

Minutes
REGULAR SESSION
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street, Room #106
WEDNESDAY, JUNE 3, 2009
at 6:30 P.M.

DRAFT

1. **Call to Order**

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

2. **Roll Call**

Mayor Gioia, Vice Mayor Hauser, Councilors Garrison, Smith, German, Roulette and Kovacovich were present.

Also Present: Town Manager Mike Scannell, Attorney William Sims, Mayor-Elect Bob Burnside and Councilors-Elect Robin Whatley and Jackie Baker, Marshal Dave Smith, Town Magistrate Rodger Overholser, Town Clerk Debbie Barber, and Recording Virginia Jones

3. **Pledge of Allegiance**

Mayor Gioia led the pledge.

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) Regular Session – May 20, 2009

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

1) June 10, 2009 at 5:00 p.m. – Special Session

2) June 17, 2009 at 6:00 p.m. – Special Session

3) June 17, 2009 at 6:30 p.m. – Regular Session

3) June 24, 2009 at 6:30 p.m. – Council Hears Planning & Zoning

c) **Possible approval of Ordinance 2009-A365, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending section 12-3-6 of the Town Code.** This amendment corrects inconsistencies and conflicts with State Statutes as they relate to Handicapped Parking. (Staff Resource: David R. Smith)

d) **Possible authorization to pay the \$5,000 deductible to Southwest Risk to settle the Marcum/Marbach et al. v. Town of Camp Verde litigation.** This is an unbudgeted item. (Staff Resource: Michael Scannell)

e) **Possible authorization to pay the \$5,000 deductible to Southwest Risk to settle Funkhouser v. Town of Camp Verde litigation.** This is an unbudgeted item. (Staff Resource: Michael Scannell)

f) **Possible renewal of a 2-year agreement with Thomas K. Kelly, P.C. Attorneys at Law for prosecution services in the amount of \$71,000 per annum.** This is a budgeted item in the General Fund. (Staff Resource: Michael Scannell)

On a motion by Hauser, seconded by Smith, the Consent Agenda was unanimously approved, as presented, with the exception of 4.c, and with corrections to the May 20, 2009 minutes indicating that Councilor Roulette had recused himself from the discussion of item #7, rather than item # 8. Councilor Garrison pulled item 4.c.

Councilor Kovacovich inquired about approval of the May 27, 2009 minutes, since he was not present at that meeting. Attorney Sims explained that as long as the outgoing Council members concur the minutes are correct they can be approved by the newly seated Council

4c. Possible approval of Ordinance 2009-A365, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending section 12-3-6 of the Town Code.

On a motion by Smith, seconded by Hauser, Council voted unanimously to approve Ordinance 2009-A365, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending section 12-3-6 of the Town Code.

Councilor Garrison stated she pulled this Ordinance because she had several phone calls from citizens stating that they preferred Ordinances **not** be included in the Consent Agenda. When questioned, Marshal Smith indicated the Ordinance before them would now recognize motor vehicles displaying a removable windshield placard.

5. Council Informational Reports

Councilor Smith read a portion of Theodore Roosevelt's speech, 'Man in the Arena' "It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, and comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows the great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat."

Councilor Kovacovich said that 6 years ago he came to Council as the 'new kid' on the block and that he is now considered the 'old man'. Kovacovich explained that he believes the new Council would benefit from a retreat and asked staff to look into the cost of a facilitator and bring it back to the 10th agenda.

Vice Mayor Hauser said it had been a pleasure serving the community, and that she is proud to be a part of such a loving community. She said that type of love and caring for one another was shown when the community came together to give love and support to a family in need.

Mayor Gioia advised that he had attended the Official opening of the Youth Center, along with Vice Mayor Brenda Hauser, and received a certificate of appreciation to the Town Council from the Youth Center. Gioia advised that he attended a meeting with the Broadband Coalition, met with the Verde Valley Transportation Group who discussed the proposed North Verde Valley County. Gioia stated he attended the Small Area Transportation Open House on Tuesday evening and has spoken with ADOT and board members regarding Highway 260 and placing it on the 5-year plan. Gioia urged Council never to forget their role is to serve, and he said that he would never forget the privilege Camp Verde has afforded him.

6. Swearing in and seating of the newly elected Council, Mayor Bob Burnside and Council members, Jackie Baker, Bob Kovacovich, and Robin Whatley.

Town Magistrate Rodger Overholser administered the Oaths of Office individually to Mayor Burnside, and as a group to Council members Baker, Kovacovich and Whatley. The new members then assumed their Council seats.

7. Presentation of plaques to outgoing Mayor Tony Gioia, Vice Mayor Brenda Hauser, and Council member Ron Smith.

Mayor Burnside presented a plaque to outgoing Mayor Gioia, with praise for his many years of service to the community. Burnside then presented plaques to outgoing Vice-Mayor Brenda Hauser, and Councilor Ron Smith. Mayor Burnside commended them all for their dedication and service.

Mayor Burnside took his seat, thanked everyone for their support, and advised that he was looking forward to everyone working together.

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

Jim Bullard Jr. said that someone called his office and complained about mosquitoes breeding in the ditch behind his home on Amore Drive. Bullard indicated the ditch collects in one spot, but it is not at his residence. Mayor Burnside requested staff look into the problem.

Tom Neilson wished the new Council luck and stated there is going to be a new movement in Camp Verde.

Mayor Burnside asked Council's approval to re-order the agenda to move item #17 to after item #20, to accommodate the public, indicating there will be no action on item #17.

9. Discussion, consideration, and possible appointment of a Vice Mayor.

On a motion by Baker, seconded by Garrison, the Council voted unanimously to appoint Bob Kovacovich to serve as Vice Mayor for a one-year term ending in May 2010.

10. Discussion, consideration, and possible approval of Resolution 2009-773, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona establishing that the widening and improvements to State Route 260 is the top priority for the Town of Camp Verde and the Verde Valley.

On a motion by German, seconded by Garrison, the Council voted to approve Resolution 2009-733, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona establishing that the widening and improvements to State Route 260 is the top priority for the Town of Camp Verde and the Verde Valley, with 'no' votes from Councilor Baker, Kovacovich, and Roulette.

Council discussed at length the restricted access points along State Route 260 and being limited to only eight intersections. Council noted that the majority of the property located along State Route 260 is not privately owned, but rather, it is state land or forest service and those intersections could occur where there is no development.

Public Input:

Shirley Brinkman asked why they were discussing intersections and access points since they were only approving the Resolution stating State Route 260 is a top priority.

Andy Groseta stated he applauded the towns in the Verde Valley for working together, and agreed with the need of a 4-lane highway. However, he would prefer to see access points at ½-mile intervals. Groseta encouraged the Council to consider the future economic growth along State Route 260 corridor. Groseta stated he has worked with ADOT and they identified 11 locations, nine of which are existing.

Tony Gioia stated the Verde Valley Mayors have been working hard for over two years, and that in the last 6 months they have finally come together. Gioia advised that he and Cottonwood Mayor Joens attended an ADOT Board Meeting in Flagstaff to show a united front. Gioia said that a glossary is very important, as there is a big difference between intersections and access points. The agreement indicates eight intersections, not just access points. Gioia informed the Council that the ADOT Board meeting is in two weeks and the Town needs to be represented showing a united front.

There was no further input.

11. Discussion, consideration, and possible approval of the Special Event Liquor License for the Verde Valley Mounted Sheriff's Posse for the Annual Cornfest scheduled for July 18, 2009.

Note: Councilor Roulette declared a conflict of interest and excused himself from hearing Item 11, and left the Council Chambers.

On a motion by Kovacovich, seconded by Baker, the Council voted to approve the Special Event Liquor License for the Verde Valley Mounted Sheriff's Posse for the Annual Cornfest scheduled for July 18, 2009, with Garrison opposed.

Parks & Recreation Director Lynda Moore advised that Camp Verde Promotions is sponsoring the Cornfest and the Verde Valley Mounted Sheriff's Posse is in charge of the beer garden. Council questioned the procedures that are in place, and the use of wristbands, but questioned why the beer garden was allowed to encompass the entire event site. Council expressed concerns over not limiting alcohol consumption to one area and the liability exposure to the Town. Council agreed that the one-million dollar liability insurance requirements should be increased. Councilor German requested an agenda item for the June 17 meeting to discuss these concerns and to determine if Council wanted to permit any alcohol on Town property.

Note: Councilor Roulette returned to the Council Chambers and resumed his seat of office following the discussion and vote.

12. Discussion, consideration, and possible appointment to the Board of Adjustment and Appeals.

On a motion by Garrison, seconded by Baker, the Council voted unanimously to appoint Jim Bullard, Jr. to the Board of Adjustments and Appeals for a term that will expire in September 2011.

Mr. Bullard gave a brief introduction, indicating that he has served on the Planning & Zoning Commission, in answer to Council questions. Garrison advised that she had phone calls expressing concern with a father and son serving on a Board with authority. Attorney Sims assured Council that would not be considered a conflict or nepotism because neither has a substantial interest.

NOTE: The meeting was recessed at 8:27 p.m. and called back to order at 8:38 p.m.

Councilors Garrison & Baker requested the following item:

13. Discussion, consideration, and possible direction to staff relative to continued funding for the Camp Verde Chamber of Commerce and possible notice to vacate the premises by December 31, 2009 per the Lease Agreement.

On a motion by Garrison, seconded by Baker, Council directed staff to bring back a lease agreement for the Camp Verde Chamber of Commerce extending the lease to December 2010.

Council noted the current lease expires in December 2009 and included in the terms of the lease, is the verbiage, "the Town intends to utilize the building for purposes of occupying the facility with Town activities." Council discussed the need for space for

Town departments, but also agreed a Master Plan for the entire complex and downtown should be considered. Council agreed to the need to work with the Chamber and to work on a long-range plan for Town Hall and Historic Main Street. Councilor Roulette asked staff to prepare a cost analysis for remodeling of the building for staff use and discussion of a master plan at some future retreat or meeting.

Public Input:

Mary Taylor, Chairperson of the Chamber of Commerce stated that the Chamber finances have already been cut by 48%. She reviewed the many projects and programs that they have implemented, including adding computers to reduce the need and wait at the Camp Verde Public Library. Taylor noted they work very closely with the Fort and worked with the Forest Service while they are transitioning into a new building. Taylor advised that she would like to continue to meet and work together.

Tracy Schiminkosky, Director of Operations at the Camp Verde Chamber of Commerce advised that the Chamber has over eight thousand visitors per year, and the Arizona Office of Tourism has very strict guidelines on where the Chamber building can be located.

Dr. Ramona Aldridge stated she is a member of the Chamber and a merchant on Main Street. She said that the merchants on Main Street and the Chamber work very closely with each other. She advised that another business just closed on Main Street and numerous merchants are struggling just to stay open.

Sandy Ashton said that her first contact with the Chamber was years ago when she went in to get a map and it was a very small, dinky area. She was pleased when she returned years later so see how wonderful and spacious it was. She indicated that on a recent trip she discovered that there was nothing worse than arriving in a small town and not being able to find the resources needed.

Murray Lichty confirmed that he is the 'new kid on the block' and that his first contact with the Chamber was on their website. He stated that the Chamber is the first resource and deserves to have a good office with sufficient funding.

There was no other public input.

14. **Discussion, consideration, and possible approval of Resolution 2009-766, a resolution of the Mayor and Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolutions 98-403, 99-426, 99-432, 00-447, 02-538, 03-568, 08-745, and 08-751 and establishing Town Council Rules and Procedures for Council and all Town Boards, Commissions, and Committees.** (Staff Resource: Debbie Barber)

On a motion by German, seconded by Baker, Council agreed to continue items 14 and 15 to the next regular Council meeting.

Attorney Sims advised Council that he has reviewed the document and was very impressed. He plans to send it to other communities to use as a model.

15. **Discussion, consideration, and possible appointment of Council members to serve on various state, local, and regional committees.**

This item was addressed in item 14 and will be continued at the next regular Council meeting.

16. **Discussion, consideration, and possible direction to staff relative to authorizing Town Manager Michael Scannell and Town Attorney Bill Sims to complete those legal documents that will facilitate the refinancing of the Koch Financial Lease Purchase Agreement #2 to include amending the Intergovernmental Agreement between the Town of Camp Verde and the Camp Verde Sanitary District. Town Council may elect to approve such documentation if completed in sufficient time to allow Town Council to review prior to this meeting.**

On a motion by German, seconded by Baker, Council voted unanimously to authorize the Town Manager and Town Attorney to complete those legal documents that will facilitate the refinancing of the Koch Financial Lease Purchase Agreement #2 to include amending the Intergovernmental Agreement between the Town of Camp Verde and the Camp Verde Sanitary District. Town Council may elect to approve such documentation if completed in sufficient time to allow Town Council to review prior to this meeting.

Attorney Sims advised he has been working with the Attorney for the Sanitary District and that by refinancing and replacing the existing agreement, the Town would save approximately twenty-thousand Dollars (\$20,000) per year. Council was given a Debt-Service Savings analysis regarding refinancing the existing lease purchase agreement through WIFA to review.

Public Input:

Greg Freeman, Camp Verde Sanitary District Board Chair, pointed out that the agreement would have to come back to Council at the close of the loan because the interest rate could change before closing.

17. Discussion or consultation with the Town Attorney for the purposes of ~~updating and~~ advising the newly seated Mayor and Council regarding ~~pending~~ THE CALIFORNIA HOTWOOD, INC., AND BUSINESS ENTITIES AND AFFILIATES RELATED TO THE ZELLNER FAMILY litigation.

(Note: this item was heard in Executive Session after item 20)
Council took no action on this item.

18. Call to the Public for Items not on the Agenda.
There were no comments

There will be no Public Input on the following items:

19. Advanced Approvals of Town Expenditures
a) There are no advanced approvals.
There were no advanced approvals

20. Manager/Staff Report
There were no Staff Reports.

Council moved to go into Executive Session per ARS §38-431.03(A)(4). For advise from the Town Attorney regarding item 17.

21. Adjournment
The meeting adjourned at 10:18 p.m.

Mayor Bob Burnside

Virginia Jones, 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 3rd day of June 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2009.

Deborah Barber, Town Clerk