FENCE, DECK, SIGN, ETC.) <u>less 3000 yds. grading</u>			VALUE \$

The undersigned agrees to build in accordance with all applicable codes and town ordinances, and to request inspection as required, and to adhere to plans and specifications as submitted with any corrections, and to obtain final inspection before occupation of the structure, and understand that any violation of these conditions voids a permit.

- OWNER/BUILDER CONTRACTOR OWNER DEVELOPER AGENT (LETTER REQUIRED) ARCHITECT

SIGNATURE: Gary Jones

CLASSIFICATION OF STRUCTURE	TYPE OF CONSTRUCTION	PLAN CHECK	OTHER	VAR UP.
-----------------------------	----------------------	------------	-------	---------

SPECIAL REQUIREMENTS:
 ALL FRAMING WORK PER UNIFORM BUILDING CODE '91
 ALL ELECTRICAL WORK PER NATIONAL ELECTRIC CODE '93
 ALL PLUMBING WORK PER UNIFORM PLUMBING CODE '91
 ALL MECHANICAL WORK PER UNIFORM MECHANICAL CODE '91
 ALL WORK PER UNIFORM FIRE CODE '91

PERMIT FEES	
BUILDING	
ELECTRICAL	
PLUMBING	
MECHANICAL	
MOBILE SET-UP	
MOBILE ACCESSORY	
PLAN CHECK	
OTHER	
ZONING: SIGNS :	
FENCES :	
ACC. BLD :	
ZCF :	
DRAINAGE & GRADING	<u>less than 3000 yds. * 5705</u>
DEPOSIT	<u>135.00</u>
TOTAL	
PERMIT ISSUED BY:	
DATE OF ISSUE	

SECTION I. The undersigned does hereby swear and affirm that he/she is the applicant for a building permit identified in the attached application and he/she (check one):

1. GENERAL CONTRACTOR. Is currently licensed as a contractor (or is an employee of a licensed contractor) under the provisions of Chapter 11 of Title 32, Arizona Revised Statutes, as identified in Section II and will perform work with such subcontractors as are also identified in Section II. (Section II is on a separate sheet.)

2. OWNER/BUILDER. Owns property which is not intended for sale or rent and he/she (check one or both):

A. Will perform the work himself/herself; or jointly with his/her employees (who are paid on a time worked basis, not by the job); and/or

B. Will perform the work with duly licensed contractors, all of whom are identified in Section II.

3. DEVELOPER. Owns property for sale or rent upon which a residential structure or addition is to be constructed by the duly licensed contractor or contractors, all of whom are identified in Section II.

4. EXEMPTION. Is otherwise exempt (does not require a licensed contractor) from the provisions of Chapter 11 of Title 32, Arizona Revised Statutes as set forth in the exemption statement signed by the registrar pursuant to A.R.S. 32-1169.A.

The undersigned swears and affirms that the information herein is true and accurate and acknowledges that the filing of an application containing false or incorrect information with the intent to avoid the licensing or tax requirements of the State or this Town is "unsworn falsification", a criminal misdemeanor under Section 2704 of Title 13, Arizona Revised Statutes.

Gary H Jones Gary Jones 8/31/98
 Applicant's Name (Printed) Applicant's Signature Date

The Applicant assumes all responsibility for complying with any deed restrictions (CC&R) that may apply to the property. Construction must be commenced within 180 days of the issuance of a permit or it becomes void. If construction is abandoned for 180 days permit becomes void.

TOWN OF CAMP VERDE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION
 P. O. BOX 710
 CAMP VERDE, ARIZONA 86322
 BOARD OF ADJUSTMENT

CASE NUMBER _____

CHANGE OF ZONING MAP OR DENSITY APPLICATION

REQUEST: <u>Re-zone of lots # 22, 23 & 24</u> <u>of the Freeway Acres from R1-35</u> <u>to PAD-10</u>	Assessor's Parcel No. <u>403-19-146-148</u>
	Subdivision <u>Freeway Acres</u>
	Tract Block Lot
	M & B
	Application Date
PRESENT ZONING <u>R1-35</u>	Taken By
EXISTING USE OF PROPERTY <u>Vacant</u>	Fee
	Hearing Date

PROPERTY OWNER MAILING ADDRESS NAME <u>Harbor Miguel Pastures</u> ADDRESS <u>29, Ridgecroft</u> CITY <u>Laguna Niguel</u> STATE <u>CA</u> ZIP <u>92677</u> PHONE: <u>(714) 474-2710</u>	APPLICANT MAILING ADDRESS NAME <u>Powder Engineering</u> ADDRESS <u>P.O. Box 1245</u> CITY <u>Cottonwood</u> STATE <u>AZ</u> ZIP <u>86320</u> PHONE: <u>(520) 639-0726</u>
---	--

If the applicant is not the property owner, the owner shall complete and sign the following statement. I hereby authorize Tom Pender to act as my agent in this application.
 (name of applicant)

By: [Signature] 4-25-97
 (signature of applicant) (date)
 OWNER

I hereby file the above request and declare that all information submitted is true and correct to the best of my knowledge and belief. I further acknowledge that any omission of information or any error in my application may be cause for delay in its normal scheduling.

By: [Signature] 4-16-97
 (signature of applicant) (date)

PLANNING AND ZONING COMMISSION

Hearing Date _____	_____	GRANTED
Continued To _____	_____	GRANTED WITH STIPULATIONS
Continued To _____	_____	DENIED
Continued To _____	_____	

TOWN COUNCIL

Hearing Date _____	_____	GRANTED
Continued To _____	_____	GRANTED WITH STIPULATIONS
Continued To _____	_____	DENIED
Continued To _____	_____	

Ordinance/Resolution Number _____
 Effective Date _____
 Expiration Date _____

ORDINANCE NO. 97A129

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA APPROVING ZONING MAP CHANGE 97-08 FOR THE PURPOSE OF REZONING A 3.1 ACRE PARCEL, LOTS 22, 23, 24 OF FREEWAY ACRES, TAX PARCELS 403-19-146, 403-19-147A, 404-19-148A, FROM R1-35 TO PAD (PLANNED AREA DEVELOPMENT) TO ALLOW THE VISTA HERMOSA MOBILE HOME PARK TO EXPAND ITS MOBILE HOME PARK BY 20 SPACES. THE PROPERTY IS LOCATED AT 2265 NORTH ARENA DEL LOMA ROAD.

The Town Council the Town of Camp Verde hereby ordains as follows:

I. The Town Council hereby finds as follows:

- A. A request for a Zoning Map Change (Number 97-08) was filed by Tom Pender, agent, for Harbor Niguel Partners, property owner, for tax parcels 403-19-146, 403-19-147A, 403-19-148A, 2265 North Arena Del Loma Road.
- B. The project was reviewed by the Planning Commission on July 3, 1997 and the Town Council on July 23, 1997 in public hearings that were advertised and posted according to state law.
- C. The purpose of the Zoning Map Change is to allow the Vista Hermosa Mobile Home Park to expand its Mobile Home Park by 20 spaces.
- D. The proposed use will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.

II. The Zoning Map Change (Number 97-08) is approved, based upon the following finding:

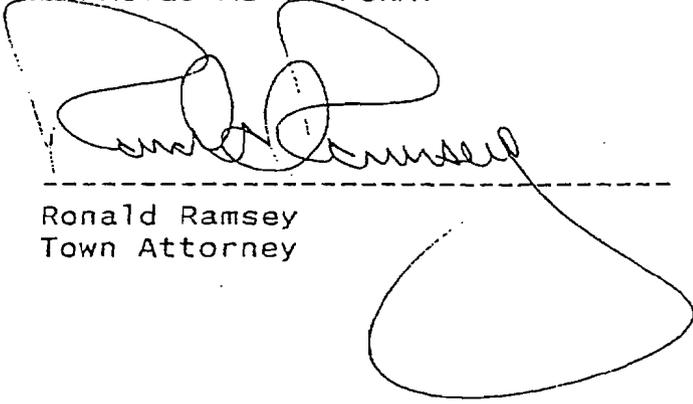
1. The Zoning Map Change will not injure the public health, safety, or welfare.
2. The property is located adjacent to existing residentially zoned properties, therefore the proposed Zoning Map Change is consistent with State Planning Law and the requirements of the Camp Verde Planning and Zoning Ordinance.

III. The Town Council of the Town of Camp Verde hereby approves a Zoning Map Change 97-08 for the purpose of allowing Camp Verde Mobile Village to expand its Mobile Home Park by 77 spaces and continue the commercial uses on the property.

PASSED AND ADOPTED AT A REGULAR SESSION OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON JULY 23, 1997.

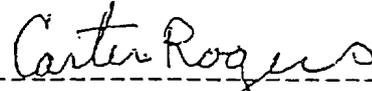
FAXED
8-1-97

APPROVED AS TO FORM:



A handwritten signature in cursive script, appearing to read "Ronald Ramsey", is written over a horizontal dashed line. A large, teardrop-shaped scribble is present below the signature line.

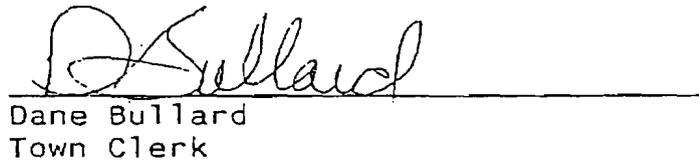
Ronald Ramsey
Town Attorney



A handwritten signature in cursive script, appearing to read "Carter Rogers", is written over a horizontal dashed line.

Carter Rogers
Mayor

WITNESS:



A handwritten signature in cursive script, appearing to read "Dane Bullard", is written over a solid horizontal line.

Dane Bullard
Town Clerk

PUBLISH: 8/6 and 8/13/97
Publisher's Affidavit Requested

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: March 19, 2008

Meeting Type: Regular

Type of Presentation: Verbal Only

REFERENCE DOCUMENT: Teen Center

AGENDA TITLE: (Be Exact): Discussion with the Camp Verde Youth Commission and possible approval to designate the metal building located next to the Marshal's Office as the future site for the Camp Verde Teen Center.

PURPOSE AND BACKGROUND INFORMATION: There is a great need in the community to establish a Teen Center. The first step in making this happen is to establish a location that would be suitable. The metal building that is located next to the Marshal's Office is an ideal location. It is a Town owned building and being so close to the Marshal's Office would help keep any vandalism down. Developing a Teen Center has been a goal of the Parks & Recreation Staff and Commission for many years. We are now working with the Camp Verde Youth Commission and the Youth Development Committee to see this goal become a reality.

STAFF RECOMMENDATION(S): (Suggested Motion) Approve designating the metal building located next to the Marshal's Office as the future site for the Camp Verde Teen Center.

Type of Document Needing Approval: Acceptance/Approval

Finance Director Review

Budgeted/Amount

Comments:

Fund:

Line Item:

Submitting Department: Parks + Recreation
Moore

Contact Person: Lynda

Town Manager/Designee:

Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: March 19, 2008

Meeting Type: Regular

Type of Presentation: Visual

REFERENCE DOCUMENT: February 2008 Financial Report

AGENDA TITLE: (Be Exact): February 2008 Financial Update Report

PURPOSE AND BACKGROUND INFORMATION: Staff would like to update Council on the financial status of the Town with regards to revenue updates and projections for the end of the fiscal year.

STAFF RECOMMENDATION(S): (Suggested Motion)Acceptance of Financial Update Report

Type of Document Needing Approval: Presentation/Report Only

Finance Director Review

Budgeted/Amount n/a

Comments:

Fund:

Line Item:

Submitting Department: Finance Department

Contact Person: Michael Scannell

Town Manager/Designee:

Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: March 19, 2008

Meeting Type: Regular

Type of Presentation: Verbal Only

REFERENCE DOCUMENT: Black Bridge Park

AGENDA TITLE: (Be Exact): Discussion, consideration and possible direction to staff for the construction of an AB gravel road off of Moser, parallel to Montezuma Castle Highway as the entrance to Black Bridge Park and the use of portable toilets with privacy walls as the restroom facility if permitted by Yavapai County.

PURPOSE AND BACKGROUND INFORMATION: The Parks & Recreation Commission met February 5, 2008 and discussed Black Bridge Park. Their recommendation to Council was to construct a road using option C of the plans. As directed by Council I have done extensive research with Yavapai County Environmental Services, Flood Control and State Parks. Yavapai County Flood Control and Environmental Services both agree that portable toilets is the best direction to go, given the circumstances of the area. Arizona State Parks confirmed that the SLIF Grant would pay for privacy walls and to my surprise I found out the grant will not pay for a paved road.

STAFF RECOMMENDATION(S): (Suggested Motion) Direct staff to complete an AB gravel road, using option C as the entrance to Black Bridge Park and to continue using portable toilets as the restroom facility with the construction of privacy walls if permitted by Yavapai County.

Type of Document Needing Approval: Acceptance/Approval

Finance Director Review

Budgeted/Amount

Comments:

Fund:

Line Item:

Submitting Department: Parks Recreation

Contact Person: Lynda Moore

Town Manager/Designee:

Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.

TOWN OF CAMP VERDE



Memorandum Public Works Department

To: Linda Moore, Parks and Recreation Director

From: Ron Long, Town Engineer

Cc: Michael Scannell, Town Manager

Date: February 20, 2008

Re: Update of the Black Bridge Park Project

On Wednesday February 20, I re-surveyed Black Bridge Park to; estimate and compare the costs for providing a site built restroom with water and sewer versus contracting with a restroom rental service, to determine the cost of constructing an alternate access to the river front park, and the cost of paving over the gravel parking area. Compiling estimates for buildings with a design is difficult to quantify so the overall costs estimated for the structures is my best guess. The measurable improvements such as the utilities, roads, and pavement are good estimates for budget purposes.

1). **Rest Room:** The proposed restroom site is located adjacent to the river access parking lot which is within the flood plain of the Verde River.

A site built or modular unisex and handicapped accessible restroom with water, electric, and sewer utilities would be the most expensive route. Depending on the design, this building alone could cost \$60,000 plus.

According to my survey the rest room would be approximately 750-feet from the proposed sewer tap that would be built near the existing library. The drop in elevation would be approximately 1-foot, this will not provide enough fall for a gravity sewer (16-feet is needed). It is possible to use a grinder pump pressurized system to service a restroom. The Cost for the water and sewer utilities with a grinder pump is estimated to cost \$12,000.

If a rest room rental service is used; I would recommend that a privacy/screening enclosure with a roof be constructed that would be similar to the facilities in the county parks near Beaver Creek and the Verde River in Comville. The cost to construct the enclosure, again depending on the design, could be around \$30,000.

A site built restroom with utilities is estimated to cost between \$70,000 and \$80,000. A rental restroom service would have a monthly service fee with a cost based on the agreement. The enclosure for a rental restroom is estimated to cost between \$30,000 and \$40,000.

In summation it would be less expensive and more practical from a maintenance stand point to go with a rental rest room with an enclosure than to construct a restroom with utilities.

2). Gravel Access Road: The proposed alternative access to the park would be to connect a gravel road from the mid point of Mosure Lane extending 525-feet to the parking area near the river. The road would need to be 24-feet wide to accommodate two-way traffic and be constructed with a compacted aggregate base material 10-inches thick on top of a stabilization fabric placed over the existing unstable native clay material.

The estimated total cost for an alternative gravel access road is: \$13,762

3). Paving the existing gravel parking area: The existing parking area is approximately 25-feet by 250-feet and would require a 2 -inch asphalt surface.

The estimated cost to pave the parking area is: \$5,834

Memo

To: Ron Long, Engineer
From: Lynda Moore, Parks & Recreation Director
CC: Mike Scannell, Town Manager and Mike Dumas

Date: 3/5 /2008
Re: Black Bridge Restroom Project

Ron,

I just want to update you on what I have found out from Yavapai County Environmental Services and the Flood Control regarding the restrooms at Black Bridge Park. I feel confident that I have enough information to take back to Council to support a portable restroom with privacy walls. I am still waiting to hear back from Arizona State Parks on whether the grant will cover the cost of the walls and if the grant could possibly be amended to move the money designated for the restroom to the road. I should have a response by Friday. I am also waiting to hear from Pat Kirshman with Yavapai County facilities. He is out of the office sick, but his admin. assistant said he would call when he returned. He has the cost, plans and most of the information that we would need that would help in constructing privacy walls.

I spoke to Jeff Meeks with Yavapai County Environmental Services regarding a septic tank for the park. He stated that septic tanks have been permitted in the floodway, but we would have to have an engineer provide us with a scour report and that could cost more than we want to spend. Once the report was completed then Jeff could determine how deep the septic would have to be. He was certain that it would have to be deeper than normal.

I also spoke to Jim Young with the Yavapai County Flood Control. He has actually talked to me on several occasions and has been very helpful. He also stated that a scour report would have to be done. We would also have to have a full flood engineering analysis done and this would cost approximately \$20,000. Once this was done then it would be determined how high the restroom would have to be built. Any building in the floodway has to be 1 ft. above flood plain. He said that by glancing at the parcel he would say that our restroom would have to be elevated 3 to 8 feet high and probably on pillars so the water could flow through.

Jim Young advised me that he had met with his supervisor, Jeff Lowe on this subject and they both felt that the very best way for the Town of Camp Verde to proceed with this project is to use portable toilets with privacy walls. He said that Ken Spedding who also works in the Flood Control department waived the floodway requirements for privacy walls at the Windmill Park in Cornville because the walls are elevated off the ground and it is not a permanent structure and could be removed at any time if flooding were to occur. Jim said he is most certain that Ken Spedding would do the same for us.

I feel very confident that I will be able to present very solid facts to Council and I hope they will also see that the portables with privacy walls is the best way to go. The SLIF grant will not pay for the scour report or the flood engineering analysis so this is another \$20,000 plus dollars that we will have to come up with when we really do not have the funds available.

Let me know if you have any questions and I want to thank you for all the time that you have spent on this project.

Lynda Moore

From: "Danielle Silvas" <dsilvas@azstateparks.gov>
To: "Lynda Moore" <lmoore@cvaz.org>
Sent: Wednesday, March 12, 2008 10:13 AM
Subject: RE: Poject # 780506

Lynda, I do apologize for it taking me so long to get back to you. I took a look at your Participant Agreement, Attachment A and have determined that as long as a restroom facility is constructed and in place at the time the project is scheduled to close, a portable facility with a privacy wall would be appropriate. Any remaining funds that are not used for the restroom maybe used on any of the other scope items, keep in mind that the access road will not be reimbursed if it is paved, the SLIF fund does not cover paved access roads.

Danielle Silvas
Program Grant Coordinator
Arizona State Parks
Grant Section
1300 W. Washington
Phoenix, AZ 85007
p 602-542-7160
f 602-542-4180
dsilvas@azstateparks.gov

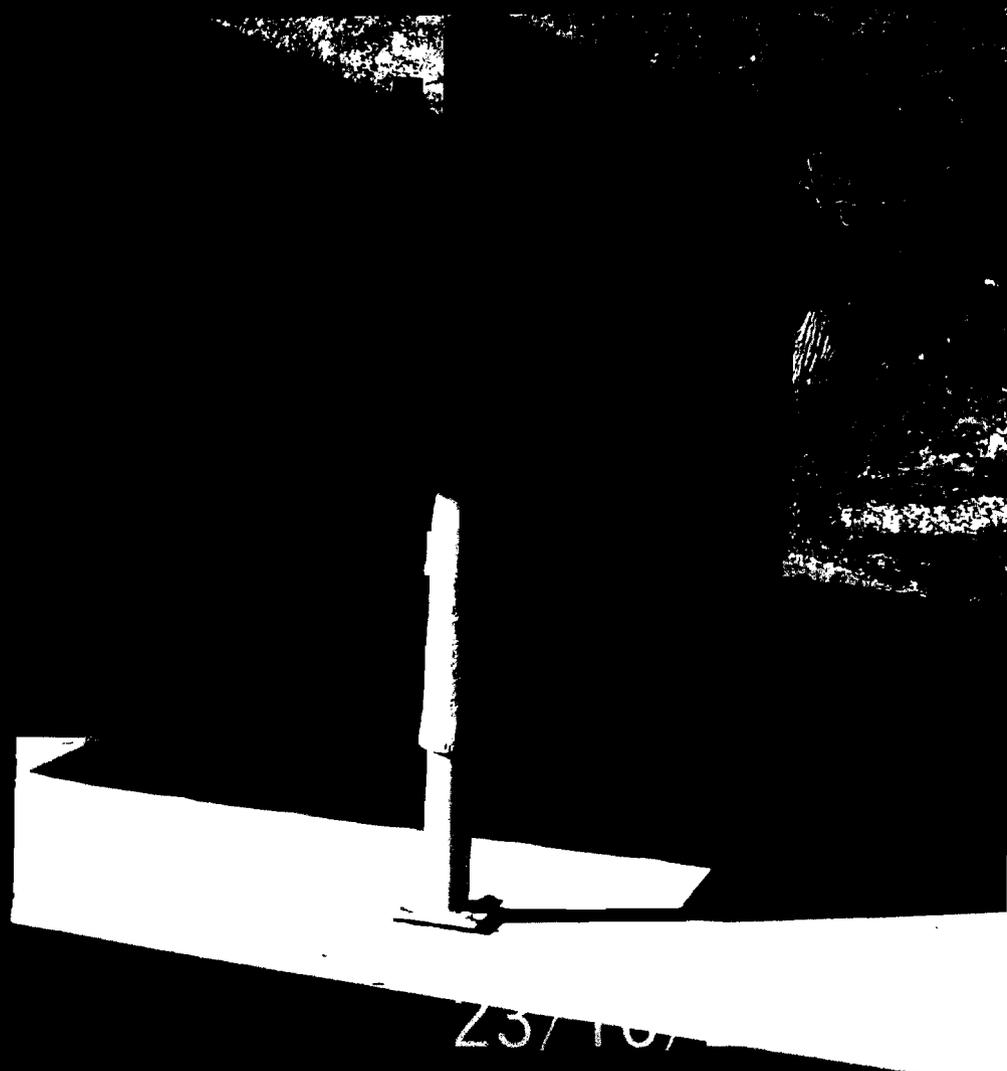
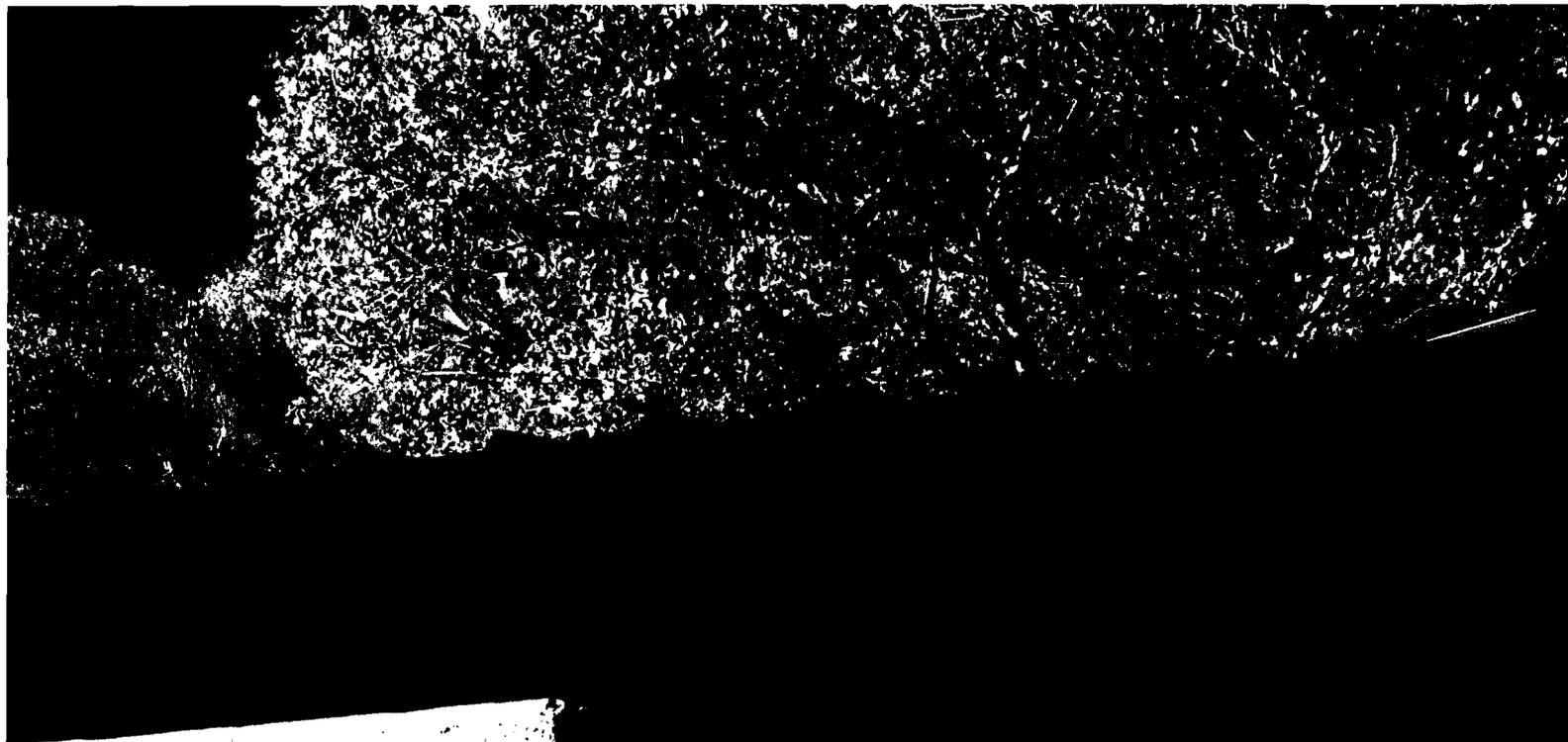
Arizona State Parks
www.azstateparks.com

STANZELNOW
6 ft Green Coated Chain Link

BLACK BRIDGE LOOP

01/08/78

Painted
Access



Z37 107

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: 3-19-08

Meeting Type: Regular

Type of Presentation: Verbal Only

REFERENCE DOCUMENT: Town Code, Section 11-1-6 Alcohol Use

AGENDA TITLE: (Be Exact): Discussion, consideration, and possible direction to staff relative to permitting alcohol sales and/or consumption on Town-owned property and at Town-sponsored events.

PURPOSE AND BACKGROUND INFORMATION: As a Council member, I am very concerned about the Town's liability as it relates to the sale of alcohol at Town-events. I would also like to make sure that our events serve our community well and are family-oriented.

STAFF RECOMMENDATION(S): (Suggested Motion)

Type of Document Needing Approval: Other Direction to staff.

Finance Director Review

Budgeted/Amount

Comments:

Fund:

Line Item:

Submitting Department: Council

Contact Person: Norma Garrison

Town Manager/Designee:

Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.

Section 11-1-6 Parks - Alcohol Use

Definitions: "*Public Recreation Area*" shall include a Town park, district or regional parks, riverfront parks, or areas so designated by the Town Council of the Town Hall complex, such as the adjoining sports fields, parking lots, or gymnasium, or other Town property.

Prohibition on Alcohol Use. It is unlawful for any person to consume, possess, give, or sell any alcoholic beverage within the boundaries of any public recreation area in the Town limits, or in a public thoroughfare, except that persons may sell, purchase, or consume beer by permit from the Town specifying the areas and conditions of use, and a special event license from the Arizona Department of Liquor Control, if it is required. If the beer is not going to be sold, but distributed as part of a private function, only a Town permit is required.

Permit Procedures. The Town Manager will establish permit procedures under this ordinance, except that the Town Council may by motion or resolution determine which events sponsored by the Town will have beer sold under a Town special event license.

Violations and Penalties. Violation of this [section] ordinance is declared to be a Class 1 misdemeanor, punishable by fines up to \$2,500 and 6 months in jail or to the limits as may be amended by State law.

Posting. Signs shall be posted in all public recreation areas warning the public of the provisions of this ordinance.

Town of Camp Verde
Parks and Recreation Department
Alcohol Beverage Permit

.....
DON'T DRINK AND DRIVE

(Please Print) Permit# _____
Name: _____ Date: _____
Address _____ City _____ St. _____ Zip _____
Phone (H) _____ (W) _____ Age: _____ Birth Date _____ / _____ / _____
Park/Facility _____ Amplified Music Yes _____ No _____
Date of Event _____ Time: From _____ to _____
Event _____ Approximate # in Group _____

Individual applicant is responsible for any misconduct of the persons consuming alcoholic beverages and assures the Town no minor in the group will consume any alcoholic beverages at the Park/Facilities. Issuance of an Alcohol Beverage Permit does not guarantee a reservation.

Applicant's Signature

*****This permit does not give permission for the Sale of Alcohol*****

In accordance with the rules and regulation of the parks and Recreation Department as authorized by
Town Ordinance No. A2000-A162, permit is governed by the following conditions:

1. Permit is not transferable.
2. Permit is valid for date of event only.
3. Glass beverage containers are not permitted.
4. Permit holder only is allowed to bring alcoholic beverage into the park and is responsible for the conduct of all group members.
5. Area must be left clean.
6. Obnoxious behavior or excessive noise will not be permitted.
7. Park hours must be observed.
8. Permit holder must retain permit and make available upon request by proper park or police official.
9. Issuance of Alcohol Beverage Permit does not guarantee a reservation.
10. Permit holder will be responsible for assuring ALL MEMBERS of his/her party that consume alcohol are of legal age to drink alcoholic beverages according to Arizona State Law.
11. The volume of amplified music must be kept low enough as not to disturb other park users. All amplified music must conclude by 10:00 p.m.
12. Alcoholic beverages are not permitted in parking lots or children's play areas.
13. The sale of alcoholic beverages in Town Parks/Facilities is strictly prohibited unless a special license and insurance are obtained.
14. Alcoholic beverages are not to be consumed by team members during athletic team competition.

FOR OFFICIAL USE ONLY

APPROVED _____ DISAPPROVED _____ By: _____
Date: _____ Title: _____

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: 3-19-08

Meeting Type: Regular

Type of Presentation: Verbal Only

REFERENCE DOCUMENT: 2-27-08 Agenda - Item #13 Direction to Staff

AGENDA TITLE: (Be Exact): Discussion and possible reconsideration of the February 27, 2008 Council direction to staff to research past Minutes to determine what previous Councils have done and said on the issue; implement a rapid process to identify the scope of legal and illegal non-conforming uses; allow for a response from Zellner's attorney, and then come back to Council with a recommendation.

PURPOSE AND BACKGROUND INFORMATION: Council gave direction concerning Zellner's Woodyard. I have researched the matter and found that no new complaints have been filed since this matter was resolved in 2005. I am concerned that Council is burdening staff without justification and I recommend that we delay this matter until documentation is received that confirms the need to proceed further.

STAFF RECOMMENDATION(S) (Suggested Motion): Move that Council withdraw the direction to staff given at the February 27, 2008 Council Hears Planning & Zoning meeting as it relates to the Zellner's Woodyard until documentation is filed that necessitates the need for further action.

Type of Document Needing Approval: None

Submitting Department: Council

Contact Person: Norma Garrison

Town Manager/Designee:

Kovacovich: One swine, and then let Youth Advisor decide; and if more land, then no problem.
Hauser: One swine; permit for a second one.
Elmer: Number determined on whether it is going to work.
Gioia: One swine regardless of size of property.

Buckel reminded the Council of the burden placed on staff through the Use Permit and neighborhood hearing process. Buckel outlined the areas that she felt the Council was still having difficulty with, including dealing with numbers and special exceptions, and pointing out that the Temporary Use Permit is only required where the property is less than one-half acre, or involves points. Basically, the questions are: Allow more than one swine? Allow excessive numbers of animals for 4-H projects only? Who determines the number, either by recommendation or the Use Permit process.

It was finally generally acknowledged that without agreement on the entire working process as discussed, no decision could be made at this time; staff will work with Cody Carter on the details discussed and bring back to Council for further review.

* 13. **Discussion, consideration, and possible direction to staff concerning citizen complaints about Zellner's Woodyard. Complaints include, but are not limited to noise, vermin, fire danger, and zoning issues.**

Staff was directed to follow through with the fact-finding as outlined; notify all parties as soon as possible; research past Minutes to determine what previous Councils have done and said on the issue; implement a rapid process to identify the scope of legal and illegal non-conforming uses; allow for a response from Zellners' attorney, and then come back to Council with a recommendation.

Councilor Smith explained that this issue arose as the result of a citizen complaint, and it was deemed important enough to bring before the Council. A petition with 45 signatures was submitted by Clinton Gray, together with some data that is being reviewed. Further steps will be taken by staff to investigate the status of the legal non-conforming operation, when that occurred, and whether expansion beyond the original site has taken place, including using aerial photographs. Both the community and Council will be kept informed of the resulting findings. Town Manager Scannell further explained that the intent is to try to resolve the problem with a fair and objective assessment of both sides of the issue.

Mayor Gioia read into the record the petition received from **Clinton Gray** that outlined the reasons supporting the citizens' complaint, including excessive noise, trash, dust, and traffic from the operation of the woodyard. **Mr. Gray** said he represented the neighbors and property owners who had signed the petition, and stressed the problems outlined in the petition, including the expansion of the operation over the years since 1984. The Council noted the documents that Mr. Gray has collected, copies of which will be supplied to Planning & Zoning; staff will also research further documents to trace the establishment and subsequent operation of the woodyard to date, as well as research possible deficiencies in the existing Fire Code.

Daryl Manhart spoke on behalf of the Zellner family, objecting that the recent citizen complaint was brought to Council without notifying that family. Mr. Manhart said the family feels they have resolved these issues several times in the past already, and he hopes no action will be taken at this meeting tonight. He added that he looks forward to working with Town staff to resolve the issues brought forward by Mr. Gray, issues with which the Zellner family does not agree. Mayor Gioia apologized that the family had not been notified, and briefly discussed that issue with staff.

Responding to the complaint that the Zellners were not notified in advance that this Agenda item was scheduled to be addressed, Town Attorney Sims explained that the public has the right to raise issues, but that this item is not intended to be a public hearing where property owners' rights will be impacted; it is simply an agenda item to raise the issue, possibly get advice from the Attorney at an Executive Session on the legal ramifications. Staff can then present facts at a

later public hearing, if so directed, on the issues of a continuing non-conforming use and a conflict regarding whether the Town acted in the past to permit that.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Shari Williams complained about the trucks parking overnight in front of her property, and the drivers publicly relieving themselves in the morning.

Howard Parrish said that he lives a quarter of a mile away from the woodyard, and can hear the noise from the wood splitter and chain saws.

Art Coppinger expressed his understanding of grandfathered rights to continue non-conforming uses; however, that is not intended to allow the expansion of the non-conforming use which is apparently what has happened with the woodyard.

Danny Parker said he has lived in the area since 1943, and most of the homes were built out there years ago; the woodyard has expanded and it should be brought back to what it was.

Stacy Barker commented on what he feels is an attack on the Zellner family, and urged the Town to look at both sides equally; he also objected to what he perceived as Smith being over-friendly to Mr. Gray and sharing some documents. *Smith responded that he was in essence simply a messenger returning some papers to Mr. Gray who had allowed the Town to copy them.*

There was no further public input.

13A. DISCUSSION, CONSIDERATION, AND POSSIBLE AUTHORIZATION FOR THE MAYOR TO RELAY CONCERNS REGARDING HB 2772, WHICH WOULD AUTHORIZE AN INTER-BASIN WATER TRANSFER BY THE CITY OF WILLIAMS, THUS PERMITTING THE CITY OF WILLIAMS TO PUMP GROUNDWATER OUT OF THE VERDE WATERSHED.

There was no action taken; it was agreed to revisit this item next week.

Mayor Gioia reviewed at length the details of the subject inter-basin water transfer request that he believes would set a precedent for other inter-basin transfers, responding to requests from the members for further information in order for them to consider supporting his request for authorization to relay his concerns.

There was no public input.

Note: Vice Mayor Hauser left the meeting at 11:15 p.m.

14. Call to the Public for Items not on the Agenda.

There was no public input.

15. Advanced Approvals of Town Expenditures

a) There are no advanced approvals.

There were no advanced approvals.

16. Manager/Staff Report

Buckel gave an update on the request from Council for the procedural change on the agenda packets; also, time will be extended on scheduling hearings in order to provide staff additional time to process the reports.

17. Adjournment

On a motion by Garrison, seconded by Kovacovich, the meeting was adjourned at 11:38 p.m.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Type: Regular

Meeting Date: 3-19-08

Consent:

Executive Session/Confidential:

Type(s) of Presentation: Visual

AGENDA TITLE: (Be Exact): Discussion, consideration and possible direction to staff concerning negotiations on a Development Agreement submitted by Verde Valley Properties, owner of approximately 56 acres of Commercially zoned property located along State Route 260 between Finnie Flat Road and Homestead Parkway intersections. (*Council may vote to go into executive session pursuant to ARS§38-431.03(A)(4) for discussion or consultation with designated representatives in order to consider Council's position and instruct its representatives regarding negotiations on the development agreement and ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice.*)

PURPOSE AND BACKGROUND INFORMATION: The owner of this commercially zoned property has brought to staff a draft of a development agreement they would like to pursue with the Town. Before staff begins negotiations on this document, staff is requesting Council to give direction on the negotiation parameters for the Development Agreement.

STAFF RECOMMENDATION(S): None

LIST ALL ATTACHMENTS: ARS 9-500.11, Town's Development Incentives Policy adopted 2-7-04 and staff report

Type of Document Needing Approval (Check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Acceptance/Approval | <input type="checkbox"/> Agreement/Contract | <input type="checkbox"/> Emergency Clause |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Grant Submission | <input type="checkbox"/> Intergovernmental Agreement |
| <input type="checkbox"/> Liquor/Bingo Application | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Resolution | <input type="checkbox"/> Special Consideration |
| <input type="checkbox"/> Special/Temp Use Permit | <input checked="" type="checkbox"/> Other: | <input type="checkbox"/> Presentation/Report Only |

Submitting Department: Town Manager

Contact Person: Mike Scannell

9-500.11. Expenditures for economic development; requirements; definitions

(L05, Ch. 200, sec. 1)

- A. In addition to any other powers granted to a city or town, the governing body of a city or town may appropriate and spend public monies for and in connection with economic development activities.
- B. To fund economic development activities under this section, a city or town subject to the requirements of section 9-500.06 shall not impose a new fee or tax on a single specific industry or type of business.
- C. Notwithstanding section 19-142, subsection B, a decision by the governing body involving an expenditure pursuant to this section shall not be enacted as an emergency measure and that decision is not effective for at least thirty days after final approval of the expenditure.
- D. Before entering into a retail development tax incentive agreement, a city or town shall make a finding by a simple majority vote of the governing body without the use of consent calendar that includes both of the following:
1. That the proposed tax incentive is anticipated to raise more revenue than the amount of the incentive within the duration of the agreement.
 2. That in the absence of a tax incentive, the retail business facility or similar retail business facility would not locate in the city or town in the same time, place or manner.
- E. A city or town located in or within twenty-five miles of the exterior boundary of a metropolitan statistical area having a population of more than two million persons shall make a finding pursuant to subsection D of this section, by a two-thirds vote of the governing body.
- F. A city or town shall not enter into a retail tax incentive agreement if the proposed tax incentive raises less revenue than the amount of the incentive.
- G. A city or town shall present a status report of the revenues and expenses associated with the tax incentive every two years for the duration of the agreement in a public meeting.
- H. The finding made pursuant to subsection D, paragraph 1 of this section shall be verified by an independent third party before the city or town enters into the retail development incentive agreement.
- I. The adoption of the retail development tax incentive agreement shall be approved by a simple majority vote of the governing body without the use of consent calendar. For a city or town located in or within twenty-five miles of the exterior boundary of a metropolitan statistical area having a population of more than two million persons, the adoption of a retail development tax incentive agreement shall be approved by an affirmative vote of at least two-thirds of the governing body without the use of consent calendar.
- J. A person or business entity receiving the retail development tax incentive agreement shall not finance the independent third party verification of the findings or have input into the selection of the independent third party verifying the findings.
- K. A city or town shall adopt a notice of intent to enter into a retail development tax incentive agreement at least fourteen days before approving a retail development tax incentive agreement.
- L. Subsection D of this section does not apply to tax incentives given to a business entity in an area that is designated by a city or town as a redevelopment project as defined in section 36-1471.
- M. For the purposes of this section:
1. "Economic development activities" means any project, assistance, undertaking, program or study, whether within or outside the boundaries of the city or town, including acquisition, improvement, redevelopment, leasing or conveyance of improved or unimproved real or personal property or other activity, that the governing body of the city or town has found and determined will assist in the creation or retention of jobs or will otherwise improve or enhance the economic welfare of the inhabitants of the city or town.
 2. "Expenditure" includes any waiver, exemption, deduction, credit, rebate, discount, deferral or other

abatement or reduction of the normal municipal tax liability that otherwise applies to similar existing business entities and properties in that city or town, however denominated, computed or applied, and that is generally understood as an inducement to locate a business facility or other operation in the city or town.

3. "Metropolitan statistical area" means a geographical area consisting of cities, towns and other populated areas defined for federal statistical and census purposes by the United States office of management and budget with technical assistance from the United States bureau of the census.

4. "Retail" means the sale of tangible personal property, except the sale of tangible personal property to a person who is engaged in the business of selling such property.

5. "Retail development activities" means those economic development activities that involve the acquisition, improvement, leasing or conveyance of improved or unimproved real or personal property or other activity to facilitate the sale of goods at retail, including the sale of automobiles, or to facilitate other activities, including theater and restaurant development, that generate revenues that are subject to municipal transaction privilege taxation.

6. "Retail development tax incentive agreement" means an agreement between a city or town and a person engaged in or planning to engage in retail development activities within that city or town in which the city or town agrees to pay, refund, credit, rebate or otherwise provide to that person all or a portion of the sales, use or transaction privilege taxes payable to that city or town in connection with the construction, development or operation of the retail development activities.

9-500.11. Expenditures for economic development; definitions

(L05, Ch. 105, sec. 2)

A. In addition to any other powers granted to a city or town, the governing body of a city or town may appropriate and spend public monies for and in connection with economic development activities.

B. To fund economic development activities under this section, a city or town subject to the requirements of section 9-500.06 shall not impose a new fee or tax on a single specific industry or type of business.

C. Notwithstanding section 19-142, subsection B, a decision by the governing body involving an expenditure pursuant to this section may not be enacted as an emergency measure and that decision is not effective until at least thirty days after final approval of the expenditure.

D. For the purposes of this section:

1. "Economic development activities" means any project, assistance, undertaking, program or study, whether within or outside the boundaries of the city or town, including acquisition, improvement, lease, conveyance of real or personal property or other activity, that the governing body of the city or town has found and determined will assist in the creation or retention of jobs or will otherwise improve or enhance the economic welfare of the inhabitants of the city or town.

2. "Expenditure" includes any waiver, exemption, deduction, credit, rebate, discount, deferral or other abatement or reduction of the normal municipal tax liability that otherwise applies to similar existing business entities and properties in that city or town, however denominated, computed or applied, and is generally understood as an inducement to locate a business facility or other operation in the city or town.

Town of Camp Verde Development Incentives Policy

In general, the Town Council's Incentive Policy is based on two overriding criteria; 1) that a company or development must first prove to the Town Council that development incentives requested are needed and 2) that the economic or social benefits that the company or development brings to the community out-weigh the costs to the community of the requested development incentives.

CURRENT DEVELOPMENT POLICY:

- A. Consider town wide incentive requests on a case-by-case basis. In addition, a company needs to meet at least three out of five of the Town's Incentive Criterion in order to be considered for financial incentives.
- B. Geography will be considered as one factor, but not the overriding one. The result of this case-by-case analysis is a policy without specific geographic limitations.
- C. Review "fast track" permit process policy:
 - 1. Set criteria
 - 2. Contracting out
 - 3. Cost estimates
- D. The Town's Incentive Policy is based on our General Plan "Growth Area Map," the area designated as an Enterprise Zone, the Historic Downtown District as defined by the Town's Land Use Map of the Town's General Plan, other commercial areas within the Town limits, and other relevant factors affecting growth in the Town of Camp Verde.
- E. On a case-by-case basis, the use of CDBG or other funds may be considered to pay all or a portion of the development and processing fees for qualifying projects.
- F. Agree to appropriate performance requirements or development agreements as a condition to receive incentives. Essentially, a business would need to implement plans as stated, e.g., it would make capital investment and hire the number of employees as they said they would, etc. The agreement will state that if performance requirements are not met, the Town would evaluate its options, such as denying future incentives or seeking reimbursement for past incentives, on a case-by-case basis.

ENTERPRISE ZONE

A. Income Tax Credits

Arizona statutes provide for an income tax credit for net increases in qualified employment positions at a site located in an enterprise zone – *except for those at a business location where more than 10% of the business is retail sales*. These credits may total up to \$3,000 per qualified employment position over three years.

B. Property Tax Reclassification

Arizona state statutes provide that the property tax reclassification is for qualified manufacturing businesses locating or expanding facilities in an enterprise zone.

Effective July 1, 1996, a qualified manufacturer in an enterprise zone is eligible for an assessment ratio of 5 percent on personal and real property in the zone for five years.

Both enterprise zone benefits are available to qualified businesses through June 30, 2006.

* Note: These are summaries of Arizona state statutes regarding Enterprise Zones. Please see ARS §9-471.H-3 for further detail.

CRITERIA FOR FINANCIAL INCENTIVES:

Greater consideration for the Town of Camp Verde financial incentives might be given to firms that meet three or more of the five criteria listed below. For example, a firm that meets four criteria would have a higher probability of receiving financial incentives than a firm that meets three of the following criteria. Firms that may receive incentives:

1. Jobs and Sales Tax – Businesses that create the equivalent of 10 full time employee (FTE) jobs or \$500,000 in gross revenue.
2. Are within the Town's targeted industries:
 - a. **Manufacturing** – Indoor manufacturing is necessary to provide a diversified economic base to create jobs and wealth in the community. Manufacturing must provide salaries of at least 100% of Yavapai County's current median household income for full-time employees.
 - b. **Tourism Opportunities** – One of the key components to repositioning the Town of Camp Verde as a regional destination is its location to I-17 and Highway 260. To qualify for incentives, a business must

contribute to the Town's overall economic impact and enhance the recreation and destination focus of the Town.

- c. **Retail projects** – Large retail projects are facilities and improvements on a parcel or parcels of land with a primary activity of serving as a regional mall, automotive dealer or dealers, family entertainment centers or other large retail centers. Each large retail project must expend a minimum of two million dollars (\$2,000,000.00) in land and building improvements, as its initial investment at a single location; and generate a minimum of five million dollars (\$5,000,000.00), or such other amount as set forth in the development agreement, in Town taxable retail sales annually.
3. Have infrastructure needs (water, wastewater, etc.) that are consistent with the Town's environmental objectives, concerns and capacity based on a case by case review.
4. Demonstrate a positive economic impact for the Town over a ten-year period after both benefits and costs are calculated. Company financial information must be made available to the Town showing a positive economic impact analysis.
5. Show a significant economic need for Town financial incentives. Similar to "#3" above, confidential project pro-forma statements must be made available to the Town, which would document this need.

INCENTIVE TOOLS:

- 1) **Sales Tax Rebate:** Rebate a portion of the sales tax revenue generated by the development for reimbursement for development of public and quasi-public infrastructure improvements made by the development or for other public benefit.
- 2) **Direct Purchase or Lease of a Portion of the Development Project by the Town:** Town purchase (including pre-purchase) or lease of portions of the development for public use or benefit.
- 3) **Direct Financing of Development Improvements:** Financing of public or quasi-public improvements or improvements which have or meet a public purpose within the development.
- 4) **Town funding for Existing Tenant Relocation, Environmental Clean-up and Demolition Expenses:** Use of Town and/or Federal funding may be allocated to pay relocation, environmental clean-up and demolition expenses related to "packaging" a development site, including tenant relocation, utility relocation, asbestos removal, structure demolition, etc.

- 5) **Direct Payment of Development Expenses for Non-Profit Organizations:** Use of Town or Federal funds to pay the direct development expenses for non-profit organizations developing affordable housing and/or other facilities for special-needs groups. (Note: Housing proposal must meet CDBG guidelines, Town's Housing Strategy or other applicable grant guidelines.)
- 6) **Eminent Domain:** The use of eminent domain for the acquisition (using either private or public funds) of property within redevelopment areas.
- 7) **Waive Development Fees/Permits:** The Town has a number of building, zoning and other development fees that could be waived in the course of reviewing the cost/benefit of each economic development project.

AMENDED AGENDA



**REGULAR SESSION
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street, Room #106
WEDNESDAY, MARCH 19, 2008
at 6:30 P.M.**

1. **Call to Order**

As a reminder, if you are carrying a cell phone, pager, computer, two-way radio, or other sound device, we ask that you turn it off at this time.

2. **Roll Call**

3. **Pledge of Allegiance** – *(Please remove your hat.)*

4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.

a) Approval of the Minutes:

- 1) March 12, 2008 – Joint Work Session with the Library Advisory Commission
- 2) March 12, 2008 – Special Session
- 3) March 12, 2008 – Executive Session (taped)
- 4) March 5, 2008 – Regular Session
- 5) March 5, 2008 – Executive Session
- 6) February 27, 2008 – Council Hears Planning & Zoning

b) Set Next Meeting, Date and Time:

- 1) Council Hears Planning & Zoning – March 26, 2008 at 6:30 p.m.
- 2) Regular Session – April 2, 2008 at 6:30 p.m.
- 3) Quarterly Work Session with the Commissions to include a Joint Work Session with the Housing Commission – April 9, 2008 at 6:30 p.m.
- 4) Regular Session – April 16, 2008 at 6:30 p.m.
- 5) Council Hears P&Z – April 23 at 6:30 p.m.

c) Possible award of contract for CDBG Project #108-07, Senior Center Improvements to RC Homes and Development for \$57,805.00 to include the alternates, excluding Change Orders, and authorization for the Mayor to sign the Contract documents. This is a budgeted item. (Staff Resource: Debbie Barber)

d) Possible approval of Resolution 2008-744, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, declaring the Mayor, Vice Mayor, Finance Director, and Town Clerk as the authorized bank account signers for all bank accounts held by the Town of Camp Verde. (Staff Resource: Michael Scannell)

e) Possible approval of Resolution 2008-743, a Resolution of the Mayor and Council of the Town of Camp Verde, Arizona, declaring as a Public Record that certain document filed with the Town Clerk and entitled "The 2008 Amendments to the Tax Code of the Town of Camp Verde". (Staff Resource: Michael Scannell)

f) Possible approval of Ordinance 2008-A353, an Ordinance of the Mayor and Council of the Town of Camp Verde, Arizona, relating to the Privilege License Tax; adopting "The 2008 Amendments to the Tax Code of the Town of Camp Verde" by reference; establishing an effective date; providing for severability and providing penalties for violations. (Staff Resource: Michael Scannell)

g) Possible approval of the FY 2008-09 proposed budget calendar. (Staff Resource: Michael Scannell)

- h) **Possible authorization for the Trails & Pathways Commission representatives to continue to represent the Town at the Verde Valley Regional Trails Plan meetings and to report on these meetings during the regularly scheduled Trails & Pathways Commission meetings.** (Staff Resource: Lynda Moore)
 - i) **Possible approval Proclamation declaring April as "Substance Abuse Awareness Month" in Camp Verde.** (Staff Resource: Vice Mayor Hauser)
5. **Call to the Public for Items not on the Agenda.**
6. **Council Informational Reports** Individual members of the Council may provide brief summaries of current events and activities. These summaries are strictly for informing the public of such events and activities. The Council will have no discussion, consideration, or take action on any such item, except that an individual Council member may request that the item be placed on a future agenda.
- **Councilor Garrison's Liaison Report regarding Camp Verde Sanitary District (District) meetings and possible discussion and/or determination of requests for placement on the District's standard agenda item for Council Updates/Reports.**
Note: Requests may be identified, but no discussion of the item will occur at this time.
7. **Discussion, consideration, and possible approval of an appeal to the Mayor and Town Council concerning the Town's Building Department charging impact fees in the amount of \$4,756.00 for Building Permit #2007389 for the installation of new electrical pedestals for spaces 72 and 73 within Buffalo Run Mobile Home Park as submitted by Michael Thieme Attorney, agent for Gary and Beverlee Jones, owners.**
(Staff Resource: Nancy Buckel)
8. **Discussion with the Camp Verde Youth Commission and possible authorization to staff to designate the metal building located next to the new Marshal's Office as the future site for the Camp Verde Teen Center.** (Staff Resource: Lynda Moore)
9. ~~**Presentation of the February 2008 Financial Report by Lisa Elliott.**~~ (Staff Resource: Lisa Elliott)-**THIS ITEM WILL BE HEARD ON APRIL 2, 2008.**
10. **Discussion, consideration, and possible direction to staff as it relates to the construction of an AB gravel road off of Moser, parallel to Montezuma Castle Highway as the entrance to Black Bridge Park and the use of portable toilets with privacy walls as the restroom facility if permitted by Yavapai County.** (Staff Resource: Lynda Moore)
11. **Discussion, consideration, and possible appointment of Rodger E. Overholser to the Magistrate position, direction to staff to negotiate a 2-year contract.** (Staff Resource: Mayor Gioia)
- Councilor Garrison requested item #12 & 13:
12. **Discussion, consideration, and possible direction to staff relative to permitting alcohol sales and/or consumption on Town-owned property and at Town-sponsored events.**
13. **Discussion and possible reconsideration of the February 27, 2008 Council direction to staff to "research past Minutes to determine what previous Councils have done and said on the issue; implement a rapid process to identify the scope of legal and illegal non-conforming uses; allow for a response from Zellner's attorney, and then come back to Council with a recommendation". This direction was related to Canyon Wood Supply (formerly Zellner's Woodyard).**

The following items will be heard in a Special Session at 5:30 p.m.

14. ~~Discussion, consideration and possible direction to staff concerning negotiations on a proposed Development Agreement submitted by Verde Valley Properties, owner of approximately 56 acres of Commercially zoned property located along SR 260 between the intersection of Finnie Flat Road and Homestead Parkway. Note: Council may vote to go into executive session pursuant to ARS §38-431.02(A)(4) for discussion or consultation with designated representatives in order to consider Council's position and instruct its representatives regarding negotiations on the development agreement and ARS §38-431.02(A)(3) for discussion or consultation with the attorney for legal advice. (Staff Resource: Michael Scannell)~~
15. ~~Discussion, consideration, and possible direction to staff and/or discussion or consultation with the Town Attorney for legal advice concerning the Intergovernmental Agreement between the Town and the Camp Verde Sanitary District. Note: Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §38-431.03(A)(4) for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of negotiation. (Staff Resource: Michael Scannell)~~
16. **Call to the Public for Items not on the Agenda.**

There will be no Public Input on the following items:

15. **Advanced Approvals of Town Expenditures**
 - a. **There are no advanced approvals.**
16. **Manager/Staff Report**
17. **Adjournment**

Posted by: *D. Jones*

Date/Time: 3-18-08 8:15 a.m.

Note: Pursuant to A.R.S. §38-431.03.A.2 and A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.