

**MINUTES  
REGULAR SESSION  
MAYOR and COMMON COUNCIL  
TOWN OF CAMP VERDE  
COUNCIL CHAMBERS  
WEDNESDAY, JULY 6 , 2005  
at 6:30 P.M.**

Minutes are a summary of the actions taken. They are not verbatim.  
Input is placed after Council motion 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 Baker, Councilors Smith, Hauser, Kovacovich, and Parrish were present; Councilor Teague was absent.

**Also Present:** Acting Town Manager Will Wright, Town Attorney Brad Woodford, Finance Director Dane Bullard, Senior Planner Nancy Buckel; P&Z Commission Chairperson Robert Foreman, P&Z Commissioners Witt, Womack and Bullard; Town Marshal Dave Smith; Deputy Town Clerk Virginia Jones and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Councilor Parrish.

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) June 15, 2005 – Regular Session
- 2) June 15, 2005 – Executive Session

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

- 1) Budget Work Session – July 13, 2005 at 2:30 p.m.
- 2) Regular Session – July 20, 2005 at 6:30 p.m.

c) **Possible approval of a letter to Senators Kyl and McCain, and Congressman Renzi requesting support of reauthorization of the TEA-21 program.**

d) **Possible approval of Intergovernmental Law Enforcement Dispatching Agency agreement with the Yavapai Apache Nation for dispatching services.**

On a motion by Baker, seconded by Kovacovich, the Council unanimously accepted the Consent Agenda as noted, pulling Item 4.d).

On a motion Gioia, seconded by Baker, the Council unanimously approved the Intergovernmental Law Enforcement Dispatching Agency agreement with the Yavapai Apache Nation for dispatching services, with one change to bi-annual payments.

Mayor Gioia requested that Item 4.d) be pulled from the Consent Agenda; it was addressed following hearing Item 6. Finance Director Bullard explained that since the Nation is on a calendar fiscal year, they have requested that the Town consider bi-annual payments instead of quarterly payments and that such a change would fit better within their calendar year and budget schedule, adding that he has no issue with that request.

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

There was no public input.

6. **Discussion, consideration, and possible selection of an engineering firm to perform water utility evaluation and valuation studies.**

There was no action taken.

Staff was instructed to prepare a list of deliverables, in order to arrive at an understanding of what a specific bid would encompass and breaking out some of the larger items.

Finance Director Dane Bullard reviewed the efforts of the Town to begin putting together a lease agreement to commence an operating ownership of the assets of the Camp Verde Water System, part of which will be to assess both evaluation as well as the condition of those assets. Bids have been received from CH2MHill and Burgess & Niple, both very competent and experienced engineering firms. Bullard said that awarding a contract would begin the process of assessing and evaluating the assets, a process expected to take from two to four months. Such an evaluation was done within the last three or four years, but on a limited basis and with a cap of about \$10,000. A full and complete analysis is now planned to include not only the condition of the assets but anything possibly connected with the operating of that utility. The anticipated cost will be from \$25,000 to \$40,000, and would include feedback from the engineering firm as to their opinion of what the fair market value of the overall utility would be.

In response to a request from the Council, Bullard indicated that there might be a slight advantage in selecting CH2MHill, the company that performed the previous water company study. The Council discussed including in the study some investigation into water supply as well as receiving information in GIS form being generated, and the additional costs that might be involved. After further discussion suggesting that other issues might also want to be considered, staff was instructed to prepare a list of deliverables, in order to arrive at an understanding of what a specific bid would encompass and breaking out some of the larger items. It was agreed that because the process of evaluation and assessment is such a big undertaking, it would be worth the delay of some extra time in order for the Council, staff and the water company to be assured of getting the necessary information to make a decision.

7. **Discussion, consideration, and possible approval of Site Plan Review 2005-01, an application submitted by Harve Stanley and Jim Binick, agents for Cherry Creek Village Co., Inc., owner of parcel 403-14-004D requesting site plan review approval for the MSV Riverview Business Centre consisting of approximately 1.5 acres located on the corner of Old Highway 279 and Aultman Parkway.**

On a motion by Baker, seconded by Gioia, the Council unanimously approved Site Plan Review 2005-01, a request made by Harve Stanley of MSV Riverview Business Centre, agent for owner Cherry Creek Village Co., Inc., for a site plan review of an office complex to be located on parcel 403-14-004D (1.5 acres) and is zoned M1.

Community Development Director and Acting Town Manager Will Wright reviewed the Site Plan Review before the Council for the Riverview Business Centre that further explains what the development will offer. Wright said that he felt the proposed development was an exciting one in terms of promoting green building, water conservation and other environmentally sensitive uses and technology. The Commission has unanimously recommended that the Site Plan Review be adopted by the Council.

A presentation by Harve Stanley, together with Dave Vette and Ray Scott, set forth what they plan to accomplish and reviewed the planned location of the building, parking to be constructed with pervious concrete, landscaping, all of which will make the development a showplace featuring green-built standards, composition and extreme durability of the building materials, water and power conservation, and renewable energy.

During a brief Council discussion, the applicants were commended for their exciting proposed development.

**PUBLIC INPUT**

Rob Witt said he would like to see the Council support having Aultman Parkway come out on 260, and that would help in negotiations with other communities in the current Hwy 260 discussions and a benefit to the applicants who plan to make their development a showplace.

There was no further public input.

8. **Discussion, consideration, and possible approval of Site Plan Review 2005-02, an application submitted by Jim Rohr, owner of parcel 404-30-007 requesting site plan review approval for a business park containing office space and warehousing for small businesses. The site consists of 2.7 acres and is located at 155 Montezuma Castle Highway.**

On a motion by Hauser, seconded by Baker, the Council unanimously continued Item 8 to July 20<sup>th</sup>.

Director Wright explained that the building contractor for the subject contract has requested that the item be tabled until July 20<sup>th</sup> in order to enable him to study the off site improvements that have been discussed with the P&Z Commission regarding the need for a deceleration lane and the sidewalks that would go along the project.

9. **Discussion, consideration and possible approval or Ordinance 2005-A313, an Ordinance of the Town of Camp Verde, Yavapai County, Arizona, adopting an amendment to the Zoning Map of the Planning and Zoning Ordinance for Seventeen (17) parcels 403-23-008C, 403-23-008J, 403-23-010B, 403-23-010D, a portion of 403-23-010J, 403-23-010N, 404-19-152D, 404-19-152E, 404-19-152G, 404-19-152L, 404-28-001K, 404-28-001L, 404-28-001M, 403-23-008B, 403-23-008F, 403-23-010K consisting of approximately 273 acres from PAD Zoning of R1L, C2, OS, PAD 3-5 R1L, PAD 6-8 R1L, PAD 7-9 R1L, PAD 8-10 R1L and PAD 6-12 R2 to R1L-5, R1L-18, R1L-35, R2-2, R2-3, C2, C3, M1 and OS. This rezoning is to allow for the Simonton Ranch (Formally Homestead) Development. This project is located along State Route 260 and Finnie Flat Road between I-17 and Cliffs Parkway.**

On a motion by Baker, seconded by Hauser, the Council unanimously continued Item 9 to July 27<sup>th</sup>.

#### **STAFF PRESENTATION AND COUNCIL DISCUSSION**

Director Wright referred to a document handed out involving some last-minute changes being requested by Mr. Simonton regarding some parcels that he had asked to be removed at the hearing for rezoning before the P&Z Commission that he is now reinserting into his request before the Council for the rezoning. The Town Attorney has advised that the exceptions being requested by Mr. Simonton in the plans for development of the property can only be granted under a PAD zoning. The changes planned by Mr. Simonton are in response to input from the community and staff and would be a benefit to the community affecting the number of dwelling units, commercial areas, and open space plans. At this point, because of the Town Attorney's advice and the short notice, Mr. Simonton now finds he needs more time to determine how to proceed with his development, although such a delay does create a hardship based on the principals involved in the development of the property; a minimum of 14 days would be needed to comply with the notice requirements.

Town Attorney Woodford explained that the issue had been noticed and advertised for a change from PAD-type zoning on some of the parcels to hard zoning, which is what the Council can consider tonight. However, the exceptions Mr. Simonton has requested can only be granted under a PAD and not under just a normal zoning change. The change in hard zoning can be discussed and acted upon, if desired.

Mr. Simonton said that he had hoped to accomplish the rezoning and go forward immediately on preliminary plats and breaking ground by the end of the year, but at this time he has only had a few minutes to think about the implications resulting from the attorney's input. He said he understands that the Council has no choice, considering the legalities just brought forward, and is unable to act on the package-type deal being presented which he believes is more beneficial to the Town and the environment, and in line with what the Town would like to see happen on the

property. He said he would prefer not to go forward with just the hard zoning as suggested, and in fact would rather have the existing zoning that Harvard had. At this point there will be a significant hardship financially, but he said he understands that the Council cannot act on the request, and he is unwilling to go to the hard zoning, and would welcome treating the matter as a work session at this time to get the Council's input.

The Council discussed the dilemma faced by the applicant because of the matter being apparently forwarded to the Council in error, based on the last-minute input from legal counsel. The exceptions that had been planned and requested by Mr. Simonton were discussed, and apologies were extended to Mr. Simonton for the delay. The Council agreed that the matter should be reviewed at a work session as soon as possible for the benefit of both the community and the applicant. It was determined that the notice requirements could be met by requesting the Commission to have a special meeting, and the Council then meeting on July 27<sup>th</sup> to consider Mr. Simonton's proposal presented and put together in the correct package, including working through the problems in a work session with the Council. Director Wright will contact the P&Z Commissioners regarding their availability for the special meeting. Attorney Woodford said he would also work diligently with staff to get everything together by the meeting to be held on July 27<sup>th</sup>.

10. **Discussion, consideration and possible approval of a letter to Representative Lucy Mason requesting possible financial assistance to help the Town of Camp Verde mitigate arsenic in our public water system per federal mandates.**

On a motion by Hauser, seconded by Kovacovich, the Council unanimously voted to send the letter, as amended with the two suggested changes.

Mayor Gioia said he had contact with Representative Lucy Mason who had asked for information about arsenic levels in the community. With input from the Town's water consultant, Burgess & Niple, and some awareness of what the current situation is and what the future dictates for the community in dealing with arsenic levels, and assistance from the staff, Mayor Gioia then offered changes to the draft letter, copies of which were in the agenda packets, as follows: First paragraph at the bottom, change "...a treatment system needs to be installed," to, "...treatment systems need to be installed."

In the last paragraph, beginning first line, "...system will run anywhere from \$950,000 to \$1,200,000," Gioia requested adding another line stating, "This process will also add an annual maintenance cost of..." with that information to be provided by Carol Brown.

11. **Discussion, consideration, and possible direction to staff to prepare an ordinance to amend Section 2-3-1 of the Town Code regarding meetings.** Council will consider the possibility of conducting work sessions prior to each regular session and reducing the regular meetings to two meetings per month.

On a motion to amend by Smith, seconded by Gioia, the Council unanimously voted to continue the subject pending further discussion with staff and Court personnel, and bring back to Council for consideration.

A motion had been proposed by Smith and seconded by Baker, to direct staff to prepare an ordinance to amend Section 2-3-1 of the Town Code regarding meetings, to include Work Sessions and two Council Meetings; with the first Work Session to be the first Wednesday of the month at 3:00 p.m., and the second Work Session to be the third Wednesday of the month at 3:00 p.m.; the first Council meeting to be the second Wednesday of the month at 6:30 p.m., and the second Council meeting to be the fourth Wednesday of the month at 6:30 p.m. and to hear the normal Planning & Zoning matters, with any other additions that might come up at the Work Session; Smith then withdrew his motion with Baker seconding, following the amendment by Smith.

Councilor Smith said that one of the main points of his proposal to revise the schedule of meeting for the Council was the benefit of having work study sessions a week prior to regular meetings. He suggested that the work sessions, at 3:00 in the afternoons either on Wednesdays or Thursdays, would allow for better discussions that would result in better decisions and would provide more information by the staff, the public and in some instances the developer. Smith said that some examples of the benefits would be to then be able to hear more items at regular meetings through the Consent Agenda process, reduction of Council and staff evening time and transcription time. Following the detailed presentation by Smith including his reasoning to support his proposal, the Council held a lengthy discussion on what the members viewed as the pros and cons of the suggested changes, citing examples from other communities.

Prior to voting on the first motion proposed by Smith the Council further discussed the ability of members to attend the afternoon Work Sessions on Wednesdays, and the benefit of having time to consider decisions based on those Work Sessions. It was suggested that just changing the time for the one Work Session already provided was worth considering. The problem of changing the Work Sessions to Thursday as suggested was also discussed, because of the Court hours. With no apparent consensus, it was agreed to reconsider the issue at the next meeting after input from staff and the Court personnel.

#### **PUBLIC INPUT**

**Karen Keel** commented that on the times that she has been attending as a member of the interested public, she has observed that apparently those who show up only do so when an item affects them specifically and that will probably continue no matter what time of day a meeting is held.

**Robert Foreman** offered his opinion from a philosophical point of view that the fewer times that government meets in an official capacity is generally better for the public.

There was no further public input.

#### 12. **Discussion, consideration, and possible direction to staff to set mileage and travel reimbursement rates to those amounts as determined by the Arizona Department of Administration-General Accounting Office.**

On a motion by Smith, seconded by Parrish, the Council unanimously voted to direct staff to set mileage and travel reimbursement rates to those amounts as determined by the Arizona Department of Administration, and to change the Town per diem to \$7 for breakfast, \$12 for lunch, and \$18 for dinner, with receipts to be supplied with the Expense Voucher.

Councilor Smith explained his recommendation that the Town needs to become somewhat more current on reimbursement amounts for expenses incurred by Town staff traveling on Town business and education, citing the figure approved by the Arizona Department of Administration for mileage, and suggesting that the current per diem cap does not cover actual expenses. Smith offered amounts offered by other communities to support his recommendation. He also suggested tying the vehicle reimbursement figure to the Arizona Department of Administration so that as that department adjusts, the Town would automatically adjust. The Council discussed the current per diem rate and the frequent out-of-town trips required for some key personnel, and agreed that the amount should be adjusted to a more realistic cap. There was also some discussion on the effect on the budget.

#### **PUBLIC INPUT**

**Shirley Brinkman** said that her son in business in Phoenix could not possibly afford what the State can afford, and neither can Camp Verde. She suggested that going to 37 cents is a big raise, and suggested that the amount should be held down to perhaps 32, 33 cents. On the per diem, receipts and a cap are an absolute necessity when dealing with public money.

There was no further public input.

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

**Bill Allen**, of Burgess & Niple, presented an update on the Water Resource Study, advising the Council that they have prepared a draft document, a copy of which was given to the Mayor, that would provide for the dedication of water rights to the Town, primarily surface water rights. He stressed that the document is a draft and will be subject to a number of revisions before it comes to Council in a final format, and may require a revision to the Town Code as well. Mr. Allen also reviewed the ongoing GIS process, and commented on the report that was done by the Bureau of Reclamation stressing the importance of protecting surface water rights. Mr. Allen also commented on the subjects discussed earlier regarding the evaluation process and arsenic levels, and offered to bring back a more comprehensive draft back to a work session on the dedication process, and to allow input from the irrigation ditch people. He suggested that production capabilities from existing wells and taking surface water or ground water in the process are significant issues that need to be addressed.

**Robert Johnson** said that he was wondering about the bridge he sees being built across Beaver Creek across from the high school, apparently with 4-foot culverts and dry cement on top. He questioned whether it was a regular way of building a bridge. Councilor Smith invited him to discuss the issue so that Smith could respond to those comments.

14. **Advanced Approvals of Town Expenditures**

There were no advanced approvals of Town expenditures.

15. **Manager/Staff Report**

There was no Manager/Staff Report.

a) **Recognition of the following person(s)/businesses for their support and/or offer of support during the Cave Creek Complex fire:**

- **Bob Zimmerli**
- **Cornville Mercantile**
- **Bill Allen – Burgess & Niple**
- **Brad Ingram – Arizona Power & Lawn – Flagstaff, AZ**

Mayor Gioia commended the individuals and businesses named, as well as all the many others who also have helped and offered support during the subject fire. The Incident Command Center was very informative, and the fire is now at the stage that the firefighters now call, "mop-up time." Gioia said that the staff was complimented by the firefighters and the Incident Command Center.

16. **Council Informational Reports**

Parrish commented on a vehicle belonging to an individual in the audience purported to get around 61 miles to the gallon.

Baker wanted to publicly thank the firemen and said that a sign has also been prepared by "Print Me" thanking the firefighters.

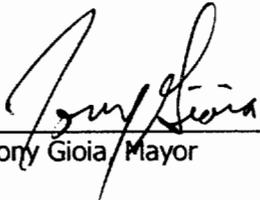
Kovacovich thanked the citizens for their support of the first Fourth of July Parade.

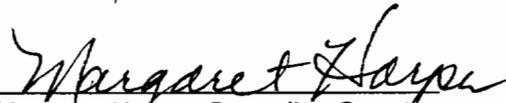
Smith also wanted to thank the firefighters, and let the public know that the Town gave them 20 copies of keys to the swimming pool to use the pool, the showers and the lavatories; the Sanitary District processed all the Porta-Johns and grey water at no charge as another way to help and say thanks. Smith urged everyone to consider volunteering to help the Camp Verde Animal Shelter, to walk dogs. Leaving tomorrow morning Smith will be gone for two weeks and riding his horse in Montana.

Gioia added that the Town thanks each and every one who helped the efforts of the firefighters; also he will be attending the NAU Water Law and Policy Field Study Thursday and Friday.

17. **Adjournment**

On a motion by Baker, seconded by Parrish , the meeting was adjourned at 8:51 p.m.

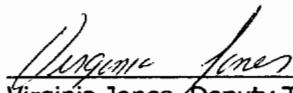
  
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Tony Gioia, Mayor

  
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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 meeting of the Town Council of Camp Verde, Arizona, held on the 6th day of July, 2005. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 21 day of July, 2005

  
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Virginia Jones, Deputy Town Clerk