

**MINUTES
REGULAR SESSION
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, MARCH 5, 2008
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 6:33 p.m.
2. **Roll Call**
Mayor Gioia, Councilors Smith, Garrison, Kovacovich and Elmer were present. Vice Mayor Hauser and Councilor German were absent.

Also Present: Town Manager Mike Scannell, Town Attorney Bill Sims, Parks & Recreation Director Lynda Moore, Library Director Gerry Laurito, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper.
3. **Pledge of Allegiance**
The Pledge was led by Smith.
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) February 26, 2008 – Retreat/Form with Yavapai-Apache Nation Tribal Council
 - 2) February 21, 2008 – Joint Work Session Camp Verde Sanitary District
 - 3) February 20, 2008 – Regular Session
 - 4) February 13, 2008 – Joint Work Session Parks & Rec
 - b) **Set Next Meeting, Date and Time:**
 - 1) Joint Special Session with Sanitary District – March 6, 2006 at 5:00 p.m.
 - 2) Joint Work Session with Library Advisory Commission – March 12, 2008 at 6:30 p.m.
 - 3) Regular Session – March 19, 2008 at 6:30 p.m.
 - 4) Council Hears Planning & Zoning – March 26, 2008 at 6:30 p.m.
 - c) **Possible authorization for the Mayor to sign a withdrawal form to transfer \$93,217.39 from the ~~Library Endowment Fund~~ MARY LYON'S FUND banking account at AmTrust Bank to the Town's general banking account at Wells Fargo Bank for reimbursement of expenditures for the Library Master Plan Design.** (Staff Resource: Michael Scannell)
 - d) **Possible acceptance of Dee Whitt's resignation from the Trails & Pathways Commission and presentation of a Certificate of Appreciation for her service.**
 - e) **Possible appointment of Carol German to serve on the Design Review Board as the Planning & Zoning representative for a 6-month period.** (Staff Resource: Michael Scannell)
 - f) **Possible authorization for the Mayor to sign a Special Event Liquor License for the Highland Games, Welsh League of Arizona, to be held on Saturday March 29, 2008 from 10:00 a.m. to 5:00 p.m.** (Staff Resource: Lynda Moore)
 - g) **Possible authorization for the Mayor to sign a letter for transmittal (with the site and parcel map) to Arizona State Parks seeking a "Waiver of Retroactivity for Acquisition Projects" for a 118-acre Community Park.** This waiver will assist in the property purchase through a Heritage Grant. (Staff Resource: Michael Scannell)
 - h) **Possible authorization to transfer \$832,000 from the Town's General Fund Local Government Investment Pool account to the Town's Wells Fargo bank account for distribution to Yavapai Title for the purchase of 118.7 acres from the Government Services Administration for the Community Park.** (Staff Resource: Michael Scannell)

- i) **Possible authorization for the Mayor to execute a Refunding Agreement in order to memorialize the terms and conditions of the \$832,000 inter-fund loan between the Town's General Fund and the Town's Parkland Acquisition Fund.** (Staff Resource: Michael Scannell)
- j) **Possible approval of a Qwest Corporation Underground Utility Easement Agreement for an in consideration of \$10.00 and authorization for the Mayor to sign the document and all other escrow closing documents for the 118-acre Community Park.**
- k) **Consideration, and possible approval of Ordinance 2008-A350, an ordinance of the Town Council of the Town of Camp Verde, Yavapai County, Arizona, establishing a policy of conducting Criminal Record Checks for prospective Town employees and volunteers.** This ordinance will supersede Ordinance 2000-A170. (Staff Resource: David R. Smith)
- l) **Discussion, consideration, and possible direction to staff to go out to bid to hire a consultant to prepare a Master Plan for the Community Park, located at the 118-acre site, Parcel A, purchased from the U.S.F.S.**
On a motion by Smith, seconded by Kovacovich, the Consent Agenda was unanimously approved as presented, with Items 4.f), h), j) and i) pulled for discussion.

(Items pulled for separate consideration and action)

- f) **Possible authorization for the Mayor to sign a Special Event Liquor License for the Highland Games, Welsh League of Arizona, to be held on Saturday March 29, 2008 from 10:00 a.m. to 5:00 p.m.**

On a motion by Smith, seconded by Kovacovich, the Council voted 4-1 to authorize the Mayor to sign a Special Event Liquor License for the Highland Games, Welsh League of Arizona, to be held on Saturday March 29, 2008 from 10:00 a.m. to 5:00 p.m.; with a 'no' vote by Garrison.

The Council discussed the issue of liquor at Town events as well as the upcoming event which Parks & Recreation Director Moore said is no longer a Town-sponsored event. During the discussion Garrison continued to state her opinion that liquor should not be served at those events; a suggestion was made that the Council could reconsider at a later date the current policy regarding liquor at Town events.

- h) **Possible authorization to transfer \$832,000 from the Town's General Fund Local Government Investment Pool account to the Town's Wells Fargo bank account for distribution to Yavapai Title for the purchase of 118.7 acres from the Government Services Administration for the Community Park.**

On a motion by Smith, seconded by Garrison, the Council unanimously authorized the transfer of \$832,000 from the Town's General Fund Local Government Investment Pool account to the Town's Wells Fargo bank account for distribution to Yavapai Title for the purchase of 118.7 acres from the Government Services Administration for the Community Park.

Garrison had requested this item be pulled because she understood there were some individuals who wanted to speak on the issue. However, when **Tim Sykes** and **Maureen Pastine** each started to comment, the Mayor pointed out that this was not the item for input regarding location of the Library. There was no further discussion.

- i) **Possible authorization for the Mayor to execute a Refunding Agreement in order to memorialize the terms and conditions of the \$832,000 inter-fund loan between the Town's General Fund and the Town's Parkland Acquisition Fund.**

On a motion by Kovacovich, seconded by Elmer, the Council unanimously authorized the Mayor to execute a Refunding Agreement in order to memorialize the terms and conditions of the \$832,000

inter-fund loan between the Town's General Fund and the Town's Parkland Acquisition Fund.

This item had been pulled as a result of a misunderstanding, and with no further discussion the Council took the necessary action.

j) Possible approval of a Qwest Corporation Underground Utility Easement Agreement for an in consideration of \$10.00 and authorization for the Mayor to sign the document and all other escrow closing documents for the 118-acre Community Park.

On a motion by Smith, seconded by Gioia, the Council disapproved of the Underground Utility Easement Agreement.

On a motion by Gioia, seconded by Smith, the Council unanimously authorized the Mayor to sign all documents and other escrow closing documents including the purchase agreement for the 118.7-acre Community Park.

Staff was directed to discuss the Town's concerns with Qwest and to negotiate a modification to clarify the Town's access across the Easement, and to report back to Council on the 19th of March with a resolution of the issue.

Mayor Gioia pointed out concern regarding the terms of the Agreement and a potential construction problem for the Town from the Qwest easement, including the question of being able to provide emergency access, and requested that Council have staff discuss and memorialize the Town's concerns in the Easement Agreement. The Council discussed those concerns, with input from the Town Attorney regarding negotiating modifications to the agreement; it was agreed to re-address the Easement Agreement at the March 19th meeting after pursuing negotiations with Qwest to clarify the Town's access across the easement.

l) Discussion, consideration, and possible direction to staff to go out to bid to hire a consultant to prepare a Master Plan for the Community Park, located at the 118-acre site, Parcel A, purchased from the U.S.F.S.

On a motion by Garrison, seconded by Gioia, the Council voted unanimously to reconsider Item 4.l) to allow public input.

On a motion by Garrison, seconded by Elmer, the Council unanimously directed staff to go out to bid to hire a consultant to prepare a Master Plan for the Community Park located at the 118-acre site, Parcel A, purchased from the U.S.F.S.

It was determined that Item 4.l) had been approved as part of the Consent Agenda by mistake and the Council voted to reconsider the item in order to allow for public input.

Parks & Recreation Director Moore confirmed that the "scoping" documents prepared from prior public input are still in place and that input will be considered by the consultant groups who will be working on the Park. In response to some concern regarding the expense for a consultant, Town Manager Scannell said that a Master plan makes perfect sense; considering the price of the Park land, it is a small amount to pay to get the right design from the start, together with broad-based community input.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Howard Parrish commented on wanting a traffic light at access to the Park, and his concern about flooding, issues the consultant should look at.

Bob Johnson said he feels that the Town should be able to find a consultant who would donate their time and save a lot of money.

Roger Doering suggested the consultant should do a soils study in order to determine where certain things can be placed.

There was no further public input.

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

(Comments from the following individuals are summarized.)

Howard Parrish complained about the poor audio encountered in trying to watch the filming of the meetings shown on TV.

Amber Teague described at length what she felt was an appalling show of disrespect by the Marshal at a recent funeral service by his unkempt clothing and falling asleep at one point; she added that her complaint filed with the Manager's Office about what she believes was a reflection on the Marshal's performance was unfounded. *Town Manager Scannell responded that he had invited Ms. Teague to personally discuss the issue further, and she and her family had not elected to avail themselves of that opportunity.*

Tim Sykes said that he would bring up the issue of location of the Library on the new Park site at the Work Session scheduled for next week.

There was no further public input.

6. Council Informational Reports

Gioia reported that a subcommittee group with the Sanitary District went very well; he attended an intergovernmental group in Clarkdale, an important part of which was an update on HB 2772 regarding the inter-basin transfer from the Verde Basin to the Coconino Basin by the City of Williams, the opposition of which will be discussed in Item 10A on tonight's agenda. Gioia also reported that the Council had an excellent meeting with the Yavapai-Apache Council members recently.

7. Discussion, consideration, and possible approval of a proclamation declaring April as "Fair Housing Month" and an update by Southwest Fair Housing Council on the upcoming Camp Verde Housing Information Fair scheduled for April 11, 2008 from 4:00 to 6:00 p.m. in Rooms 206-207.

On a motion by Smith, seconded by Gioia, the Council unanimously approved a proclamation declaring April as "Fair Housing Month".

Housing Director Matt Morris said that representatives from the Southwest Fair Housing Council were unable to come to the meeting. Morris then gave a brief update on the subject planned event to be held in Camp Verde. Councilor Smith commented on today's newspaper article on attainable housing.

There was no public input.

7a. DISCUSSION, CONSIDERATION, AND POSSIBLE DIRECTION FROM COUNCIL ON THE PROPER CODING OF REVENUES GENERATED FROM THE LIBRARY'S BOOK SALES.

On a motion by Elmer, seconded by Garrison, the Council voted unanimously to support the recommendation of the Town Manager regarding following the proper accounting of the Library book sales.

Town Manager Scannell reviewed his understanding of the books involved in periodic Library book sales, and explained that proper accounting of those sales would dictate that proceeds coming from donated books would go to the Mary Lyons Library Fund, whereas the sales of Town-purchased books should be classified as sales of surplus property with those proceeds going into the General Fund. Scannell recommended that such accounting policy could be incorporated into the Library Director's administrative manual to establish the procedure for future reference and compliance by any successors.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Tim Sykes said he felt that proceeds from any book sales should all go back into the Library. *There was response to Mr. Sykes in an attempt to help him understand the need for a General Fund as opposed to autonomous handling of department funds.*

Maureen Pastine, a former librarian, pointed out that in her experience many times library books were simply trashed instead of trying to sell them.

Arlene Chronis questioned the time required by staff to follow that accounting procedure.

Roger Doering believes it would be better to just go with whatever the Library Director wants to do, and whatever works most expeditiously; he commented that some County funds also went into the purchase of books.

There was no further public input.

A recess was called at 7:47 p.m.; the meeting was called back to order at 7:53 p.m.

- 8. Update and discussion of the following items related to the CDBG Townsite Redevelopment/ Community Improvements (Restroom) Project:**
- a. **Purpose and location of the project; and**
 - b. **Sales Tax requirements related to the project; and**
 - c. **Possible approval to allocate the \$6,000 that was approved on 2/27/08 from the CIP fund rather than the Park Fund; and**
 - d. **Possible approval of the attached Revised Change Order reflecting the corrected sales tax amount to be paid; and**
 - e. **Possible authorization to expend an additional \$2,293.87 (\$8,293.87 - \$6,000) for a total payment of \$8,293.87 (sales tax and project costs) of unbudgeted monies from the CIP to complete the project.**

On a motion by Smith, seconded by Kovacovich, the Council unanimously authorized the expenditure of an additional \$2,293.87 for a total payment of \$8,293.87 of unbudgeted monies from the CIP to complete the project, and approval of the attached Revised Change Order.

Town Clerk Debbie Barber said she had brought the project back to Council after researching the question of the sales tax, and gave an update on the background and the results of her research. Barber explained that it has now been discovered that the sales tax had actually been under charged, and an additional \$2,293.87 was now due to complete the project. Barber confirmed that the project should be able to meet the Grant deadline of May 11th.

There was no public input.

- 9. Discussion, consideration, and possible adoption of a Policy Statement that authorizes the Mayor, as the Town's Chief Elected Official, to support or oppose Bills introduced during legislative sessions when they adversely affect the Town's interests and need an immediate response.**

On a motion by Smith, seconded by Garrison, the Council unanimously authorized the Chief Executive Official, the Mayor, to (1) support legislation that protects the ground water aquifer Verde River Basin; (2) oppose legislation that compromises the integrity of the ground water aquifer Verde River Basin; (3) support legislation that maintains the State Shared Revenues; (4) oppose legislation that erodes State Shared Revenues; (5) support legislation that maintains land use authority for municipalities in Arizona; and/or (6) oppose legislation that erodes the land use authority for municipalities in Arizona.

It was also suggested that Council members bring back other related items of interest to discuss at the March 19th meeting. It was also suggested that the issue of amending the Town Code also be brought back and placed on the agenda.

Scannell explained that from time to time there will be legislative issues come up between regular Council meetings that require immediate attention in order to protect the interests of the Town. Based on his past experience, Scannell recommended adopting a yearly policy which authorizes the Mayor to speak on behalf of the governing body when that body is not in session on certain items which are discussed and debated in advance, examples of which Scannell briefly cited. Scannell also outlined the procedure for keeping the Council advised of those issues on which the Mayor has represented the Town in either opposition or support. Controversial issues on which the Council could not agree could wait for discussion and debate at a regular meeting. Such a system would reduce the need for frequent emergency meetings during Legislative sessions.

The members discussed adopting such a policy on an annual basis, amending the Town Code to reflect that in order to establish that procedure. The discussion included an in-depth review of a priority list outlined in the staff report as examples of issues that the Town would include in such authorization, and it was unanimously agreed to authorize the Mayor to act on behalf of the Town on those specific issues, either in opposition or in support. Scannell outlined the procedure for the Mayor to keep the Council advised of his actions and/or to request formal approval of some, if deemed advisable. Scannell suggested that he would work with the Town Clerk to establish a reminder system prior to each December to adopt the annual policy, and draft an amendment to the Town Code to memorialize the procedure for adopting the policy.

There was no public input.

10. Discussion, consideration and possible action relative to establishing a Notification Procedure that requires the staff member or Council member who agendaizes an item for Council consideration to notify the individual(s) that might be directly affected by that agendaized item.

Staff was directed to establish a procedure to take whatever steps are necessary to notify any business enterprise or person who might be directly affected by an agendaized item, unless the Manager determines that such notification is not practicable, and to bring back the proposed procedure to Council at the March 19th meeting for consideration.

Scannell explained that this started with a staff report that was brought up by a Council member where the topic involved an agenda item to discuss a complaint against a local business in the community. The owner only learned of the agenda item the morning of the meeting, and arranged to be represented by legal counsel that evening. Because no action was to be taken, staff did not feel duty-bound to notify the owner. Scannell said the issue was brought to the Council to discuss an appropriate procedure to follow for notification to those involved in this type of situation in the future.

The members discussed suggestions for sending out notifications and to whom the notices should be sent. Town Attorney Sims cautioned the Council about drafting a policy establishing too broad of a notice requirement, referring to a large body of laws protecting property owners' rights. Sims pointed out that there are times when it is preferred not to give notice, such as if the matter is to come before an Executive Session, or the matter deals with law enforcement, for example. Sims suggested simply

saying if a business enterprise or person is named in an agenda item, they shall be notified, "unless the Manager determines that such notification is not practicable."

There was a brief further discussion by the Council, including concern about the embarrassment to the Town because of how the specific situation had been handled. It was agreed that staff would research a procedure to follow, with input from the Attorney, and bring back a recommendation to Council on March 19th.

There was no public input.

10.A DISCUSSION, CONSIDERATION, AND POSSIBLE AUTHORIZATION FOR THE MAYOR TO RELAY CONCERNS REGARDING HB 2772, WHICH WOULD AUTHORIZE AN INTER-BASIN WATER TRANSFER BY THE CITY OF WILLIAMS, THUS PERMITTING THE CITY OF WILLIAMS TO PUMP GROUNDWATER OUT OF THE VERDE WATERSHED.

There was no action taken.

The requested authorization was given by action taken on Item 9; however, it was agreed to modify the draft letter to reflect a proposed period of 15 years for "sunsetting", instead of 15-20 years.

Mayor Gioia reviewed in detail the background of the subject HB2772, and the extreme concern of Verde Valley that it had been apparently purposely bypassed in the events that led to drafting the Bill. Gioia discussed with the Council the details in his proposed letter to the House of Representatives and the Arizona Department of Water Resources to stress the importance of protecting the Verde River Basin. Although there was one opinion expressed that the letter was not forceful enough, it was generally agreed that it was tactful and professional, and only a minor modification was to be made, and that was to request consideration of "sunsetting" the legislation after a period of 15 years instead of 15-20 years.

There was no public input.

11. Discussion and consideration of possible options relative to shortening the length and frequency of Council meetings in order to reduce the impact on Council members and staff and the costs associated with these meetings. Discussion may include, but not be limited to, having the attorney attend meetings telephonically, holding executive sessions prior to the meeting as opposed to the end of the meeting, placing all administrative items on the Consent Agenda, limiting presentations to 10 minutes, and ending the meetings at a specific time, such as 9:00 p.m.

On a motion by Smith, seconded by Garrison, the Council voted unanimously to start Executive Sessions between 5:00 and 6:00, prior to regular Council meetings.

On a motion by Smith, seconded by Kovacovich, the Council voted unanimously to conclude Council meetings at 10:00 p.m. with a planned 5-minute recess between 8:00 p.m. and 8:30 p.m.

On a motion by Smith, seconded by Kovacovich, the Council voted unanimously to direct staff to streamline our Town Code to reduce time-consuming items and bring these suggestions to Council for possible adoption.

On a motion by Smith, seconded by Garrison, the Council voted unanimously to limit oral contributions to three minutes for the Council and public, and direct staff to purchase a traffic light timer.

A motion made by Garrison, seconded by Elmer, to eliminate Council meetings on each second week during the months of June, July and August was withdrawn by Garrison after further discussion.

Kovacovich said that he believes there are several ways to streamline procedures and save costs, for example, by reviewing the necessity of bringing to Council certain items that have already been

approved, such as expenditures adopted and approved as part of the budget process; put more items on the Consent Agenda; impose a 3-minute time limit on speakers; set a time for ending meetings; and try to have Executive Sessions prior the meetings.

The pros and cons of the suggestions outlined by Kovacovich were discussed, with ideas offered for implementing them, including input from Scannell on efficiently handling the Executive Sessions, and confirmation from Attorney Sims that he would feel comfortable attending the meetings by telephone conference. Sims offered other time-saving steps such as not being required to read aloud all of the Consent Agenda items, except for Ordinances. Smith suggested reviewing the Town Code to streamline procedures; Scannell pointed out one example for a procedural change in that items already approved in the budget for acquisition could be purchased without coming to Council for a second approval, in essence. The motions were each discussed in full as they were made and passed, and there was no public input regarding each.

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

Robin Whatley said she believes that the Council members and the Mayor do not receive a fair compensation, especially compared with Cottonwood, and that issue should be addressed at some point.

There was no further public input.

13. Advanced Approvals of Town Expenditures

1. There are no advanced approvals.

There were no advanced approvals of Town expenditures.

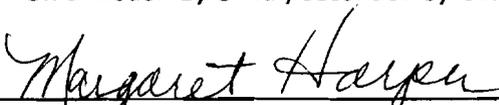
14. Manager/Staff Report

Town Manager Scannell referred to the Budget Calendar that has been distributed to the members; he asked that the Council take note of the Work Session dates scheduled during the month of May and to identify the times when the members will be available; a brief discussion was held regarding the new budget process procedure.

Town Clerk Barber reported that the Senior Center bids were received; one bid was within the budget guidelines. Barber will present the recommendation to Council on March 19th, and the work will start shortly thereafter. She has also notified the Senior Center of what is happening.

15. Adjournment

On a motion by Smith, seconded by Garrison, the meeting was adjourned at 10:02 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 5th day of March 2008. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 20 day of March, 2008.



Debbie Barber, Town Clerk