

**MINUTES
COUNCIL HEARS PLANNING & ZONING
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, APRIL 25, 2007
6:30 P.M.**

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

1. **Call to Order**

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

2. **Roll Call**

Mayor Gioia, Vice Mayor Hauser, Councilors Smith, Baker, Kovacovich, Parrish and Parry were present.

Also Present: Town Manager Bill Lee, Town Attorney Bill Sims (*by telephone conference*), Finance Director Dane Bullard, Community Development Director Nancy Buckel, Councilor-elect Greg Elmer, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Parry.

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) There are no minutes for approval.

b) Set Next Meeting, Date and Time:

1) Regular Session – May 2, 2007 at 6:30 p.m.

2) Regular Session – May 16, 2007 at 6:30 p.m.

3) Council Hears Planning & Zoning – May 23, 2007 at 6:30 p.m.

On a motion by Gioia, seconded by Hauser, the Consent Agenda was unanimously approved as presented, with the addition of a Budget Work Session scheduled for April 30, 2007 at 4:00 p.m.

Finance Director Bullard said that a Budget Work Session could be added for Monday, April 30th at 4:00 p.m.; the members agreed with that schedule.

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

Norma Garrison said she felt compelled to make a statement that, contrary to a published assertion that she had dropped out of the race for Council, she is definitely still in the running.

There was no further public input.

6. **Public Hearing and discussion, consideration, and possible approval of Resolution 2007-723, a Resolution of the Common Council of the Town of Camp Verde, Arizona approving the Preliminary Plat 2007-01 for the purpose of developing Circle C Ranch Subdivision on parcels 403-21-007F, 403-21-007K, and 403-21-007L consisting of approximately 12 acres and 6 lots with the minimum lot size being 70,000 sq. ft. The site location is off Arena del Loma at the end of Apache Trail.**

On a motion by Baker, seconded by Gioia, the Council unanimously approved Resolution 2007-723, a Resolution of the Common Council of the Town of Camp Verde, Arizona approving the Preliminary Plat 2007-01 for the purpose of developing Circle C Ranch Subdivision on parcels 403-21-007F, 403-21-007K, and 403-21-007L consisting of approximately 12 acres and 6 lots with the minimum lot size being 70,000 sq. ft.

On a motion by Gioia, seconded by Smith, the Council voted unanimously to amend the original motion to include the exception that there will be no chain link fencing.

STAFF PRESENTATION

Community Development Director first clarified that the location of the proposed development is not off of Arena del Loma; it is at the end of Apache Trail, and was correctly advertised. Buckel reviewed the deed restrictions calling for site-built homes only, the CC&Rs, maintenance of the private road, the plan for well and septic on each lot to be approved by the County Department of Environmental Services, service availability from APS and Cable. The developer is proposing a Letter of Credit from an Arizona banking institution, to be submitted to staff if the developer chooses to complete improvements and infrastructure before recordation of the plat. Water adequacy approval has not yet been received. No responses have been received from adjacent property owners; Buckel also reviewed the project meeting held on February 21st and comments from the two attending agencies. The P&Z Commission has recommended approval.

PUBLIC HEARING OPEN

Applicant's Statement

Jack Gilcrest, agent for the developer, said that Buckel had covered the project well, and had no further comments.

COMMENT FROM OTHER PERSONS

There were no comments from other persons.

APPLICANT'S REBUTTAL

No rebuttal was necessary.

PUBLIC HEARING CLOSED

Council Discussion

Smith commented on a concern expressed to him by neighbors regarding the need for adequate fencing for the project in connection with keeping animals on the property, and suggested chain link. Mr. Gilcrest said that final plans for fencing have not yet been made; the intent is to meet with the neighbors and staff to discuss and fully understand those concerns. The Council briefly discussed the issue of the fencing and animals, the septic and well systems, and how the homes will be built out and sold. The developer was commended for adhering to the existing zoning.

7. **Public Hearing, discussion, consideration, and possible approval of Ordinance 2007-A340, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, adopting the amendments to Article V (Assurances) of the Subdivision Regulations (87-A23), removing the County requirement of the Governing Agency to approve acceptance of the roadway improvements into the Street Maintenance System and adding the requirement for the developer to provide a one-year warranty on roadway improvements.**

There was no action taken.

Staff was directed to do further research on the Cottonwood requirements for acceptance of road improvements, as well as several other communities; how to handle the differences between developer/builder; developer, lot sales and private streets; homeowner associations maintenance and enforcing performance; from the standpoint of where the public funds are the most secure; and report back to Council.

STAFF PRESENTATION

Buckel explained that the proposed Ordinance was drafted in coordination with the Town Attorneys who had advised that some of the Town regulations contained ARS County requirements that were somewhat different from requirements placed on municipalities. Buckel reviewed the proposed language revision regarding the start of the warranty period of time for the developer; the time frame had been suggested by the Town Engineer. In essence, the amendment removes the County language and inserts the warranty provision.

PUBLIC INPUT

There was no public input.

Council Discussion

The Council discussed the issues of road improvements and acceptance into the Town street maintenance system and the warranty provided the developer, together with questions regarding acceptance provisions adopted by other communities, including requiring maintenance by Homeowners Associations. Sims said that a first option suggested concerning maintenance by HOAs was a good one in that the obligation for maintenance would be shifted to the community that has a vested interest; however, consistency would be of concern. If the proposed ordinance is passed, the protection for the Town would be through staff review of improvements both during the preliminary and final plats by Council to ensure compliance. As a second option Sims recommended deleting the County statutes and using staff to determine if the road meets conditions determined by the Town Engineer and Town standards; the Town has the right under the proposed language not to approve a final plat until then. The warranty period would start from that point. The discussion pointed out that the concern of the Council is to protect the public funds. Sims confirmed that he had based his recommendation on talks with several other communities. Sims also commented that two separate issues were being discussed; one, the posting of security, and the other whether or not the Town takes the dedication of the streets and under what conditions. Sims also advised that, if Council did not take action on the agenda item tonight, staff should continue the status quo as in the previous plat and not to use the statute that does not apply, as he recommended as a second option during the discussion.

8. **Discussion, consideration, and possible determination of the direction Council wishes to proceed and/or action that Council wishes to take regarding recent employee complaints.**

On a motion by Gioia, seconded by Parry, the Council voted unanimously to hire Professor Decker of L. L. Becker & Associates as a facilitator, and to have staff schedule the dates of May 4-5 to work with the facilitator, as discussed.

On a motion by Gioia, seconded by Baker, the Council voted unanimously to amend the original motion to approve an amount of not to exceed \$4,000.

Smith said he felt it would be a good idea to consider hiring a facilitator who could come in and work out some differences between the Council and staff that have become an apparent problem. Bill Lee confirmed that he had researched his recent suggestion to use a facilitator who could perhaps help everyone to work together better. Lee reviewed the qualifications of two facilitators, and recommended Professor Decker of L. L. Decker & Associates who has quoted a fee of \$3500 plus travel and lodging costs. Lee described the procedure to be followed in contacting Council and staff members; the dates of May 4 and 5, Friday evening and Saturday morning, were agreed upon for working on the process.

Sims cautioned that the agenda item does not involve a specific complaint, which should properly be addressed through the Town personnel manual process, within the confines of the Town and not publicly; as for the broader question, a third party stepping in might be a good move, relating to an atmosphere and trying to resolve a way to work together. The discussion continued on how a facilitator could help everyone learn to cooperate as a Council and with staff and that it would be very useful at this point. It was suggested that the Councilor-elect and two other individuals who possibly could be on Council following the run-off election be invited to work with the facilitator as well. Lee said that the meeting with Council would be open to the public.

There were comments from the Council following the public input to attempt to address some of the concerns expressed, and possibly some misunderstanding, and a reminder from Sims that the intent of the agenda item was to be more broadly defined, without discussion regarding a specific personnel complaint.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

John Wischmeyer said the facilitation idea was very good, but objected that the wording of the agenda item is very vague, does not tell the public what is being discussed, and dances around an issue that was alluded to as a complaint against an elected official; no Council action should be taken because it is not a valid agenda item.

Tom Nielsen commented on what he referred as the bickering going on for the last two weeks; he urged the Council to work on making the Town a good one, he started the town and is sick and tired of the bickering.

Vera Peters, in response to an earlier comment by Smith, said that the applause was for the words from Parry who said, "Let's work together for the good of the Town." As for the complaint that was made public, Ms. Peters said that in the business world if you do not like the working conditions, you leave and go some place else. (*Smith said he felt that applauding is unprofessional and rude.*)

Nancy Floyd said she disagreed with the last speaker; the employees should not have the Mayor and Council telling them what to do; she commended the Council for getting a facilitator.

Paul Clawson said that everyone probably knows that the issue is about a single item that has come up recently; out of respect to those people who filed the complaint it should have remained a private issue between those people and the Council member the complaint is associated with. He added that in the current political climate, the only thing a facilitator will do is pad his own pockets.

Linda German wants to bring civility back to Town government and to work toward a new library; airing personnel matters in public continues to put the business of Camp Verde government on hold. It also destroys the public trust in the elected officials.

Robert Johnson said the Town is in a better position than it ever has been; he is happy about the way things are going, impact fees, water, sewer; this is not the time to be fighting.

Cheri Wischmeyer asked that as the Council moves forward with any investigations, to consider the confidentiality of the people involved; also, consider the difficult position that the Council is putting the Personnel Director in, since he will be asked to investigate something that may involve his bosses.

There was no further public input.

8a. DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT WITH THE CAMP VERDE SANITARY DISTRICT.

On a motion by Parry, seconded by Baker, the Council unanimously approved the Intergovernmental Agreement with the Camp Verde Sanitary District dated April 25, 2007, received at 5:59 p.m., with the final revisions as reviewed by Town Attorney Sims.

The Council agreed that discussion of the proposed Intergovernmental Agreement would take place in open session, and Attorney Sims then reviewed the final revisions that had been made and were incorporated in the proposed document received just prior to the meeting. Pointing out that the agreement has been negotiated with the Sanitary District, with many of the Town's objectives accomplished. Summaries of the revisions covered by Sims included:

The Town agrees that the election not occur until 2008;

The pledge will be for a term of 25 years instead of 20 years, to include a pledge of State Shared Revenues similar to the GADA loan;

The District is required to give a 90-day notice of intent to abandon which gives the Town the time to negotiate the assignment of contracts to prevent abandonment and gives the Town some degree of protection to be able to step in as a third party beneficiary and perform the District's contracts;

District will provide effluent at no charge to irrigate Town parks; the Town will have no right to sell the effluent, with all rights to sell remaining with the District;

Lease of 15 acres of District property at a rental rate of \$100 per year;

Town employees will be trained to operate the facility and will be loaned to and paid by the District; the Town thereby retains control to make sure District is run efficiently.

Following the review by Sims, the Council further clarified some of the issues of concern, including the Town's financial commitment with input from Finance Director Dane Bullard, and input from Rob Witt on behalf of the Sanitary District. As for the provision that the "Town agrees to develop" the 15 acres to be leased "as reasonably acceptable to the District," Witt explained that the District cannot permit use of the property that would conflict with the operations of the District from an environmental standpoint, which is the reason for that provision. Witt confirmed that the Sanitary District acknowledges, and is in agreement with, the intent of the Town to establish and operate the Town Street Department Yard and the Animal Control facilities on that leased property. Witt also stated that with all the approvals obtained and documents and funding finalized by June 15th, as anticipated, construction must begin on July 15th, 2007 and be completed by July 15th, 2008. Sims also explained the need to authorize Town Manager approval of the drawdowns, based on the time requirement for prompt payment of invoices. John Crane outlined the history of and reasons for the original financing commitments by the Sanitary District, which were all agreed to by the citizens through elections. Sims gave a summary of his review of the final policy changes in the IGA as previously outlined.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

John Crane said that what is happening should have happened a long time ago; the Town really needs it and it has to be done.

Norma Garrison said she is having a problem understanding dealing with money in the millions, and asked if someone would just come up with one figure on how many millions are involved, what is the total of all the indebtedness the Town is taking on. (*Rob Witt estimated an approximate total of \$39 million over the 25 years.*)

There was no further public input.

(Councilor Smith was excused because of illness and left the meeting at 9:30 p.m.)

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

There was no public input.

10. **Advanced Approvals of Town Expenditures**

a) There are no advanced approvals.

There were no advanced approvals of Town expenditures.

11. **Manager/Staff Report**

There was no Manager/Staff report.

12. **Council Informational Reports**

Hauser reported on the MatForce meeting today with over 200 kids attending; Hauser also gave updates on the WAC, Verde Watershed and Verde Greenway meetings. Hauser said that the

Baseball team came in second in the Region; they won their game yesterday and they play on Saturday.

Gioia said he attended part of the Verde Valley Seniors in Action Coalition; some of the subjects covered caregivers for elders and those with memory loss or Alzheimer's, and available resources for help and information for caregivers. The County and NACOG, Agency on Aging, can assist those with concerns for the aged.

13. **Adjournment**

On a motion by Gioia, seconded by Baker, the meeting was adjourned at 9:35 p.m.


Margaret Harper, Recording Secretary

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on the 25th day of April 2007. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 17 day of May, 2007.


Debbie Barber, Town Clerk