

**REGULAR SESSION
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, APRIL 4, 2007
at 6:30 P.M.**

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

1. **Call to Order**

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

2. **Roll Call**

Mayor Gioia, Vice Mayor Hauser, Councilors Smith, Baker, Kovacovich, and Parry were present; Councilor Parrish was present by telephone conference.

Also Present: Town Manager Bill Lee, Town Attorney Bill Sims, Finance Director Dane Bullard, Library Director Gerry Laurito, Grants Administrator Mike Casebier, Parks & Rec Director Lynda Moore, Deputy Town Clerk Virginia Jones, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Baker.

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

a) **Approval of the Minutes:**

1) March 21, 2007 – Regular Session

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

1) Regular Session – April 18, 2007 at 6:30 p.m.

2) Council Hears Planning & Zoning – April 25, 2007 at 6:30 p.m.

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

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

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

c) **Possible approval of Proclamation declaring April 29 through May 5, 2007 as *Municipal Clerk's Week*.**

d) **Possible approval of Proclamation declaring April 15 through April 21, 2007 as *National Library Week 2007*.**

e) **Possible approval of Proclamation declaring the month of April as *Fair Housing Month*.**

f) **Possible authorization for Mike Casebier to donate 50 hours of sick time to Robert Chavez.**

g) **Discussion, consideration, and possible approval of increasing the Street Department Seasonal Help line item from \$3,000 to \$11,000. The transfer in the amount of \$8,000 will come from line item 20-70-76-9510, Chip Seal Maintenance, which has \$21,684.44 remaining. We do not anticipate any further chip seal costs this year.**

Councilor Baker requested to set a meeting date for the Manager's review since a motion was made at the Special Session to set the meeting for the 18th. Gioia said that the motion was made for next week's meeting. Baker noted that there was no meeting next week. Smith said that he was not available next week. Gioia said that "we'll try to do this when everybody is here." After some discussion, the Mayor said, "we will set a date and call the Council available."

On a motion by Baker, seconded by Kovacovich, the Consent Agenda was unanimously approved as presented, with Items 4d), f) and g) pulled for discussion.

4d) Possible approval of Proclamation declaring April 15 through April 21, 2007 as National Library Week 2007.

There was no action taken.

Mayor Gioia drew special attention to the Proclamation by reading it for the record.

4f) Possible authorization for Mike Casebier to donate 50 hours of sick time to Robert Chavez.

On a motion by Gioia, seconded by Baker, the Council unanimously authorized Mike Casebier to donate 50 hours of sick time to Robert Chavez.

Grants Administrator Casebier explained that since he is leaving for other employment and has 50-plus hours of sick time accrued, he proposes to donate 50 hours to Robert Chavez who is in need of the help because of a protracted recovery from illness. Casebier added that Robert is a hard worker and valuable employee who deserves the assistance.

4g) Discussion, consideration, and possible approval of increasing the Street Department Seasonal Help line item from \$3,000 to \$11,000. The transfer in the amount of \$8,000 will come from line item 20-70-76-9510, Chip Seal Maintenance, which has \$21,684.44 remaining.

On a motion by Baker, seconded by Gioia, the Council unanimously approved the transfer in the amount of \$8,000 from line item 20-70-76-9510, Chip Seal maintenance, for the Street Department Seasonal Help.

Town Manager Lee confirmed that bids to be opened on April 17th are in connection with the annual bid process and are for next year's use, with no relevance to the subject line item.

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

(The following comments from individuals are summarized.)

Norma Garrison requested that Room 206 be equipped with a phone jack in order to accommodate overflow public attendance at future meetings and move over from the Council Chambers. *Mayor Gioia said he would hope that staff is perceptive to the request.*

Debbie Barber, referring to the earlier Special Session, in which the Mayor denied telling the Manager that he wanted the Manager's review/action to wait until after the new Council was seated, but that Council Member Parrish wanted it on the agenda now, stated for the record that the Mayor had also made that statement to her in her office on Monday when he instructed her to cancel the Special Session for the Town Manager's review.

Danny Parker voiced his strong objection to the Town Manager's review having already been delayed for seven months, saying he believes it was politically motivated.

Ginger Mason said that according to an article she read recently, many small towns are having problems with replacing Town Manager positions; if Lee leaves, it will be up to the Council to take care of every decision and problem while waiting for a qualified replacement.

Brenda Hauser announced a Blood Drive on Friday, April 13th at Basha's, and a Library Book Sale next weekend; she also said she felt the anger and hate expressed by the public.

There was no further public input.

6. Presentation by Camp Verde Unified School District Superintendent Jeff D. Van Handel on the District's May 15 Override Election.

There was no action taken.

Superintendent Jeff D. Van Handel reviewed the estimated allocation of funding and detailed the specific ways the proposed Override Election will enhance a number of areas in the school district, adding that the District plans to report annually to the community on how the funds are being spent.

The members discussed with Mr. Van Handel the potential problem of some confusion between the District's May 15 override election and the Town's mail-in election for the same date. Mr. Van Handel explained the options available in a polling election, as set by the District, and outlined the preparations for informing the public and accepting the ballots.

There was no public input.

7. **Discussion, consideration, and possible direction to staff to send a letter to the CVUSD Board, County School Superintendent Tim Carter and to Governor Janet Napolitano expressing Council's deep concern over the Camp Verde Unified School District's decision to hold a separate election on May 15 with their polling place to be located at the District offices resulting in the likelihood of voter confusion in both the Town's and the District's elections.**

There was no action taken.

The question of potential voter confusion had been somewhat addressed by Mr. Van Handel's explanation of why the override was set as a polling election; also, it was confirmed with Mr. Van Handel that in the event ballots for the Town election were inadvertently sent to the District, or ballots for the School District were dropped off at Town Hall, the ballots will be delivered to the correct site. It was also agreed that with Mr. Van Handel's explanation and the planned public service announcements, it was not necessary to send the proposed letter.

There was no public input.

8. **Discussion, consideration, and possible appointment of a member to the Housing Commission to fill the vacant seat left by Bill Carter. This term expires in September 2008.**

On a motion by Baker, seconded by Hauser, the Council voted unanimously to appoint Sharon D. Roddan, Esq. to the Housing Commission to fill the vacant seat left by Bill Carter.

Lee said that there was one applicant for the position; staff confirmed that she had been notified that her application would be heard this evening.

There was no public input.

9. **Discussion, consideration, and possible direction to staff to prepare a conceptual plan for the proposed Black Bridge Park. The plan, at minimum, is to include the access road to the park; access point(s) to the Verde River; neighborhood buffers; safety fencing type, location(s), and appearance; and address the approximate locations of the restrooms, trails, and amenities, including trash receptacles, animal waste disposal bags, picnic areas, ball fields, etc.**

On a motion by Gioia, seconded by Hauser, the Council by a 5-2 vote directed staff to draw up a plan for the proposed Black Bridge Park; the plan, at minimum, is to include access road to the park along Montezuma Castle Highway side of the Park; access point(s) to the Verde River; neighborhood buffers; safety fencing type, location(s), and appearance; and address the approximate locations of the restrooms, trails, and amenities, including trash receptacles, animal waste disposal bags, picnic areas, ball fields if appropriate; with Baker and Smith opposed.

The members again discussed the request for a plan or a drawing to follow for the installation of the proposed amenities, as well as information regarding sewer service to the restrooms.

PUBLIC INPUT

(The following comments from individuals are summarized.)

Paul Clawson felt the previous discussions have been a waste of time and the Council has still decided nothing. The central issue is access, and that recommendation has been made by the Town Manager, the Commissions and residents and should be followed.

Gary Blair said he totally agrees with Mr. Clawson, and added his concern about talk of putting the library in that area.

Ginger Mason, speaking as an individual, said she agrees with Mr. Clawson regarding access issues; that is the key point.

There was no further public input.

During Council discussion following the public input, Mayor Gioia said he believes that Council had determined that the roadway be placed on the Montezuma Castle Highway side in accordance with the recommendations from the Manager, department head, Parks & Recreation Commission and the neighborhood; and would request that it be part of the direction to staff. Lee said he anticipates hearing back from ASU in the next couple of weeks on answers to the archaeological issue after which further steps can be taken to develop the Park. There was a suggestion that in the interim the historic Black Bridge Loop Road access be used and the Park opened up to the public. The Council further discussed and debated the issue of coming up with a drawing, or conceptual plan using the Montezuma Castle Highway alignment, prior to determining the archaeological status.

10. **Discussion, consideration, and possible award of bid for the CDBG 137-06 Downtown Park Improvements, Modular Restroom Project.**

On a motion by Parry, seconded by Smith, the Council unanimously awarded the bid for CDBG 137-06 Downtown Park Improvements, Modular Restroom Project, to Restroom Solutions, Inc., Base Bid.

Lee said that the plan is to install the proposed restroom in an area that would help with special events as well as in the event of an emergency. Grants Administrator Casebier supplied copies of a photo of the proposed restroom and reviewed the research he had conducted and the bids received. Based on his research, Casebier recommended that the Base Bid supplied by Restroom Solutions, Inc. be approved. Casebier explained that the inclusion of showers complied with the Town's Emergency Preparedness Plan to be able to provide showers to the public in the event of a disaster.

PUBLIC INPUT

Tom Nielson questioned the expense and necessity of including showers in the proposed restroom.

There was no further public input.

11. **Discussion, consideration, and possible approval of the Intergovernmental Agreement by and between the Yavapai County Library District, the Montezuma Rimrock Fire District, and the Town of Camp Verde to provide library services to the residents of the Beaver Creek area of Yavapai County.**

On a motion by Gioia, seconded by Hauser, the Council unanimously approved the Intergovernmental Agreement by and between the Yavapai County Library District, the

Montezuma Rimrock Fire District, and the Town of Camp Verde to provide library services to the residents of the Beaver Creek area of Yavapai County.

Library Director Laurito explained that the plan is basically for the Library staff to provide training and supervision of an all-volunteer staff consisting of Lake Montezuma/Rimrock/Beaver Creek area residents. Funding will be from the County and the Fire District is providing the location. The residents will be able to pick up and drop off materials from libraries in Yavapai County.

The Commission discussed with Laurito the details of the proposed services, including funding, hours of operation, courier service, maintenance, and number of volunteers. Laurito pointed out that the resulting increase in circulation and patron base should increase the County's share of funding for the Camp Verde Library, which would cover any unanticipated costs to the Town, such as the courier service. Lee also said that some maintenance would be provided by the Town as part of the IGA. Town Attorney Sims confirmed that the IGA provides for working with governmental colleagues to get the project started, and then in April of each year agreeing upon a budget, which protects the issue of County funding. Laurito said that when the Fire District building is no longer available in approximately 18 months, the residents would seek new facilities once the project is up and running; in any event, the IGA can be terminated if necessary.

PUBLIC INPUT

Janet Aniol spoke on behalf of the Beaver Creek Library station and volunteers who are looking forward to the library services that will be provided through the proposed Intergovernmental Agreement.

There was no further public input.

- 12. **Discussion, consideration, and possible award of bid to resurface the pool deck. There is \$28,760 budgeted for this project.**

On a motion by Parry, seconded by Hauser, the Council unanimously awarded the bid to resurface the pool deck in the amount of \$23,303.18.

Lee said that at the start of the 12th season for the pool the deck is in poor repair, and turned the item over to Parks & Rec Director Lynda Moore. Moore said that of the three bids received, she is requesting that the Council make the award to Sunsplash Pools in the amount of \$23,303.18; she also explained the work to be done.

PUBLIC INPUT

Jeremy Bach said he and his wife are working with the Swim Team and hopes the pool deck will be completed by the last of April or 1st of May. *Moore said that she has asked that the work be completed by May 11th.*

There was no further public input.

- 13. ~~**Discussion, consideration, and possible approval of increasing the Street Department Seasonal Help line item from \$3,000 to \$11,000. The transfer in the amount of \$8,000 will come from from line item 20-70-76-9510, Chip Seal Maintenance, which has \$21,684.44 remaining. We do not anticipate any further chip seal costs this year. This item has been moved to the Consent Agenda.**~~

- 14. ~~**Discussion, consideration, and possible award of contract to Carter & Burgess for Project #07-034, Request for Proposal and Statement of Qualifications to provide professional consultant services for the SR 260 Access Management Plan.** There is \$26,000 budgeted in the Transportation Enhancement line item. The remaining balance will be budgeted in the FY 07-08 Budget. *This item has been deleted from the Agenda.*~~

There was some discussion regarding the moving of Item 13 to the Consent Agenda and the deletion of Item 14 from the Agenda as well as the last-minute addition of Item 16, and questioning whether proper procedure had been followed. Attorney Sims explained that he had requested that Item 16 be added based on the Town Code giving the attorney authority to, in effect, ask the Council to call for legal advice concerning an Executive Session. Sims said it was done because of timing requirements regarding the Intergovernmental Agreement and the need to explain some issues in Executive Session. Those issues involve some different approaches by the Sanitary District to the Intergovernmental Agreement already approved.

After further discussion and a reiteration of the required procedure to be followed regarding preparation of the Agenda, the members then addressed the following items.

15. Discussion, consideration, and possible determination and/or direction to staff to prepare an ordinance prohibiting the sale of alcohol at Town-sponsored events.

Staff was directed to research the legalities and adequate indemnity as discussed and bring back a proposed contract, after review by the Parks & Recreation Commission and the Sheriff's Posse.

Councilor Baker said that she had requested this item based on her concern about the Town's liability exposure, plus sending the wrong message to the community and children. The members discussed the current arrangement with a non-profit group handling the sales and security, with input from Moore on her contacts with other communities and the local bars in Camp Verde. Moore said Southwest Risk has said it is common for a town to have alcohol at special events, but suggested that the Town charge a non-profit group a flat vendor fee thereby eliminating the Town as a co-sponsor splitting the profits. During the following discussion, Town Attorney Sims expressed his opinion that a fixed vendor fee was an option better than the Town participating in a joint venture was; however, he said that by the Town providing the venue, it would be most certainly named in a legal proceeding, and the vendor should provide the protection of a higher level of insurance. Moore said that the Sheriff's Posse has said they would agree to go to a \$2 million policy naming the Town as additional insured. It was suggested that only a minimal flat fee be charged, and the number of events be limited to five per year; perhaps the fee might be calculated based on what the Town has realized from the sales of alcohol the past year. It was proposed that Moore work with Southwest Risk, work with the attorney on an agreement that the Council can approve, come up with a proposal per event for a modest vendor fee, take the issue back to Parks & Rec Commission for a recommendation, and bring it back to Council.

PUBLIC INPUT

(The following comments from individuals are summarized.)

Jim Williams, with the Verde Valley Rangers, listed the events they have covered the past year; no suits have been filed against them; they furnished security, and there was money made by them and the Town. They are interested in handling it again this year as well as in the future; they would go along with the \$2 million insurance and a flat vendor fee.

Jim Bullard said this is a rural cowboy community; in most movies, he has seen John Wayne drinks beer.

Tom Nielson reminded the members that the Town had enacted a law in the past against alcohol on Town property.

There was no further public input.

16. DISCUSSION, CONSIDERATION, AND POSSIBLE DIRECTION TO STAFF REGARDING POSSIBLE FUNDING OPTIONS AND AN INTERGOVERNMENTAL AGREEMENT WITH THE CAMP VERDE SANITARY DISTRICT. Note: Council may vote to go into Executive

Session pursuant to ARS §38-431.03 A.3 for discussion or consultation for legal advice with the attorney and ARS §38-431.03 A.4 for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of negotiations.

On a motion by Smith, seconded by Baker, the Council voted unanimously to go into Executive Session.

On a motion by Gioia, seconded by Council voted unanimously to amend past direction to staff and design an Intergovernmental Agreement to be brought back to Council for approval which will include stipulations that the Town would be given protections comparable to that given to Sanitary District lenders so that the Town's money would be the last in for capital uses and the last in for operational uses. The Town agrees to schedule the vote of dissolution of the District and acquisition by the Town in November 2008, with the stipulation that the Town would be given lender protections. Staff is hereby directed to negotiate an IGA to administratively implement the legislative pledge of \$135,000 per year in sales tax revenue that was authorized April 4, 2007.

Sims explained that Mr. Witt would like to brief the Council on a new approach to the financing. It will be necessary to go into Executive Session in order to give the Town's representatives guidance as to what the Town is willing to negotiate with the Sanitary District, and to describe the legal issues concerning a timing problem. The Town will then need to give its representatives direction if it wishes to change the terms of the IGA that have already been approved. Sims said that the terms for the Town-Sanitary District IGA that have already been approved include: (1) both entities agreeing to hold an election in November '07 and then dissolve, if affirmed in the election;(2) the Town would agree to take \$1.5 million of Town funds secured by a bond issue based on sales tax to buy real property in the vicinity of the District-owned property, and (3).the Town would also commit an additional \$800,000 to fund construction services, with some of that amount coming from HURF funds.

Sims said that a number of issues have now arisen where the Sanitary District has come back with a counter proposal. If the Town is willing to entertain those discussions, they will brief the Town on that issue tonight. Sims requested that following that presentation the Council go into executive session so that Town representatives can be instructed as to how the Town would like to negotiate with the Sanitary District, if at all. Witt will first outline the proposed revisions, and why the alternative is being proposed, and the Council can discuss the pros and cons.

Robb Witt gave a Power Point presentation reviewing the Sanitary District's proposed revisions to the currently approved IGA and reasons for coming up with the alternative; following his presentation, Witt offered the wording for a Council motion to approve the proposed revisions. Witt advised the Council that what the Sanitary District is suggesting is a modification to the existing IGA in the form of amendments. Sims said that the suggested motion needs to be modified somewhat to reflect that the Council would undertake the legislative act of authorizing the annual pledge of sales taxes proposed in the amendment versus the administrative act of implementing the legislative decision to pledge sales taxes.

Sims suggested an alternate motion, in essence, to pledge \$135,000 in sales/transaction privilege taxes on an annual basis pursuant to Arizona statute to promote economic development activities, and direct staff to negotiate an IGA to implement this legislative act occurring tonight with the following terms: (1) Taxes authorized to be pledged tonight shall be paid to the Sanitary District in monthly payments of \$11,250 beginning July 2,'07; (2) The funds previously authorized to be expended for excavation and engineering costs will not be expended if District funds are sufficient.

Sims said that the existing IGA provided that the vote for dissolution and acquisition was contemplated for November of 07; the bond attorney believes that cannot occur until November

of '08. Sims also said that the intent of the Council is that the Town funds shall be the last in for capital uses and the last in for operational uses, with the intent of receiving protections comparable to that given to the lenders.

Jim Ledbetter, Counsel for the Sanitary District, said he agreed with the position summarized by Sims.

There was no further public input.

(The Council agreed to address Items 17 through 20 prior to proceeding further on Item 16.)

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

There was no public input.

18. Advanced Approvals of Town Expenditures

a. Possible approval to exceed the Clerk's Office Election Line Item by approximately \$5,000.

On a motion by Baker, seconded by Smith, the Council unanimously approved the requested amount of \$5,000.

Deputy Town Clerk Jones explained that the Clerk's Office had not planned on the Referendum; that cost over \$8,000, causing the office to go over budget.

There was no public input.

19. Manager/Staff Report

Lee said staff is hopeful that the audit for the Water Company will be completed within the next two weeks; also, Lee outlined plans to possibly arrange a Street Fair and Auction sometime in the middle of May to start raising the funds to build the new Library and enlisting the cooperation of the merchants.

20. Council Informational Reports

Hauser reminded everyone that there is only one more home baseball game. Hauser added that her granddaughter has made it to Iraq and for all too please include her in their prayers.

A recess was called at 9:22 p.m. to go into Executive Session; the meeting was called back to order at 9:54 p.m.

21. Adjournment

On a motion by Baker, seconded by Hauser, the meeting was adjourned at 9:56 p.m.

Tony Gioia 4.20.07

Tony Gioia, Mayor

Margaret Harper

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 4th day of April 2007. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 25 day of April, 2007.

Deborah Barber

Debbie Barber, Town Clerk