

**MINUTES
REGULAR SESSION
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, JANUARY 3, 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, and Parrish were present; Councilor Parry was absent.

Also Present: Town Manager Bill Lee, Town Attorney Bill Sims, Finance Director Dane Bullard, Marshal Dave Smith, Parks & Rec Director Lynda Moore, Housing Director Matt Morris, Deputy Town Clerk Virginia Jones, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Vice Mayor Hauser.

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) December 13, 2006 – Special Session
- 2) December 6, 2006 – Executive Session
- 3) December 6, 2006 – Regular Session

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

- 1) Special Council Hears P&Z – January 10, 2007 at 6:30 p.m. - **CANCELLED**
- 2) Regular Session – January 17, 2007 at 6:30 p.m.
- 3) Council Hears P&Z – January 24, 2007 at 6:30 p.m.

c) **Possible approval of Resolution 2007-716, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, approving and adopting the Town of Camp Verde Safety Program Policy.**

d) **Possible acceptance of the Library Advisory Commission's quarterly report.**

e) **Possible acceptance of the Parks & Recreation Commission's quarterly report.**

f) **Possible acceptance of the Housing Commission's quarterly report.**

g) **Possible approval to change the name of the Camp Verde Trails & Pathways Committee to Camp Verde Trails and Pathways Commission.**

On a motion by Baker, seconded by Kovacovich, the Council unanimously approved the Consent Agenda as presented, with the correction so noted and the meeting added for January 11, 2007 at 5:00 p.m.

Mayor Gioia requested a correction to the Minutes of the Special Session on December 13, 2006, Page 4, first paragraph, with the following addition as underlined: ".....expressed his personal thanks to Parry and Parrish for their hard work." As proposed by Gioia, the members also agreed to set a meeting for January 11, 2007 at 5:00 p.m. for Executive Employee Reviews.

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

There was no public input.

6. **Discussion, consideration, and possible appointment to the following Boards/Commissions:**

- a) **Board of Adjustments – one (1) seat for the term that expires September 2007**

- b) **Planning and Zoning Commission – one (1) seat for the term that expires September 2008.**
- c) **Design Review Board – seven (7) seats, with terms expiring in September 2007, 2008, and 2009.**
- d) **Library Advisory Commission – one (1) seat for the term that expires September 2008.**

On a motion by Kovacovich, seconded by Baker, the Council voted unanimously to appoint **John Reddell** to the Board of Adjustments for the term that expires September 2007.

On a motion by Baker, seconded by Gioia, the Council voted unanimously to appoint **Carol German** to the Planning & Zoning Commission for the term that expires September 2008.

On a motion by Baker, seconded by Smith, the Council voted 5-1 to appoint **Jim Binick and Dugan McDonald**, from the architectural/engineering/landscaping fields; **Steve Darby and Paul Holguin**, as builders/contractors; **Shirley Brinkman and Michael Hough**, as laypersons; and **Jim Bullard** as the P&Z Commission liaison for the initial six-month term; with a 'no' vote by Hauser.

On a motion by Hauser, seconded by Smith, the Council voted unanimously to appoint **Karen Parry** to the Library Advisory Commission for the term that expires September 2008.

Town Manager Lee referred to the applications in the agenda packets for the open positions, all of which have been posted and advertised. The Council made appointments to each Commission or Board separately, expressing appreciation for all of the applicants who had volunteered to serve. The members discussed and confirmed the required makeup of the Design Review Board to consist of two professionals, two laypersons, two contractors/realtors, and one P&Z Commissioner to serve on a six-month rotation basis, for a total of seven members. During the discussion, Town Attorney Sims explained the requirement for a business person serving on a board to disclose a conflict of interest and recuse oneself from a matter involving a competitive procurement, adding that it would not preclude someone from serving on a board.

Pursuant to advice from Attorney Sims, it was agreed that the Design Review Board appointees will assign themselves to the staggered term limits and bring the schedule back to the Council for approval and ratification.

Carol German responded to a question by Councilor Smith by sharing her opinion that the General Plan is a good plan, as well as her understanding that it does provide for major and minor amendments based on the importance of considering all the facts.

Michael Hough, one of the applicants for the Design Review Board, commented that although he was originally not in favor of a design review board, he felt that he therefore would bring a good balance to the Board, and agreed that the rules would have to be followed regardless.

There was no further public input.

7. **Discussion, consideration, and possible approval to fund an additional Deputy Marshal position in January 2007.**

On a motion by Gioia, seconded by Parrish, the Council unanimously approved funds for an additional Deputy Marshal position in January 2007 as requested.

Marshal Dave Smith said that a grant-funded position for 3 years would be available through PANT in July 2007. Smith explained that a qualified individual is currently available for employment and by beginning Academy and field training in January, that person could be ready by the end of July; otherwise that person would not be able to perform law enforcement duties until the following March.

The Council discussed with Smith the benefit of having an officer in PANT because of the severe drug problems in the community, as well as the frugal measures taken by Smith during the budget process. With confirmation from Finance Director Bullard that the funds were available, the members agreed that it was important to avoid under-staffing of the Marshal's Office which would ultimately add the additional cost for overtime, and that the requested expense was justified.

There was no public input.

8. **Discussion, consideration, and possible authorization to purchase from State Surplus, a People Mover, a generator, and a bus in an amount not to exceed \$10,250 and to sell these items at auction six (6) months after acquiring them.**

On a motion by Parrish, seconded by Smith, the Council voted 4-2 to amend the motion by Baker, to add \$300 onto the cost, as discussed; with 'no' votes by Gioia and Kovacovich.

On a motion by Baker, seconded by Kovacovich, the Council unanimously approved the purchase of the People Mover, a generator, and a bus in the amount not to exceed \$10,250, from State Surplus, and to sell these items at auction six (6) months after obtaining this equipment.

Town Manager Lee said that staff had visited State Surplus together with Dean Harrison, of Out of Africa, who told Lee that Out of Africa could use the subject items in their business. State Surplus requires that any purchases made by the Town had to be held for a period of six months prior to any auction of the items. Mr. Harrison has agreed to pay the purchase price as an opening bid at the time of auction, which would be open, and understands that he could be outbid at that time. By such an arrangement the Town of Camp Verde would be able to help the Out of Africa operation which would in turn help promote economic development for the Town. State Surplus is aware of the proposed transaction and actually had suggested it, since the same arrangement had been followed previously for acquisition of a People Mover by Out of Africa.

Attorney Sims advised the Council that under the Town's powers in promoting and documenting economic development activities, the purchase actually could be funded directly to Out of Africa. However, in this instance the Town would not be out-of-pocket by the proposed transaction, other than the time value of money for the six-month period. Furthermore, the issue is being considered in an open meeting, with the full knowledge of State Surplus that the private sector is involved, plus it would be possible for another private party to step up and bid.

There was some discussion among the members regarding the loss of approximately 6% interest revenue on the purchase price, and a suggestion that the estimated loss be added to the opening bid at the time of auction.

There was no public input.

9. **Discussion, consideration and possible approval of funds in the amount of \$7,000 from Parks Fund Contingency to purchase two (2) Grasshopper Turf Tiger Mowers from State Surplus.**

On a motion by Smith, seconded by Baker, the Council unanimously approved funds in the amount of \$7,000 from the Parks Fund Contingency to purchase two Grasshopper Turf Tiger Mowers from State Surplus.

Parks & Recreation Director Lynda Moore explained that the subject two mowers are in excellent condition, that a CIP project for 07/08 is for a new mower for \$14,000, and the proposed two mowers could both be obtained for half that price. Purchasing the two mowers at this time will save the Town a great deal of money, both in the purchase price and in man hours.

There was no public input.

10. **Discussion, consideration, and possible award of contract to Professional Valuation Services & authorization to execute contract documents for Project 06-032, appraisal of approximately 223 acres of USFS land located at the Old Airstrip for the purpose of a Community Park.**

On a motion by Hauser, seconded by Parrish, the Council unanimously approved award of the contract to Professional Valuation Services and authorization to execute contract documents for Project 06-032, appraisal of approximately 223 acres of USFS land, including a 40-acre parcel, located at the Old Airstrip for the purpose of a Community Park, in the amount of \$8,000.

Lee reviewed the background of the request for staff to get a second appraisal on the 223 acres as well as an appraisal on a 40-acre parcel in order to make a determination of how much land the Town would decide to purchase from the Forest Service. There were two responses received from appraisal firms; the bid selected is for \$8,000 and was received from a local firm. Lee said that he felt confident that by appraisal of one 40-acre parcel and the entire 223-acres, an in-house number could be estimated as opposed to appraising additional increments of 80-acre, 120-acre and 160-acre blocks.

The Council briefly discussed the qualifications of the individual appraiser who is employed by Professional Valuation Services. It was also acknowledged that the appraisal will only provide information by which to estimate what the Town can afford to purchase and that the Town will ultimately need to go back to deal with the Forest Service and their system.

There was no public input.

11. **Discussion, consideration, and possible direction to staff to seek a grant to procure a stage coach for tourism enhancement.**

Staff was directed to pursue a grant to procure a stagecoach, and to bring the grant application back to Council as soon as possible for approval to submit it.

Councilor Parrish said that the idea had come from a newspaper article on constructing and/or repairing stagecoaches. It has been determined that the existing stagecoach needs to be replaced to build onto the tourism activities together with the new canon. The Grants Administrator has found support for the idea from the grants personnel in Phoenix; the next deadline for an application comes up in February.

The members discussed the potential tourism draw from owning and using a stagecoach, citing examples from other communities. During the discussion, **Jim Bullard** suggested that Corky might love to work with the Town.

There was no further public input.

After Mayor Gioia introduced both Items 12 and 13, the Council agreed to address Item 13 prior to Item 12, to then be considered following Item 17.

12. **Discussion, consideration, and possible approval of an agreement with Yavapai Ranch Limited Partnership confirming the Town's intent to participate in the Yavapai Ranch Land Exchange.**

On a motion by Hauser, seconded by Baker, the Council voted unanimously to move Item 12 to the end of the Agenda and to then go into Executive Session.

Attorney Sims said that following meetings with the City Managers of Williams and Flagstaff, their attorneys, Bill Lee and himself, where Sims presented the concerns of the Town of Camp Verde based on the first correspondence received, many of those concerns have now been addressed, but there are still issues of concern. Sims recommended going into Executive Session so that he can brief the Council on the agreement that has now been struck, and so that he may suggest

alternatives to go back and try to get a better deal for Camp Verde, adding that the Executive Session is the proper vehicle for preventing either the Forest Service or Ruskin from knowing the negotiating position of the Town.

There was no public input.

13. **Discussion, consideration, and possible approval of the Development and Settlement Agreement with Griffith Enterprises and to make a one-time payment of \$10,000 to offset certain expenses associated with changing the locational identity of the existing property as part of the settlement.**

On a motion by Baker, seconded by Smith, the Council unanimously approved the Development and Settlement Agreement with Griffith Enterprises and to make a one-time payment of \$10,000 to offset certain expenses associated with changing the locational identity of the existing property as part of the settlement.

Although there had been a provision for going into an Executive Session, Attorney Sims advised the members that he believes the matter can be addressed in an open session. Sims explained a recent legislative change which now prevents the Town from giving benefits from sales tax rebates which had been one issue under discussion. Sims believes that the arguments presented by Griffith to support his contention that the annexation was improper would not be supported by the courts. The documents that were used by the Town have been used all over the State and have never gone to the Court of Appeals to address one of the issues that Griffith raised; Sims believes Griffith would lose. However, Sims added that it would cost the Town more to prove Griffith would lose, and recommended that the proposed payment of \$10,000 be made in the nature of a settlement, as provided for in the proposed Development and Settlement Agreement.

As for the \$10,000 sales tax rebate provision provided in the Coury document, and the subsequent legislative change, Sims explained that the \$10,000 payment to the Town from Griffith is triggered if and when Griffith has a retail business that generates enough profit to warrant a sales tax rebate, which Sims said probably will not happen. In the event there are retail sales that would trigger the \$10,000 rebate and it can be shown, under the Statute, that the benefits to the community are greater than the rebate, then the agreement can be amended to provide for such rebate.

PUBLIC INPUT

Steve Ayres, representing The Bugle, thanked Sims for helping him figure out what the document said.

There was no further public input.

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

There was no public input.

15. **Advanced Approvals of Town Expenditures**

There were no advanced approvals.

16. **Manager/Staff Report**

There was no Manager/Staff Report.

17. **Council Informational Reports**

Councilor Parrish asked what happened to the pictures on the wall. *Staff explained that some of the remodeling activities had caused the problem.*

The members all joined in a wish for a Happy New Year to all.

A recess was called at 7:47 p.m. to go into Executive Session; the meeting was called back to order at 8:48 p.m.

18. Adjournment

On a motion by Hauser, seconded by Smith, the meeting was adjourned at 8:49 p.m.

Tony Gioia 1/18/07
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 3rd day of January 2007. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 19 day of January, 2007.

Deborah Barber
Debbie Barber, Town Clerk