

AGENDA



**REGULAR SESSION
MAYOR and COMMON COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street, Room #106
WEDNESDAY, JANUARY 5, 2005
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 to minimize disruption of tonight's meeting.

2. **Roll Call**

3. **Pledge of Allegiance**

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) Special Session – December 21, 2004
- 2) Regular/Council Hears P&Z – December 15, 2004

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

- 1) Regular Session – January 19, 2005 at 6:30 p.m.
- 2) Council Hears Planning & Zoning – January 26, 2005 at 6:30 p.m.
- 3) Regular Session – February 2, 2005 at 6:30 p.m.
- 4) Regular Session – February 16, 2005 at 6:30 p.m.
- 5) Council Hears Planning & Zoning – February 23, 2005 at 6:30 p.m.

Public Participation:

Public Input is encouraged on matters that are not administrative in nature. If you wish to address the Council during this meeting, you **MUST** complete a **Speaker Request Form** in its entirety, and submit it to the Clerk as soon as possible. Your name will be called when it is your turn to speak. Forms are available at the door and on the podium.

Public participation enables the public to address the Council about an item that is NOT listed on the agenda. However, state law prevents the Council from taking any action on items that are not listed on the agenda, except to respond to criticism made by those who have addressed the public body, ask staff to review a matter, or ask that a matter be included on a future agenda.

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

6. **Discussion, consideration, and possible appointment of a Council representative to serve on the Selection Committee for architectural services for the new library.**

7. **Discussion, consideration, and possible approval of Resolution 2005-622, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, authorizing application to the Arizona Criminal Justice Commission 2005 Local Law Enforcement Block Grant.** The cash match of \$383 is an unbudgeted item from the General Fund.

8. **Discussion, consideration, and possible authorization to transfer title of the PANT vehicle to the City of Sedona.**
9. **Discussion, consideration, and possible approval of Resolution 2005-624, a resolution of the Mayor and Common Council of the Town of Camp Verde, Arizona, approving the form and authorizing the execution and delivery of a Loan Repayment Agreement, a Financial Guaranty Agreement (if necessary), and a Continuing Disclosure Undertaking; accepting a loan from the Greater Arizona Development Authority pursuant to such Loan Repayment Agreement in the amount of not to exceed \$2,150,000.00; authorizing the approval of the portions of an Official Statement describing the Town and the distribution and use thereof; delegating to the Town Manager of the Town the authority to designate the final interest rate, maturity date, principal amount, prepayment provisions, and other matters with respect to such Loan Repayment Agreement; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this Resolution and Declaring an Emergency.**
10. **Discussion, consideration, and possible approval of Resolution 2005-623, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, declaring as a public record that certain document filed with the Town Clerk and entitled 'The 2002 Amendments to the Tax Code of the Town of Camp Verde'.**
11. **Discussion, consideration, and possible approval of Ordinance 2005-A296, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, relating to the Privilege License Tax; Adopting 'The 2002 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.**
12. **Discussion, consideration, and possible approval of payment of \$23,636.72 to Lewis and Roca for legal services related to the Wischmeyer termination hearing. This is an unbudgeted item from the Contingency Fund.**
13. **Discussion, consideration, and possible award of bid proposal for the installation of a new heating and cooling system at the Camp Verde Historical Society. The approximately cost of \$7,834.00 is an unbudgeted item from the General Fund.**
14. **Possible approval of Resolution 2004-620, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona approving the application for State Land Improvement Funds.**
15. **Discussion, consideration, and possible direction to staff concerning Section 118 of the Planning & Zoning Ordinance regarding temporary signs.**
16. **Discussion, consideration, and possible ratification of the additional costs related to the Eagle Scout Ramada project and possible approval of additional funding to complete the base. This is an unbudgeted item from Parks Contingency.**
17. **Discussion, consideration, and possible direction to staff concerning the FY2005 CDBG funding cycle.**
18. **Discussion, consideration, and possible direction to staff concerning the purchase of the Rio Verde Plaza located at 497 S. Main Street as the first step in the Town Facilities Master Plan. Note: Council may vote to go into Executive Session pursuant to ARS 38-431.03(A)(7) for discussions or consultations with designated representatives in order to**

Staff Report:

Council Meeting of: January 5, 2005

Title: Library architect selection committee

Description of Item: We are requesting that council appoint a representative to participate in a committee that will help select an architect to help us design our new library. We hope to assemble a group made up of a councilperson, a library commissioner, a member of the library endowment, a member of the library staff and the library director.

Staff Recommendation: Participating in this group would give council another opportunity to participate in this process without using valuable meeting time.

Comments:

Attachments: YES NO

Prepared by: Gerard Laurito
Library Director

STAFF REPORT

Council Meeting of: January 5, 2005

TITLE: Consideration of Resolution 2005-622, authorizing submission of the 2005 Arizona Criminal Justice Commission Local Law Enforcement Block Grant Application.

Description of item;

The Arizona Criminal Justice Commission approved a grant in the amount of \$3,830, which includes a mandatory 10% hard cash match, to be awarded to the Town of Camp Verde upon receiving the grant application and council approval. The grant funds can be used for needed equipment for the Marshal's Office. The Department intends to purchase a laptop computer and power point projector for enhancing in-service training, crime prevention and citizen academy presentations. In addition, we intend to purchase a good quality 35mm camera with the proper accessories for crime scene photography.

Staff Recommendations:

Staff is requesting approval of Resolution 2005-622 to apply for the Arizona Criminal Justice Commission 2005 Local Law Enforcement Block Grant.

Comments:

None

Attachments: Yes No Prepared by: David R. Smith



RESOLUTION 2005-622

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL
OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,
TO APPLY FOR THE ARIZONA CRIMINAL JUSTICE COMMISSION
2005 LOCAL LAW ENFORCEMENT BLOCK GRANT**

WHEREAS, the Town of Camp Verde, a municipal corporation ("Town") has been notified by the Arizona Criminal Justice Commission that it is eligible to apply for a direct grant award in the amount of \$3,830 (three thousand, eight hundred and thirty dollars) for increasing law enforcement resources, as well as other objectives of the grant; and

WHEREAS, the Town has been requested to apply for the funds, match the funds with a cash amount of \$383 (three hundred and eighty-three dollars), and execute a funding agreement for the grant, and to abide by the terms thereof;

NOW THEREFORE the Mayor and Common Council of the Town of Camp Verde resolve to apply for the Local Law Enforcement Block Grant funding and authorize the Town Manager to sign the grant application, execute the agreement, and allocate the matching funds.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona on the 5th day of January 2005.

Mitch Dickinson, Mayor

Date: _____

Attest:

Approved as to form:

Deborah Barber, Town Clerk

Town Attorney

STAFF REPORT

Council Meeting of: January 5, 2005

TITLE: Request to transfer title of P.A.N.T. vehicle to the City of Sedona.

Description of item;

In 2003, P.A.N.T. assigned a vehicle to the Town of Camp Verde for use by our officer assigned to that unit. At this time, the Marshal's Office does not have an officer assigned to P.A.N.T. and they are requesting that we transfer the vehicle to Sedona for their officer to use.

Staff Recommendations:

Staff recommends transferring the title of the PANT vehicle to the City of Sedona

Comments:

None

Attachments: Yes No

Prepared by: David R. Smith

STAFF REPORT

Council meeting of: January 5, 2005

Title: Discussion and possible approval of Resolution #2005-624.

Budgeted item: N/A

Description of Item: This resolution authorizes the Town to enter a loan repayment agreement with GADA in the amount of \$2,150,000.00. Proceeds will be used to remodel the new CVMO property and building.

Staff Recommendation: Approve the resolution.

Comments: The Loan Repayment Agreement, continuing disclosure undertaking and the Preliminary Official Statement will be made available to Council members under separate cover.

Attachments: None

Prepared by: Dane Bullard

RESOLUTION NO. 2004-624

RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN REPAYMENT AGREEMENT, A FINANCIAL GUARANTY AGREEMENT (IF NECESSARY) AND A CONTINUING DISCLOSURE UNDERTAKING; ACCEPTING A LOAN FROM THE GREATER ARIZONA DEVELOPMENT AUTHORITY PURSUANT TO SUCH LOAN REPAYMENT AGREEMENT IN THE AMOUNT OF NOT TO EXCEED \$2,150,000; AUTHORIZING THE APPROVAL OF THE PORTIONS OF AN OFFICIAL STATEMENT DESCRIBING THE TOWN AND THE DISTRIBUTION AND USE THEREOF; DELEGATING TO THE TOWN MANAGER OF THE TOWN THE AUTHORITY TO DESIGNATE THE FINAL INTEREST RATE, MATURITY DATE, PRINCIPAL AMOUNT, PREPAYMENT PROVISIONS AND OTHER MATTERS WITH RESPECT TO SUCH LOAN REPAYMENT AGREEMENT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Town of Camp Verde, Arizona (the "Town"), has determined that it will be beneficial to its citizens to finance or refinance the costs of relocation of the offices of the Town Marshall for the Town (collectively, the "Project"); and

WHEREAS, in order to finance the costs of the Project, the Council of the Town deems it necessary and desirable to borrow not to exceed \$2,150,000 from the Greater Arizona Development Authority (the "Authority"); and

WHEREAS, in connection therewith, the Town and the Authority shall enter into a Loan Repayment Agreement, to be dated as of the date determined as provided herein (the "Loan Agreement"); and

WHEREAS, in order to obtain the funds with which it will fund the Loan Agreement, the Authority will issue and sell its Infrastructure Revenue Bonds, Series 2005A (the "Authority Bonds"); and

WHEREAS, in connection with the issuance of the Authority Bonds, the Town may be required to provide a surety bond or insurance policy for deposit into the "GADA Loan Reserve Fund" established pursuant to the Loan Agreement and in connection therewith may be required to execute and deliver a financial guaranty or similar agreement, to be dated as of the date of the Loan Agreement (the "Financial Guaranty Agreement"), with a bond insurance or surety bond company; and

WHEREAS, with respect to the Authority Bonds, the Town will be either an obligated person or a contingent obligated person for purposes of Securities and Exchange Commission Rule 15(c)2-12 and will be required to execute and deliver a Continuing Disclosure Undertaking, to be dated the date of initial delivery of the Authority Bonds (the "Undertaking"); and

WHEREAS, there have been placed on file with the Clerk of the Town and presented at the meeting at which this Resolution was adopted (1) the proposed form of the Loan Agreement, (2) the proposed form of the Undertaking and (3) the proposed form of the Preliminary Official Statement relating to the Authority Bonds (the "Preliminary Official Statement");

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA, AS FOLLOWS:

Section 1. The financing of the Project pursuant to the Loan Agreement is in furtherance of the purposes of the Town and in the public interest.

Section 2. (A) The loan pursuant to the Loan Agreement (the "Loan") is hereby accepted from the Authority in an amount of not to exceed \$2,150,000. The principal amount of the Loan shall bear interest from the dated date of the Loan Agreement as provided in the Loan Agreement until the Loan is paid. Such principal amount shall be due and payable in installments on July 1 on the dates determined as provided herein. Such interest shall be payable on the interest payment dates (as such term is hereinafter defined) and commencing on the date, in each case, determined as provided herein.

(B) The Town Manager of the Town is hereby authorized and directed to determine on behalf of the Town: (1) the dated date and total principal amount of the Loan (but not to exceed \$2,150,000); (2) the final maturity schedule of the Loan; (3) the interest rate on the Loan and the dates for payment of such interest (the "interest payment dates"); (4) the provisions for prepayment of the Loan and (5) the provision for credit enhancement, if any, for the Loan (as well as in each case the related provisions of the Loan Agreement and the Financial Guaranty Agreement including, if one, the form of the Financial Guaranty Agreement); provided, however, that such determinations must result in a yield as calculated for federal income tax purposes with respect to the Loan of not in excess of seven percent (7.00%).

(C) The form, terms and provisions of the Loan including the provisions for the payment shall be as set forth in the Loan Agreement and are hereby approved.

Section 3. The forms, terms and provisions of the Loan Agreement and the Undertaking, in substantially the forms of such documents (including the exhibits thereto) presented at the meeting at which this Resolution was adopted, as well as, if necessary, the Financial Guaranty Agreement in a form and with provisions acceptable to the

Town Manager of the Town, are hereby, as applicable, ratified and approved, with such insertions, omissions and changes as are not inconsistent herewith and as shall be approved by the Mayor of the Town, the execution of such documents being conclusive evidence of such approval, and the Mayor and Clerk of the Town are hereby authorized and directed, for and on behalf of the Town, to sign and attest and deliver, respectively, the Loan Agreement, the Financial Guaranty Agreement (if necessary) and the Undertaking as well as any other documents necessary in connection therewith to provide for the Loan.

Section 4. The portions of the Preliminary Official Statement describing the Town are hereby "deemed final" for purposes of Securities and Exchange Commission Rule 15(c)2-12, the distribution and use of the Preliminary Official Statement by the Authority is in all respects hereby approved and confirmed, and the Town Manager of the Town is hereby authorized and directed to approve on behalf of the Town the portions of a final official statement for use in connection with the offering and sale of the Authority Bonds (the "Official Statement") describing the Town.

Section 5. As further described in the Loan Agreement and Section 41-1554.06(D)(4) and (6)(a), Arizona Revised Statutes, as amended, the Town hereby pledges to the amounts to come due under the Loan Agreement (and, as necessary, the Financial Guaranty Agreement) pursuant to, and with the limitations described in, the Loan Agreement, among other revenues, its moneys now or hereafter contributed, allocated and paid over to the Town by the State of Arizona pursuant to Sections 42-5029 and 43-206, Arizona Revised Statutes, as amended (the "State Shared Revenues"), and the "Excise Taxes" (as such term is defined in the Loan Agreement). The obligation of the Town to make the payments under the Loan Agreement does not constitute an obligation of the Town or the State of Arizona, or any of its political subdivisions, for which the Town or the State of Arizona, or any of its political subdivisions, is obligated to levy or pledge any form of property taxation nor does the obligation to make payments under the Loan Agreement constitute an indebtedness of the Town or of the State of Arizona, or any of its political subdivisions, within the meaning of the Constitution of the State of Arizona or otherwise.

Section 6. (A) After the proceeds of the Loan are advanced to the Town, this Resolution shall be and remain irrevocable until the Bonds and the interest thereon shall have been fully paid, cancelled and discharged.

(B) If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

(C) All orders and resolutions or parts thereof, inconsistent herewith, are hereby waived to the extent only of such

inconsistency. This waiver shall not be construed as reviving any order or resolution or any part thereof.

(D) The immediate operation of this Resolution is necessary for the financing on the most attractive terms available to the Town of the Project and the preservation of the public health and welfare; an emergency is hereby declared to exist; this Resolution shall be in full force and effect from and after its passage and approval by the Mayor and Council of the Town, as required by law and this Resolution is hereby exempt from the referendum provisions of the constitution and laws of the State of Arizona.

PASSED AND ADOPTED by the Common Council and approved by the Mayor of the Town of Camp Verde, Arizona, this 5th day of January, 2005.

.....
Mayor

ATTEST:

.....
Town Clerk

APPROVED AS TO FORM:

.....
Town Attorney

STAFF REPORT

Council meeting of: January 5, 2005

Title: Possible Approval of Ordinance 2005-A296, Adopting the 2002 Amendments to the Tax Code of the Town of Camp Verde and Resolution 2005-623, Declaring a Public Record, the 2002 Amendments to the Tax Code.

Budgeted item: N/A

Description of Item: Adoption of the tax code amendments are intended to bring the Town's tax code language in line with Legislative changes to the model city tax code.

Staff Recommendation: Approve the amendments

Comments: The updated language appears in capital letters in the attached amendments. Changes primarily affect the construction of health care clinics and tax rate effective dates on construction contracts.

Attachments: Yes

Prepared by: Dane Bullard



RESOLUTION 2005-623

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL
OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,
DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED
WITH THE TOWN CLERK AND ENTITLED "THE 2002 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 2002 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:

Mitch Dickinson, Mayor

Date: _____

Attest:

Approved as to form:

Deborah Barber, Town Clerk

Town Attorney



ORDINANCE 2005-A296

AN ORDINANCE OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, RELATING TO THE PRIVILEGE LICENSE TAX; ADOPTING "THE 2002 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.

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

SECTION 1: That certain document known as "The 2002 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. 2005-623 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: The provisions of this ordinance and the public record adopted herein are effective from and after May 30, 2003.

SECTION 3: Any person found guilty of violating any provision of these amendments to the tax code shall be guilty of a class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

SECTION 4: 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.

PASSED AND ADOPTED by a majority vote of the Common Council at the Regular Session of _____, 2004:

Mitch Dickinson, Mayor

Date: _____

Attest:

Approved as to form:

Deborah Barber, Town Clerk

Town Attorney

2002 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 Town"; and
- (3) the property is delivered to the buyer at a location outside the State; and
- (4) 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"

- (a) 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:
 - (1) the sole provider of primary care in the community.

(2) a nonhospital affiliated clinic that is located in a federally designated medically underserved area in this State.

(b) 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) (Reserved)
- (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.

"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.

"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.

"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 8-260 of the Tax Code of the Town of Camp Verde is amended to read:

Sec. 8-260. Exclusion of fees and taxes from gross income; limitations.

- (a) There shall be excluded from gross income of vendors of motor vehicles those motor vehicle registration fees, license fees and taxes, and lieu taxes imposed pursuant to Title 28, Arizona Revised Statutes in connection with the initial purchase of a motor vehicle, but only to the extent that such taxes or fees or both have been separately itemized and collected from the purchaser of the motor vehicle by the vendor, actually remitted to the proper registering, licensing, and taxing authorities, and the provisions of Article III, regarding recordkeeping, are met. For the purpose of the exclusion provided by this subsection only, the terms vendor and vendee shall also apply to a

lessor and lessee respectively, of a motor vehicle if, in addition to all other requirements of this subsection, the lease agreement specifically requires the lessee to pay such fees or taxes, and such amounts are separately itemized in the documentation provided to the lessee.

- (b) There shall be excluded from gross income of vendors at retail of heavy trucks and trailers, the amount attributable to Federal Excise Taxes imposed by 26 U.S.C. Section 4051, but only to the extent that the provisions of Article III, relating to recordkeeping, have been met.
- (c) There shall be excluded from gross income the following fees, taxes and lieu taxes, but only to the extent that such taxes or fees or both have been separately itemized and collected from the purchaser by the vendor, actually remitted to the proper registering, licensing and taxing authorities, and the provisions of Article III, regarding recordkeeping, are met:
 - (1) emergency telecommunication services excise tax imposed pursuant to A.R.S. Section 42-5252. "Emergency telecommunication services" means telecommunication services or systems that use number 911 or a similarly designated telephone number for emergency calls;
 - (2) the telecommunication devices for the deaf and the severely hearing and speech impaired excise tax imposed pursuant to A.R.S. Section 42-5252;
 - (3) federal excise taxes on communications services as imposed by 26 U.S.C. § 4251;
 - (4) car rental surcharge imposed pursuant to A.R.S. Section 48-4234;
 - (5) federal excise taxes on passenger vehicles as imposed by 26 U.S.C. § 4001(.01);
 - (6) waste tire disposal fees, imposed pursuant to A.R.S. Section 44-1302; ~~lead acid battery fees, imposed pursuant to A.R.S. Section 44-1323; and used oil fees imposed pursuant to A.R.S. Section 49-814(B), (C).~~
- (d) There shall be excluded from gross income of vendors of motor vehicles dealer documentation fees, but only to the extent that such fees have been separately itemized and collected from the purchaser of the motor vehicle by the vendor.

Section 3. Regulation 8-415.3 of the Tax Code of the Town of Camp Verde is added to read:

REG. 8-415.3. CONSTRUCTION CONTRACTING; TAX RATE EFFECTIVE DATE.

- A. IN THE EVENT OF A TAX RATE CHANGE, THE RATE IMPOSED ON GROSS INCOME FROM CONSTRUCTION CONTRACTING SHALL BE COMPUTED BASED UPON THE RATE IN EFFECT WHEN THE CONTRACT WAS EXECUTED, SUBJECT TO THE "ENACTMENT DATE" AS DEFINED IN THIS SECTION. GROSS INCOME FROM A CONTRACT EXECUTED PRIOR TO THE ENACTMENT DATE SHALL NOT BE SUBJECT TO THE TAX RATE CHANGE, PROVIDED THE CONTRACT CONTAINS NO PROVISION THAT ENTITLES THE CONSTRUCTION CONTRACTOR TO RECOVER THE AMOUNT OF THE TAX.

- B. IN THE EVENT OF A RATE INCREASE, IN ORDER TO QUALIFY FOR THE LOWER RATE, THE CONSTRUCTION CONTRACTOR SHALL, UPON REQUEST, PROVIDE SUFFICIENT DOCUMENTATION, IN A MANNER AND FORM PRESCRIBED BY THE TAX COLLECTOR, TO VERIFY THAT A CONTRACT WAS ENTERED INTO BEFORE THE ENACTMENT DATE.
- C. FOR PURPOSES OF THIS SECTION, "ENACTMENT DATE" SHALL BE:
- (1) IN THE EVENT AN ELECTION IS HELD, THE DATE OF ELECTION.
 - (2) IN THE EVENT NO ELECTION IS HELD, THE DATE OF FINAL ADOPTION BY THE MAYOR AND COUNCIL.
 - (3) NOTWITHSTANDING THE ABOVE, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE TOWN FROM ESTABLISHING A LATER ENACTMENT DATE.

STAFF REPORT

Council meeting of: January 5, 2005

Title:

Discussion of possible approval of payment of \$23,636.72 to Lewis and Roca for legal services related to Wischmeyer termination hearing.

Budgeted item: No

Description of Item:

Legal fees related to the Wischmeyer hearing were not budgeted for. Staff is requesting authorization to pay the invoice from contingency funds.

Staff Recommendation: Approve the expenditure

Comments:

A copy of the billing statement is available for review in the Finance Department.

Attachments: Yes

**Prepared by:
Dane Bullard**



Phoenix Office
40 North Central Avenue
Phoenix, Arizona 85004-4429
Telephone (602) 262-5311
Facsimile (602) 262-5747

Tucson Office
One South Church Avenue
Suite 700
Tucson, Arizona 85701-1611
Telephone (520) 622-2090
Facsimile (520) 622-3088

Las Vegas Office
3993 Howard Hughes Parkway
Suite 600
Las Vegas, Nevada 89109
Telephone (702) 949-8200
Facsimile (702) 949-8398

Albuquerque Office
201 Third Street NW, 19th Floor
Albuquerque, New Mexico 87102
Telephone (505) 764-5400
Facsimile (505) 764-5480

Jane E. Reddin
Direct Dial: (602) 262-5736
Direct Fax: (602) 734-3785
E-Mail: JReddin@LRLaw.com
Admitted in Arizona

Our File Number 42166-00003

December 23, 2004

Mr. Bill Lee
Town of Camp Verde
P.O. Box 710
Campe Verde, Arizona 86322

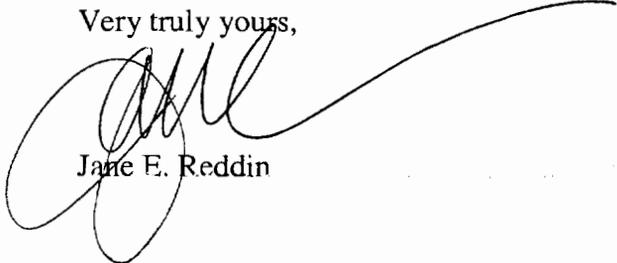
Re: Lewis and Roca Invoice
Town of Camp Verde adv. John Wischmeyer

Dear Bill:

Enclosed is our invoice, No. 722854, in the amount of \$23,636.72, for services rendered in the above matter.

Please do not hesitate to contact me if you have any questions concerning the invoice.

Very truly yours,


Jane E. Reddin

JER/jgr
Enclosure

STAFF REPORT

Council Meeting of: Wednesday, January 5th, 2005

Title: Discussion, consideration and possible award of bid proposal for the Installation of a New Heating & Cooling System at the Camp Verde Historical Society

Budgeted Item: No

Description of Item: We received two bid proposals on this project from Moyer's Heating & Cooling- \$7833.69 and Verde Sol Air- \$9400.00.

Staff Recommendation: Award bid to Moyer's Heating & Cooling.

Comments: We have done business with Moyer's Heating & Cooling in the past and are pleased with their work and they submitted a bid that was considerably lower than Verde Sol Air.

Attachments: Yes

Prepared by: Lynda Moore/cb

CONTRACT DOCUMENTS

for

**Request for Proposal
Installation of a New Heating & Cooling System
Camp Verde Historical Society
Project # 04-003**

December 2004

Town Council

**Mitch Dickinson, Mayor
John Reddell, Vice Mayor
Jackie Baker
Tony Gioia
Bob Kovacovich
Howard Parrish
Chet Teague**

Town Manager

Bill Lee

Parks and Recreation Director

Lynda Moore



**TOWN OF CAMP VERDE
REQUEST FOR PROPOSAL
INSTALLATION OF A NEW HEATING AND COOLING SYSTEM
CAMP VERDE HISTORICAL SOCIETY
PROPOSAL NUMBER P&R 04-003**

The Town of Camp Verde will be accepting sealed proposals at the **Parks and Recreation Office, 395 S. Main Street, Room 314, Camp Verde, Arizona 86322**, until **2:30 p.m. on Tuesday, December 28th, 2004** for installation of a new heating and cooling system at the Camp Verde Historical Society. Bids will be opened at **3:00 p.m. on Tuesday, December 28th, 2004 at the Parks and Recreation Office, 395 S. Main Street, Room 314, Camp Verde, Arizona 86322**.

Questions or additional information may be obtained by contacting the Town of Camp Verde Parks & Recreation office, located at 395 S. Main Street, Camp Verde, Arizona 86322, telephone number (928) 567-0535 extension 133, Maintenance Supervisor.

The contract will be awarded to the lowest responsible bidder whose proposal is responsive to the Request for Proposals and will be most advantageous to the Town. Responsible factors to be considered may include but are not limited to, the bidder's past performance on the contracts. The award may be made to other than the lowest price proposal.

The Town reserves the right to reject any or all proposals received if the Town determines that such rejection is in the best interest of the public.

GENERAL TERMS AND CONDITIONS

PREPARATION:

Proposals shall be submitted in a sealed envelope addressed to the Town of Camp Verde, Parks and Recreation Office, P.O. Box 710, Camp Verde, Arizona 86322 marked "Sealed Proposals Installation of New Heating and Cooling System in the Camp Verde Historical Society and identified by the material or service description, proposal number, and proposal opening date and time. When submitting a no proposal, indicate on the outside of the envelope "No Proposal". The entire proposal package including all instructions is to be returned and properly fastened together.

All proposals must be made on the Town proposal forms and duly signed by an authorized representative of the bidder.

Proposals faxed to the Town of Camp Verde cannot be accepted.

Proposals received after the stipulated proposal opening date and time will not be considered.

The Town is not responsible for any bidder's errors or omissions.

All prices quoted will reflect the total cost to the Town for the installation support FOB Camp Verde and to include all applicable taxes. The Town is exempt from Federal Excise Tax and the Yavapai County Excise Tax, as the Town will take title in Camp Verde, however the Arizona and Local sales tax do apply.

Prices shall be submitted on a per unit basis by line item when applicable. In the event of a disparity between the unit and extended price, the unit price shall prevail.

Sales Tax:

The Town of Camp Verde will not pay any taxes on invoices received unless an Arizona Transaction Privilege License Number or Arizona Use Tax Number and, if applicable, a Town Sales Tax Number are listed below. The Town will figure applicable taxes to proposals received from out of state vendors who do not list an Arizona Use Tax number for tabulation and total cost evaluation.

Arizona Sales Tax Number: _____

Arizona Use Tax Number: _____

Town of: _____

Sales Tax Number: _____

SPECIFICATIONS:

The specifications listed as part of the proposal are intended to reflect the minimum standards required by the Town. All exceptions to the Town's specifications must be clearly stated in the vendor's proposal. If no exceptions are stated by the vendor the Town will assume the vendor's proposal to equal or exceed the specifications at the vendor's risk of correcting or replacing the equipment at the vendor's own cost.

EVALUATION:

All things being equal on proposals received, preference will be given to resident bidders of the Town and to commodities produced or manufactured in the Town and State.

If there is more than one item in a proposal pack, the proposal will be awarded on an item basis unless stated otherwise by the Town in the proposal package. If the vendor is submitting an all or none proposal, please indicate so in the space provided here. Item prices are still to be shown on all or none proposals.

All or none proposal submitted by vendor [] Yes – Initials

When evaluating proposals, the Town may incorporate known cost factors associated with the proposal in determining the lowest responsive proposal.

The Town Council reserves the right to reject any and all proposals, or any part thereof; or to waive any informalities when it is deemed to be in the Town's best interest.

ACCEPTANCE:

All proposals submitted to the Town of Camp Verde are to remain firm for a minimum period of 60 calendar days from the date the proposals are officially opened, unless otherwise specified.

The successful vendor's proposal is not officially accepted until such time as the vendor either receives a purchase order or a written notice of acceptance from the Town Clerk.

DELIVERY:

The time for delivery must be stated in definite terms and may be a factor in making an award.

Risk of loss and/or damage shall be upon the Seller until such time as the Town has physically accepted the goods.

PROPOSAL TABULATION:

The Town **will not disclose proposal results over the telephone**. Proposal tabulations will be available for review at the Town Hall. Those bidders who would like a copy of the proposal results may obtain one by sending a stamped self-addressed envelope with their request.

GOVERNING LAW AND JURISDICTION:

This agreement shall be governed by and construed in accordance with the laws of the state of Arizona.

INTENT:

These specifications require the doing of all things necessary, or proper for, or incidental to the specifications of this proposal be included. All things not expressly mentioned in these specifications, but involved in carrying out their intent are required by these specifications, and the vendor shall perform the same as though they were specifically mentioned, described and delineated.

PRE-BID CONFERENCE:

We will hold a pre-bid conference at 9:00a.m., December 23rd, 2004 at the Parks and Recreation Office located at 395 S. Main Street, Room 314, Camp Verde, Arizona 86322.

GENERAL:

The Town of Camp Verde is soliciting proposals for Installation of a New Heating and Cooling System in the Parks and Recreation Office Remodel.

PROJECT SPECIFICATIONS:

5 ton 12 Seer Heating & Cooling unit:

- 120,000 BTU 80% AFUE
- Natural Gas, High-Low voltage
- Programmable thermostat
- Locking cover

Installation:

- Set new gas furnace in attic.
- Run flexible duct branch runs to registers in ceiling.
- Run all gas line and electrical to units.
- Set new A/C condenser on angle iron stand on roof.
- A/C to be 10 seer

CONDITIONS OF BID:

A condition of this bid and part of the award criteria will be the bidder's ability to have all work completed no later than February 28th, 2005. The anticipated award date for this contract will be January 19th, 2005.

Can your firm meet this required completion schedule? yes no

If no, what would be the earliest delivery date the Town could expect? _____

Would there be any special conditions and/or requirements on the part of the Town of Camp Verde in order to meet the required completion schedule?

**TOWN OF CAMP VERDE
REQUEST FOR PROPOSALS
INSTALLATION OF NEW HEATING AND COOLING SYSTEM
CAMP VERDE HISTORICAL SOCIETY
PROPOSAL NUMBER P & R 04-003
PROPOSAL FORM**

INSTALLATION OF A NEW HEATING AND COOLING SYSTEM

1. Labor	\$ _____
2. Materials	\$ _____
3. Tax	\$ _____
<u>Total</u>	\$ _____

OFFER AND CONTRACT AWARD

Town of Camp Verde
Town Clerk
P.O. Box 710
Camp Verde, Arizona 86322

Invitation for Bid: P & R 04-003
Submit the original of this form to the Town.

OFFER

To the Town of Camp Verde:

The Undersigned hereby offers and agrees to furnish the labor in compliance with all terms, conditions, specifications and amendments in the Solicitation and any written exceptions in the offer. Signature also certifies by signing and submitting this offer that they have the legal authority to enter into a contract with the Town.

For clarification of this offer, contact:

Name: _____

Phone: _____

Fax No.: _____

Company Name

Signature of Person Authorized to Sign Offer

Address

Printed Name

City State Zip

Title

Date

ACCEPTANCE OF OFFER AND CONTRACT AWARD (For Town of Camp Verde Use Only)

Your offer is hereby accepted.

The contractor is now bound to provide services or construction listed by the attached award notice based upon the solicitation, including all terms, conditions, specifications, amendments, etc., and the Contractor's offer as accepted by the Town of Camp Verde.

This contract shall henceforth be referred to as Contract No. P&R 04-003. The Contractor is hereby cautioned not to commence any billable work or provide any material, service or construction under this contract until Contractor receives an executed purchase order.

Awarded this _____ day of _____ 2004.

Lynda Moore, Parks & Recreation Director

VENDOR CHECK LIST
PRIOR TO SUBMITTING YOUR PROPOSAL YOU SHOULD VERIFY THAT THE
FOLLOWING ITEMS HAVE BEEN COMPLETETED.

1. Verified your extensions and proposal amounts? _____
2. Completed and properly signed Town proposal form? _____
3. Clearly noted all exceptions to Town specifications? _____
1. Enclosed full descriptive information requested and answered and enclosed questionnaire? _____
5. Completed the sales tax information? _____
6. Returned entire proposal package? (All pages as received) _____
7. Addressed proposal envelope per instructions? _____
8. Included insurance verification (when required)? _____
9. Completed and sign the Offer and Contact Award? _____
10. Include bid bond (when required)? _____

STAFF REPORT

Council Meeting of: January 5, 2005

Title: Discussion, consideration and possible approval of Resolution 2004-620 a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, approving the application for State Land Improvement Funds.

Description of Item: The Town of Camp Verde has submitted an application in a timely manner to Arizona State Parks for the FY 2005 State Lake Improvement Grant cycle to receive funding to purchase property at the east side of the Black Bridge and south side of the Verde River.

Comments: Arizona State Parks offered the option to submit the resolution subsequent to the application. State Parks did indicate in the application notes that in no case will a signed resolution be accepted by Arizona State Parks later than January 18, 2005.

Staff Recommendation: Recommend Approval.

Attachments: Yes No

Is This a Budgeted Item: X N/A YES NO

Prepared by: Carol Brown for Bill Lee



Resolution 2004-620

RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA APPROVING THE APPLICATION FOR STATE LAND IMPROVEMENT FUNDS.

WHEREAS, the Legislature under A.R.S. § 5-382 has authorized the establishment of the State Lake Improvement Fund program, providing funds to the State of Arizona, and its political subdivisions for acquiring lands and developing facilities for public boating purposes; and

WHEREAS, Arizona State Parks Board (BOARD) is responsible for the administration of the program within the State, setting up necessary rules and procedures governing application by state and local agencies under the program; and

WHEREAS, said adopted procedures established by the BOARD require the applicant to certify by resolution the approval of applications, signature authorization, the availability of local matching funds (if applicable), and authorization to sign a Participant Agreement with the BOARD prior to submission of said applications to the BOARD; and

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN OF CAMP VERDE hereby:

1. Approves the filing of an application for FY 2005 State Lake Improvement Fund assistance, and
2. Certifies that the application is consistent and compatible with all adopted plans and programs of the Town of Camp Verde for boating facility and safety developments; and
3. Agrees to comply with all appropriate procedures, guidelines, and requirements established by the BOARD as a part of the application process; and
4. Certifies that the Town of Camp Verde will comply with all appropriate state and federal regulations, policies, guidelines, and requirements as they relate to the application; and
5. If applicable, certifies that the Town of Camp Verde has matching funds in the amount of \$360,651 from the park contingency fund including in-kind labor and donations for the acquisition of 10.6 acres of land and the development of property to include: a parking lot; restrooms; roadway; boat ramp; and funding for appraisal fees.

6. Appoints the Town Manager Bill Lee as agent of the Town of Camp Verde to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, amendments, billing statements, and other documents on which may be necessary for the completion of the aforementioned project.

PASSED, ADOPTED AND APPROVED BY THE TOWN OF CAMP VERDE this 15th day of December 2004.

Mitch Dickinson, Mayor

Date

ATTEST:

Deborah Barber, Town Clerk

APPROVED AS TO FORM:

Town Attorney

I, _____ the undersigned, being the duly appointed and qualified _____
_____ of the Town of Camp Verde, certify that the foregoing Resolution No. 2004-620 is a true,
correct and accurate copy of Resolution No. 2004-620, passed and adopted at a regular meeting
of the Town of Camp Verde, held on _____, _____, at which a quorum was
present and voted in favor of said _____, _____, _____ Resolution.

Month Day Year

Given under my hand and seal this _____
(Day, Month, & Year)

(Signed)

STAFF REPORT

Council meeting of: January 5, 2005

Title: Discussion, consideration, and possible direction to staff concerning Section 118 of the Planning & Zoning Ordinance regarding temporary signs.

Budgeted item: N/A

Description of Item: It is currently against the law to place political signs along state roadways. Staff is seeking direction on whether Council wishes to continue to allow the posting of political signs in the Town's rights-of-way.

Staff Recommendation: Direct staff to prepare at minimum, an ordinance to eliminate signs along Main Street.

Comments: Main Street is currently part of the state's roadways and therefore, signs are not permitted. However, Main Street will soon be turned over to the Town. Since the rights-of-way along Main Street have been planted with new vegetation, it would be detrimental to the plantings to allow posting of political or other signs. A proliferation of signs during the election cycles would not only cause harm to the plants, but might also have a negative impact on the beauty of our new Main Street. In addition, signs in the Town's rights-of-way could also create a hazard to traffic and pedestrians.

Attachments: Yes

Prepared by: Bill Lee/db

Posting of Candidate Signs:

CAMP VERDE:

Section 118 of the Planning & Zoning Ordinance

- A. The following temporary signs shall be permitted in conformance with the provisions identified.
1. Temporary signs noting an event of general interest such as a fair, election, public notices, show, etc. subject to the following:
 - (a) The sign shall not exceed sixteen (16) square feet in area.
 - (b) The sign shall be removed within (10) days following the event.
 - (c) The sign shall be allowed within the public right-of-way, but not on a street light pole, traffic signal pole, or utility pole.
 - (d) The sign may be placed on private property only with the owner's written permission.
 - (e) Permit fees may be waived for non-commercial sign use.
 - (f) Signs placed within the right-of-way must meet the following criteria:
 - 1) Only signs advertising a local event may be placed within the right-of-way.
 - 2) May only be posted for the maximum of 30 days.
 - 3) Must not create a visual obstruction for vehicles traveling along, entering, or exiting the ROW.
 - 4) Must not exceed 2' X 2' in size.
 - 5) Must be removed within 48 hours after the event ends.

YAVAPAI COUNTY ORDINANCE is: "Political signs on private property, provided however, that such signs shall be erected no more than 90 days prior to, and removed within 15 calendar days following the date of the election to which they refer, and that the total sign area permitted on any lot or parcel shall not exceed thirty-two (32) square feet on residentially zoned property and sixty-four (64) square feet on commercially-zoned property."

ADOT – Statute ARS §28-7054 prohibits placing political signs along state roadways or on state signs. See enclosed letter from the Arizona Dept. of Transportation.

UTILITY companies also DO NOT want signs posted on their utility poles as it poses a danger to their employees when staples, nails, or tacks are left in the pole after the sign as been removed from the pole.

CAUTION: Before placing signs on private property, you must obtain permission from the property owner.

STAFF REPORT

Council meeting of: January 5, 2005

Title: Discussion, consideration, and possible ratification of the additional costs related to the Eagle Scout Ramada project and possible approval of additional funding to complete the base.

Budgeted item: N/A

Description of Item: Local citizens and businesses donated the majority of materials and labor for the project. Since some of the expenses could not be donated to the Town, approximately \$20,000 was taken from Parks Contingency to complete the project.

In addition, Staff would like to enhance the base with river rock to match the columns in front of the Community Center. Staff is requesting additional funds in the amount of \$5,000 to complete the concrete block supports.

Comments: This was an Eagle Scout Project that involved several community members and business owners who donated time, money, and services. This project is believed to be the largest Eagle Scout project in the form of volunteer labor. The Ramada has an estimated value of approximately \$90,000 to \$100,000.

The Ramada has been frequently used for community events such as rallies, picnics, and other special events, making it an invaluable asset to the Town. We hope that the Ramada also enhances tourism visits to Fort Verde as well.

Staff Recommendation: Ratify the expenses related to the project and approve funding for completion of the base.

Attachments: No

Prepared by: Bill Lee/db

STAFF REPORT

Council meeting of: January 5, 2005

Title: Discussion, consideration, and possible direction to staff concerning the FY2005 CDBG funding cycle.

Budgeted item: N/A

Description of Item: In April, Council selected projects for the State Special Projects funding cycle. The projects were remodeling of the Community Center Restrooms, Community Revitalization Strategy, and sewer hook-ups for income-qualified families. NACOG has scheduled a meeting with staff on January 11th to discuss the projects for the 2005 funding cycle.

Comments: The status of Council's direction for the SSP cycle is as follows:

- **Restroom Remodeling Project:** The application was completed for the SSP cycle. However, we did not qualify because the environmental review had to be completed before the application was submitted. There was not time to complete the ERR before the application was due.
- **Community Revitalization Strategy:** The application for the Revitalization Strategy was not prepared based on DOH recommendations and the fact that CDBG does not reimburse for this type of activity that had already begun.
- **Sewer Hookups:** We advertised the availability of funds for the sewer hookups for several weeks, and received no response. CDBG requires applicants to include a verifiable list of eligible candidates. An application was not prepared for this activity because we were unable to show the need.

Staff Recommendation: Direct staff to prepare a resolution and applications for the FY 2005 CDBG funding cycle based on prioritized projects.

Staff recommends that Council direct staff to prepare applications for the remodel of the Town Hall and Community Center restrooms at an estimated cost of \$280,000; to make accessibility improvements to the ramada and the Community Development office entrance; and to use the remainder of the CDBG funds to make street improvements in the Downtown Redevelopment area. Each activity requires a separate application and contract with the Department of Housing.

Once the required public notices are complete, staff will return with the resolutions for Council approval.

Attachments: Yes.

Prepared by: Debbie Barber

Manager Lee reminded the Council that looking for ways and means of building facilities for the Marshal and the Library has been the subject of ongoing research, and described various possibilities that have been considered. Lee has met with Doug Stroh who has been appointed by the Council for the project, and Stroh has made alternate suggestions, one of which was to locate all of the municipal departments on the 7 acres that the Town already owns. Such a consolidation would help create an economic engine for the Main Street merchants and might encourage investment in businesses on Main Street, and the Council was requested to direct staff to contact the architect for a price on a master-planning of the entire suggested facility. The discussion with Lee confirmed that the Council would then be presented with the proposed cost for consideration and approval before deciding to proceed further.

Lee advised the Council that, although the Library Commission has worked long and hard to secure the property in the Cliffs, there was no opposition expressed to taking a look at locating the Library at the proposed consolidated site. Mayor Dickinson said that if such a change in location would be made, the developer of the Cliffs site has advised Lee that he would be agreeable to some monetary equitable arrangement with the Town to receive back the property he had agreed to donate for a Library site.

Public Input:

Tom Nielsen spoke in opposition to the proposed Library site at the Cliffs, which he believes would cost a lot of money for grading, and pointed out three other sites which he felt would be a better choice and would save money. The Mayor assured the speaker that the Council was taking steps to make the best decision possible.

6. Public Hearing, discussion, consideration, and possible prioritization of possible projects to submit for Community Development Block Grant (CDBG) funding from both the State Special Projects (SSP) and Regional Accounts.

On a motion by Reddell, seconded by Parrish, the Council voted unanimously to prioritize the following projects for funding from the State Special Projects (SSP) in the following order, as presented by staff:

- (1) Remodeling of the restrooms at the Community Center;
- (2) Community revitalization strategy;
- (3) Financial assistance for sewer hookups.

On a motion by Dickinson, seconded by Baker, the Council voted unanimously to put into a pool for consideration for CDBG funds as follows: ADA-compliant picnic tables and surfacing for the Community Center Ramada; acquisition of land and buildings and construction for economic development purposes; flood and drainage improvements to include Clear Creek Drive area and Middle Verde; Adult Literacy Program; Senior Center and Youth Center; Jobs and job training; curb, gutter and street improvements throughout the Town; and that any of the three unfunded SSP items be carried forward into that pool for future consideration.

Town Clerk Barber, who administers the Town's CDBG program, explained that this is the second public hearing for projects to be submitted for consideration from the State Special Projects fund (SSP) and the 2005 CDBG cycle. She explained this is a competitive statewide cycle. She explained that staff had prepared three projects for the SSP round. They are remodeling of the Community Center restrooms, a community revitalization strategy, and sewer hookups for the Sanitary District. Barber said that this is also the time to suggest any other projects that might be considered.

Barber also suggested that Council consider establishing the priority of the remaining projects at this time, so that the Town could move forward with the application for the regular cycle in March 2005.

Barber explained how the SSP cycle works in awarding funds to the various communities. She stated that it is her understanding that it is highly unlikely that funding would be received for a second project on a list, and no chance at all for a third. Barber confirmed that the amount of \$410,000 will definitely be available in the March 2005 CDBG cycle, but that amount is unrelated to the discussion of SSP projects. There was a lengthy discussion regarding various projects and problems that the Town would like to address, including the Verde Lakes road closure issues and steps that have been taken to try to identify the project in order to qualify for governmental funding. Barber pointed out that the deadline for applying for the SSP funds would preclude adding that project since there is not enough time to comply with procedural requirements to try to qualify it; not only that, there is a maximum award amount of \$300,000.

During the discussion of several other projects which had been brought up, the members were reminded that the three projects first itemized by Barber were those that were being presented for consideration and prioritization for SSP funds, and it was agreed to assign priority in that order. Barber also explained that the Town might receive a higher ranking by providing in-kind services and matching funds. She stressed that since no applications for sewer hook-up assistance have been received to date, it may not be possible to include that item at all.

It was decided to first address the issue of the SSP funds, and then consider projects for the CDBG funding. At a future work session, the Council can determine which projects to fund with the 2005 CDBG money, which is basically the \$410,000 payback from the County. The discussion continued with suggestions for a pool of projects to be considered for CDBG funding, and the guidelines for qualifying. SSP projects which do not get funded can also be included in that pool. There was emphasis on the need for surveys in order to qualify for funding, and the Verde Lakes project was pointed out as needing the cooperation of the residents in that regard.

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

Robert Johnson commented regarding the 2,000 people in Verde Lakes, which is about one-fifth of the Town, so the bridge on Clear Creek should be a big priority, since as far as he knows nothing is being done out there, and perhaps the Council should think about doing that.

8. Advanced Approvals

There were no advanced approvals.

9. Manager/Staff Report

There was no Manager/Staff report.

10. Council Informational Reports

Parrish expressed thanks again to Laura Carter for her hard work in providing the prices on the arena materials.

Reddell provided an update on Ron Smith who is now out of the hospital recuperating at home from injuries suffered in a horse accident.

Gioia reported on the Water Advisory Committee meeting held in Camp Verde, pointing out that the most important topic discussed was the possible acquisition of the CVCF Ranch by Prescott. Prescott plans to basically set it up as a water farm, pumping water from the Big Chino Aquifer and piping it to the Prescott area, possibly including Prescott Valley and Chino Valley as recipients. Gioia shared his understanding from an earlier meeting regarding the possible adverse