



It's in your hands ~ "Build a stronger community – shop locally"

AGENDA
REGULAR SESSION
MAYOR AND COUNCIL
COUNCIL CHAMBERS · 473 S. Main Street, Room #106
WEDNESDAY, FEBRUARY 16, 2011
at 6:30 P.M.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
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) Regular Session – February 2, 2011
 - 2) Council Hears P&Z Matters – January 26, 2011
 - b) **Set Next Meeting, Date and Time:**
 - 1) February 23, 2011 at 6:30 p.m. – Council Hears Planning & Zoning Matters - **CANCELLED**
 - 2) February 25, 2011 at 7:00 a.m. – Work Session
 - 3) March 2, 2011 at 6:30 p.m. – Regular Session
 - 4) March 16, 2011 at 6:30 p.m. – Regular Session/Special Council Hears Planning & Zoning Matters
 - 5) March 23, 2011 at 6:30 p.m. – Council Hears Planning & Zoning Matters
 - 6) March 30, 2011 at 6:30 p.m. – Work Session
5. **Special Announcements & Presentations**

Welcome to the new businesses:

 - Lansink Family Properties, 301 S. Woods Street, Camp Verde
 - Kings Authentic Gifts & Souvenirs, 1550 W. Highway 260, Camp Verde
 - Alarm Electronics, Prescott, Az
 - Baier's Carpet & Upholstery Cleaning, Camp Verde
 - Valley View Restaurant, 102 W. Arnold, Camp Verde
 - Jerry Rosenberg, 866 N. Garner Lane, Camp Verde
 - Doc's Small Engine Repair/Welding, 227 S. Woods, Camp Verde
 - Highlands Floor Covering, Flagstaff, AZ
 - Tyler Technologies, Inc., Sugarland, TX
6. **Council Informational Reports.** These reports are relative to the committee meetings that Council members attend. The Committees are Camp Verde Schools Education Foundation; Chamber of Commerce, Intergovernmental Association, NACOG Regional Council, Verde Valley Transportation Planning Organization, Yavapai County Water Advisory Committee, and shopping locally. In addition, individual members may provide brief summaries of current events. The Council will have no discussion or take action on any of these items, except that they may request that the item be placed on a future agenda.
7. **Call to the Public for items not on the agenda.**
8. **Presentation by Carol Brown relative to an overview of Risk Management followed by possible discussion.** Staff Resource: Carol Brown
9. **Public Hearing, discussion, and possible approval of Resolution 2011-833, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolution 2006-699 and vacating the approval of the Final Plat for the River's View subdivision at Simonton Ranch.** Staff Resource: Mike Jenkins
 - Call for STAFF PRESENTATION
 - Declare PUBLIC HEARING OPEN
 - Call for APPLICANT'S STATEMENT
 - Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 - Call for APPLICANT'S REBUTTAL (if appropriate)
 - Declare PUBLIC HEARING CLOSED

- Call for COUNCIL DISCUSSION
10. **Public Hearing, discussion, and possible approval Resolution 2011-834, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolution 2006-693 and vacating the approval of the Final Plat for the Homestead subdivision at Simonton Ranch. Staff Resource: Mike Jenkins**
- Call for STAFF PRESENTATION
 - Declare PUBLIC HEARING OPEN
 - Call for APPLICANT'S STATEMENT
 - Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 - Call for APPLICANT'S REBUTTAL (if appropriate)
 - Declare PUBLIC HEARING CLOSED
 - Call for COUNCIL DISCUSSION
11. **Public Hearing, discussion, and possible approval of Resolution 2011-832 of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolution 2006-685 and approval to record the abandonment and reversion to acreage plat for the Silverado subdivision at Simonton Ranch and said plat also including the abandonment of all roadways, easements, and common areas of the subdivision as evaluated by the Planning & Zoning Commission on January 27, 2011. Staff Resource: Mike Jenkins**
- Call for STAFF PRESENTATION
 - Declare PUBLIC HEARING OPEN
 - Call for APPLICANT'S STATEMENT
 - Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 - Call for APPLICANT'S REBUTTAL (if appropriate)
 - Declare PUBLIC HEARING CLOSED
 - Call for COUNCIL DISCUSSION
12. **Discussion, consideration, and possible direction to staff relative to developing a comprehensive zoning enforcement process utilizing established protocol to include the Planning & Zoning Commission and the Town Attorney. Staff Resource: Mike Jenkins**
13. **Discussion, consideration, and possible approval of Resolution 2011-835, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, deeming the granting of a franchise to Arizona Public Service Co. beneficial to the Town and calling a Regular Election set for May 17, 2011 to submit the question to the qualified electors as to whether or not the franchise shall be granted. Staff Resource: Debbie Barber**
14. **Discussion, consideration, and possible direction to staff relative to the method in which Council wishes to review the final revisions to the Town Code and the Policies and Operations Guide. Direction may include setting a work session. Staff Resource: Debbie Barber**
15. **Call to the Public for items not on the agenda.**
16. **Advanced Approvals of Town Expenditures.** There are no advanced approvals.
17. **Manager/Staff Report** Individual members of the Staff may provide brief summaries of current events and activities. These summaries are strictly for informing the Council and public of such events and activities. The Council will have no discussion or take action on any of these items, except that they may request that the item be placed on a future agenda.
- **Update relative to Council's request to check into the handicapped parking requirements.** Staff Resource: Russ Martin
18. **Adjournment**

Posted by:

J. James

Date/Time:

2-10-2011

11:30 a.m.

Note: Pursuant to A.R.S. §38-431.03.A.2 and A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.

4a.1

**DRAFT MINUTES
REGULAR SESSION
MAYOR AND COUNCIL
COUNCIL CHAMBERS · 473 S. Main Street, Room #106
WEDNESDAY, FEBRUARY 2, 2011
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**
Mayor Burnside called the meeting to order at 6:30 p.m.

2. **Roll Call**
Mayor Burnside, Vice Mayor Kovacovich, and Councilors Baker, Garrison, German, Roulette, and Whatley were present.

Also Present
Town Manager Russ Martin and Town Clerk Deborah Barber

3. **Pledge of Allegiance**
Councilor Garrison led the pledge.

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) Regular Session – January 19, 2011
 - b) **Set Next Meeting, Date and Time:**
 - 1) February 2, 2011 at 6:30 p.m. – Regular Session
 - 2) February 16, 2011 at 6:30 p.m. – Regular Session
 - 3) February 18, 2011 at 9:00 a.m. – Work Session
 - 4) February 23, 2011 at 6:30 p.m. – Council Hears Planning & Zoning Matters
 - c) **Possible recommendation relative to the approval of the following applications for Wine Festival License/Wine Fair License for the Pecan and Wine Festival held February 11, 12, and 13, 2011: Kokopelli Winery; Alcantara, LLC; Javelina Leap Estate Vineyard; Oak Creek Vineyards Winery; Page Spring Cellars; Pillsbury Wine Co., North, LLC; Jerome Winery; Caduceus; and Granite Creek Vineyards, and Echo Canyon Winery/Amigos Devino. Staff Resource: Debbie Barber**

On a motion by Kovacovich, seconded by Baker, the Council unanimously approved A & B of the Consent Agenda.

Mayor Burnside asked Barber to present item #C. Barber explained that the liquor license applications were for the upcoming Pecan and Wine Festival and that Caduceus had pulled their application.

On a motion by Kovacovich, seconded by Garrison, the Council voted unanimously to approve item C, excluding Caduceus.

5. **Special Announcements & Presentations** – There are no special announcements or presentations.

6. **Council Informational Reports.** These reports are relative to the committee meetings that Council members attend. The Committees are Camp Verde Schools Education Foundation; Chamber of Commerce, Intergovernmental Association, NACOG Regional Council, Verde Valley Transportation Planning Organization, Yavapai County Water Advisory Committee, and shopping locally. In addition, individual members may provide brief summaries of current events. The Council will have no discussion or take action on any of these items, except that they may request that the item be placed on a future agenda.

Garrison asked Council to consider cancelling the April 6, 2011 meeting so that she and other interested Council members and the Town Manager could attend the NACOG Tourism event in Williams. She explained that the event would begin at 10:00 a.m. and would last all day. She said it was important for all communities to attend and have input. She advised that she would be forwarding a flyer to Council members next week and encouraged them to register as soon as possible. She also advised that the Tourism Committee had accepted her resignation and that Tracie Schimikowsky had been appointed to fill her seat. Garrison said that she had attended a presentation on high-speed broadband and advised that might be coming soon, noting that the Town was part of a cooperative agreement with other Verde Valley communities. She explained that she had given the Manager a business card of a contact person and asked him to call to identify the Town's needs. In closing, Garrison said that she had spoken with Jim Ferguson about the archaeological grant and that an answer would come no later than February 7.

7. **Call to the Public for items not on the agenda.**

Howard Parrish advised that it was 27 below in Flagstaff and that his nephew went there with a load of sand that froze and could not be dumped. He then presented Council a trophy from 1959 for a First Place float in the Jay Cee Rodeo Parade for historical purposes. Burnside said it should go to the Historical Society since we were not a Town in 1959. Burnside asked for an agenda item to determine where it should go. Parrish noted that Councilor Kovacovich's father rode in the parade.

Steve Goetting gave an update on the upcoming Pecan and Wine Festival, noting that there were over 60 vendors and 11 wineries. Vendors included restaurants, antique dealers, etc. He said that he had calls from as far away as Michigan and Minnesota that said they were looking forward to our balmy weather. He said that he did not say anything about how cold it has been. Goetting apologized for the late comers and then advised Council that he appreciated working with staff and that the process has been much easier this year than it has in the past. Garrison responded that she had invited Committee members from both meetings to attend and they promised to send someone.

8. **Discussion, consideration, and possible approval of a budget appropriation request that will consist of the transfer of the \$12,000 energy savings rebate received from APS, currently on deposit in the General Fund, to the Capital Improvement Fund, line item 50-00-5118, for the Library HVAC Retrofit Project. Staff Resource: Russ Martin**

On a motion by German, seconded by Roulette, the Council voted unanimously to transfer \$12,000 from the General Fund to the Capital Improvement line item 50-11-5118 for the Library HAVAC Retrofit Project.

Mayor Burnside read the item aloud. Martin explained that he had previously advised Council of the APS energy saving rebates that came about due to the changes made to the Community Center building. He advised that staff is now requesting to use the rebates in the amount of \$12,000 to upgrade the heating and air conditioning units at the library. He advised that the costs were anticipated to be lower.

Burnside asked for clarification that the money would be used for other Town facilities. Martin said that if any funds were left, they might go back into savings, but will meet the grant stipulations.

9. **Call to the Public for items not on the agenda.**

There was no public input.

10. **Advanced Approvals of Town Expenditures.** There are no advanced approvals.

Council took no action on this item.

11. **Manager/Staff Report** Individual members of the Staff may provide brief summaries of current events and activities. These summaries are strictly for informing the Council and public of such events and activities. The Council will have no discussion, consideration, or take action on any such item, except that an individual Council member may request that the item be placed on a future agenda.

Martin advised that the Town Code requires the participation of no more than three Council members to participate in the interview process for department heads. He asked at least two members to volunteer to participate in the upcoming Finance Director interviews. He asked members to let him know after the meeting. German volunteered and Burnside said that it could not be discussed at this time.

Martin said that the InCode software implementation is moving forward with plans to begin in the Finance Department on March 21. However, it will be mid-April before it gets up and running. He advised Council that Debbie Hughes' husband was not expected to live much longer and asked Council to keep her in their thoughts.

12. **Adjournment**

On a motion by Baker, seconded by Garrison, the meeting was adjourned at 6:50 p.m.

Bob Burnside, Mayor

Deborah Barber, MMC, Town Clerk

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 February 2, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2011.

Deborah Barber, MMC, Town Clerk

4a.2

**DRAFT MINUTES
COUNCIL HEARS PLANNING & ZONING MATTERS
MAYOR AND COUNCIL
COUNCIL CHAMBERS
WEDNESDAY, JANUARY 26, 2011
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 Burnside, Vice Mayor Kovacovich, Councilors Whatley, Garrison, Baker, Roulette and German were present.

Also Present: Town Manager Russ Martin, Acting Community Development Director Mike Jenkins, Asst. Planner Jenna Owens, 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) Work Session – January 12, 2011

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

1) February 2, 2011 at 6:30 p.m. – Regular Session

2) February 16, 2011 at 6:30 p.m. – Regular Session

3) February 23, 2011 at 6:30 p.m. – Council Hears Planning & Zoning Matters

On a motion by Kovacovich, seconded by Baker, the Consent Agenda was unanimously approved as presented, with the addition of a meeting on February 25, 2011, the time to be determined.

There was a discussion regarding the previous request to set a date for a Work Session; the date of February 25th was agreed upon; the time will be determined later.

5. **Special Announcements & Presentations**

There were no special announcements or presentations.

6. **Council Informational Reports.**

German said she attended the Chamber Board meeting last Thursday morning; there was nothing new to report.

Baker reported that she attended the Insurance Pool Board meeting on last Friday; there will be an update on the medical marijuana issue, and a training meeting for the municipalities. The Legislature plans no change to our shared revenue procedures at this time, hopefully; Baker also reported on the total cash and investments held by the municipally-owned insurance pool that has been deemed the Gold Standard for pools. She reminded everyone of the new UPS store located in Town.

Garrison reminded everyone about the upcoming Pecan & Wine Festival February 11 through 13; the Yavapai-Apache Nation's celebration of the Exodus and Return will be held on Saturday, February 26th, and the community is invited to become involved in that event.

Burnside commented on the President's State of the Union Address and the message regarding innovation, working together, helping and being kind to each other. He noted that the Cliff Castle Casino is

sponsoring the upcoming Pecan & Wine Festival. A NACOG meeting is scheduled for February 24th, and Burnside said he would like to invite the Town Manager, and the Chairperson and his Manager from the Yavapai-Apache Nation to attend the meeting with him.

7. **Call to the Public for items not on the agenda.**

(Comments from the following individual are summarized.)

Lyndall McElhaney, Camp Verde, spoke on the issue of fines for in connection with strictly enforcing the Handicap Parking laws, describing instances of sanctions imposed unfairly, and requesting that the Town consider just imposing the spirit of the law instead of the letter of the law. (*Garrison requested the Town Manager to look into the speaker's request.*)

There was no further public input.

8. **Discussion, consideration, and possible approval of Resolution 2011-826, a resolution of the Mayor and Common Council of the Town of Camp Verde, Arizona, approving Use Permit 2010-03 for a portion of parcels 404-30-368A and 404-30-368C, fifteen acres, which is leased to the Town of Camp Verde by the Camp Verde Sanitary District for use by Dateland Proving Grounds to allow for research, development, and training for persistent ground surveillance systems for the Naval Air Warfare Center aircraft division. Site equipment includes portable powered surveillance trailers and aerostats. Any changes to these uses must come before the Planning & Zoning Commission and Town Council for approval.** Note: the portable powered surveillance trailers and aerostats will help protect US Troops operating in remote areas of Afghanistan. The property is located on the road to the Camp Verde Sanitary District facilities approximately .52 miles north from the entrance at State Route 260. Staff Resource: Mike Jenkins

On a motion by Baker, seconded by Whatley, the Council unanimously voted to approve Resolution 2011-826, for Use Permit 2010-03, an application submitted by Dateland Proving Grounds to allow for research, development and training for persistent ground surveillance systems for the Naval Air Warfare Center Division; Resolution 2011-826 to include the stipulations as recommended by the Planning & Zoning Commission on January 6, 2011; the use is located on a fifteen (15) acre portion of Parcel 404-30-368A and 404-30-368C which is leased to the Town of Camp Verde by the Sanitary District. The property is located on the road to the Camp Verde Sanitary District facilities approximately .52 miles north from the entrance of State Route 260.

STAFF PRESENTATION

Asst. Planner Jenna Owens first commented that the name under which the application was made has been changed from STARA Technologies, Inc., to Dateland Proving Grounds, a training facility that is currently in use and will be responsible for all aspects of the development in Camp Verde. Also, Mr. Douglas Powell would make the presentation in place of Mr. Colin McCavitt. Ms. Owens reviewed in detail the purpose and background information as outlined in the agenda packet materials. The information included the provision that camera training privacy policies are in place and will be followed in accordance with the Training Policy contained in the agenda packet as well. The required neighborhood meeting was held, with nine individuals in attendance. In addition, a public service announcement was published by The Bugle on December 15, 2010 notifying all Camp Verde citizens of the dates and times of the scheduled Planning & Zoning and Council meetings to hear the subject application. There were no public comments received, other than a letter directed to the Town Manager, Mayor and Town Council commenting on the adverse reaction of some members of the public to the proposed facility described in the Bugle article. Ms. Owens reviewed responses received from the agencies contacted that for the most part had no comments; responses by the applicant to the concerns expressed by Coconino National Forest are included in the agenda materials. It was noted that the response of no comment from the Sanitary District Board is not to be interpreted as acceptance by the Sanitary District of the use of a portion of the subject parcels; the Town will bring this

item to the Board for acceptance or refusal at a later date.

The Planning & Zoning Commission approved the application submitted by Dateland Proving Grounds for the use of the subject property as set forth in the accompanying Staff Report. In addition, Mr. Powell has provided a Certificate of Liability Insurance sample and a revised PGSS Camera Training Policy which are included in the agenda packet.

PUBLIC HEARING OPEN

Applicant's Statement

Douglas Powell, Head of Marketing for the Dateland Proving Grounds, gave a brief introduction to how and why the project came about, based on the urgent need in military operations in Afghanistan for advance surveillance to protect the troops from surprise attacks. He explained that the subject balloons are a combination of old technology and new technology, using high definition cameras, resulting in the "eye in the sky." The program has been extremely successful since being instituted in Afghanistan, with no way of telling how many lives it has saved. Mr. Powell said that the Camp Verde area was selected because it is a perfect location for training in that the elevation and terrain are similar to Afghanistan.

Mr. Powell presented a video that explained and illustrated the need for and use of the technology in connection with military operations. Some photos of the existing project in Dateland were also displayed to illustrate personnel working on the balloon operations, as well as photos indicating the distance and clarity with which the cameras can scan and identify objects from two miles away. Mr. Powell outlined the proposed operational hours, described the mooring station, and the number of trainees anticipated being present at a time on the site. He noted that the trainers and trainees would be using local restaurants and staying at local hotels, as well as other benefits to the local economy. Mr. Powell also commented on the convenience of the Camp Verde location to the Phoenix airport.

COMMENT FROM OTHER PERSONS

(Comments from the following individuals are summarized.)

Steve Sprinz, from **Beaver Creek**, said the people of Beaver Creek do not understand why the Town is even considering this proposal. He objected to the "government-sponsored" capacity to monitor public behavior, and what would appear to be a hazard to flight, the night lighting and no protection against the ongoing state of governmental incompetency permitting abuses.

Patti Sexton, from **Beaver Creek**, commented that she is the one who was beaten up by two assailants who got liquored up in Camp Verde; she said the people want to downsize government, not steal everyone's privacy. She ended with the famous Patrick Henry quote: Give me liberty or give me death.

John Fineman read from a letter he had submitted to the Town Manager regarding the information in newspaper articles on the proposed surveillance operation and concern about a conflict with aviation, the hazard because of the 2500-foot height of the balloon, and need for notification to the FAA..

Reed McManus, from **Camp Verde**, said he believes it is a good program, but a wrong location. It is not worth the small income to the Town to give up rights to privacy. We do not need the incredible optics here.

Janet Kissinger, from **Camp Verde**, was concerned that approving this project would set an undesirable precedent. She displayed newspaper photos of rural settings and horses; that is what Camp Verde is all about, not a future Camp Verde Proving Grounds. The blimps would be an eyesore, and have a negative impact on the skies.

Michelle Herrick, from **Camp Verde**, said she wanted to address public health and privacy, and questioned the issue of the cameras being able to report criminal activity while observing citizens, and

quoted extensively from the camera policy regarding the lighting capability.

Merle Herrick, from **Camp Verde**, was concerned about the effect the operation may have on the residents, animals and the environment, especially the exposure to laser radiation, or scattered radiation, and "operating according to military standards," which he had no respect for and even denigrated.

Murray Lichty, from **Camp Verde**, expressed his complete support for the intent of the technology to protect our military personnel in combat areas; it is not for spying in back yards or creating problems for pilots; if a pilot cannot see a balloon that size he should not be flying. This is a way to support our troops overseas.

Shirley Brinkman, from **Camp Verde**, said that everything changes; as far as privacy she said that she could go on Google Earth and see in your back yard. People are not going to be looking in your windows.

Ivo Buddeke, from **Rimrock**, believes we are not getting the whole story; the military uses drones that carry out assassinations. This is an illegal activity.

(Inaudible) Markham, said there is nothing about this that "fears" her, but questioned destroying our Constitutional rights. The infrared cameras can look through windows and through TVs and our houses. She wondered if she wants to go out in her back yard naked, would she be arrested for indecent exposure.

Marvin Manley, from **Camp Verde**, who lives at the Air Park, is concerned about the proximity of the operation to the Air Park, heard from an individual with the FAA; it is possible the operation may not pass the waiver they will be requesting.

Lisa Calzadilla, from **Camp Verde**, also described the capability of Google Earth to check out her own home or anyone else's; there are countless other people out there who can do that as well. The technology is everywhere. Those troops fighting for our rights deserve all the protection possible and she urged the Council to keep that in mind and support the application.

Jae Heaphy, from **Sedona**, claimed to represent some others from that area, said he is concerned about the issues of losing privacy and the noise generated by the project, as well the ability to control the balloons with the tether. He also questioned the similarity of the area to that of Afghanistan. As for spying on people, the Germans in World War II did the same thing; do we need to go back to Nazi Germany?

Jim Hubele, also lives at the Air Park, reiterated that this is the wrong place; the Government has thousands of acres for training purposes; there are also military communities within those restricted areas that would be similar to Camp Verde.

Alexandra Helm, from **Camp Verde**, said she believes it would be very beneficial to get more information, have more questions answered including the amount of money the lease would make for the Town; the Council needs to get more data and reconsider the project; and the contract should be for only one year. Does the request for five years imply that we will be in Afghanistan for five more years.

Clayton Young, Camp Verde Fire Chief, would like to know if the air space around the project will be restricted to emergency helicopters for medical purposes.

Nancy Floyd, from **Camp Verde**, questioned those who were using the "not in my back yard" argument; she said that it is in the hands of the Council to make a decision that will benefit our Town and bring in more people to shop here and stay in the hotels.

Dave Freeman, from **Camp Verde**, said he represents a number of small businesses; an opportunity such as this is a type of windfall. With the technology of Google Earth we have already lost our privacy. This business does not pollute the earth, does not raise pigs and does not leave buildings behind when they leave. It will provide jobs, training, and educational experience. Mr. Freeman said he cannot understand why a number of people from outside of this area are so concerned; perhaps they have something they do not want to be seen. *(Mr. Freeman stated that he is representing himself, his friends and small businesses, as well as many Chamber members who voiced their concern to him this last week.)*

Howard Parrish, from **Camp Verde**, said he has seen a dirt road in front of his home grow to a 4-lane highway. He said he is not worried about his privacy; he does not have a still in his back yard and is doing nothing illegal. He described the injuries suffered by a nephew in the combat zone, and stressed that if only one life were saved it would be worth everything we can do to bring the project to Camp Verde.

Ron Brattain said he is not from Sedona, not from Rimrock, and not a pilot; he is a citizen of Camp Verde. He lives about a mile from the proposed site of the project, and he is not ashamed of what he has in his back yard. He asked the Council to embrace the project/ it is a good thing for the Town.

Sandi Ashton, from **Camp Verde**, said that the privacy issue should be no big deal; you can find out anything on the internet anymore. She cannot see Camp Verde turning away this opportunity and losing it to some other town.

Jim Rush, from **Sedona**, said he reiterates what the others have said. His first concern is that the project promotes the war. A five-year contract implies we will be in Afghanistan another five years. If the Government is not watching the public, why put it over a town. He is worried about the night sky and some crazy balloon blinking lights, plus it being a hazard to flight when obscured by fog.

James (refused to give last name), asked those who were opposed to stand to show their opposition. *(Burnside noted the number of those who did so.)*

Sharon (inaudible), said she is definitely not for this project, is concerned about mind control, and compared it with Nazi Germany, protesting the actions of the military and the Government.

Irene Peoble, from **Camp Verde**, said that the presentation by the gentleman at the P&Z Commission cited 1,000 feet, and some speakers have been referring to 2,500 feet.

Cheryl Wadsworth feels that approval of the project will set a precedent for allowing privacy invasion. There will be surreptitious law enforcement activities, they can see right through buildings, there are health and exposure issues. At one airport screening the individual dropped dead.

Speaker (refused to give name) saying her refusal is based on the principle of habeas corpus, government interference, and protection of identity; she appeared to be protesting the project.

Linda Buchanan, from **Camp Verde**, said she does not fear for her privacy; Camp Verde will benefit from economic development, and the location is appropriate.

There was no further public input.

A recess was called at 8:20 p.m.; the meeting was called back to order at 8:32 p.m.

APPLICANT'S REBUTTAL

Responding to concerns expressed during the public input, Mr. Powell noted that the company does

currently have an FAA waiver; it is up to the FAA to determine whether the operation is too close to an airport. As part of standard procedures, when the balloon is to be put aloft, notifications to all flight services with full information are made, including a notice to all airmen; an update is given every week. Solar power will help control the Ground Control Station, together with the generators. As for the trailers and equipment that will be installed, only the fence will be left on the site when the operation is ended. The laser is eye-safe. This is a private company; the Government has no control over daily operations or privacy policies. Mr. Powell reviewed the placement of flags on the tether and the night time beacon. He noted that there would be no restriction for emergency helicopters; the Border Patrol constantly flies its helicopters all around the Dateland area, and the applicant is willing to work with local agencies on whatever is needed. As for a 5-year contract, there are other avenues for marketing the product to other countries; there is no connection with the length of the mission in Afghanistan. The applicant would like to apply for the 2,500 feet height, which would provide a better simulation of Afghanistan elevation and better test results; however, that decision is up to the FAA.

The Camp Verde location would be convenient to the major airport in Phoenix, as well as close to other daily living accommodations. Mr. Powell addressed the issue of possibly identifying criminal activities; that is not the intent, it is only a camera raining operation and no one is interested in what the citizens are doing in their daily lives. The applicant will be open to whatever request the Town may make as far as arriving at an emergency response policy. Mr. Powell explained the use of the infrared, or night vision and heat-sensing cameras; they do not look through buildings. As for the reference to "other devices" on the balloon, those would be whatever the military or some other country would choose to install for their own purposes. The generators are specifically designed to operate quietly.

PUBLIC HEARING CLOSED

Council Discussion

The members discussed with Mr. Powell the number of tethers and how they are used in working with the balloon, the anticipated training cycles, the estimated 60% of time the balloon would be aloft, no scattered radiation, as far as the applicant is aware of; the nighttime beacon; and assurance that the film is not recorded or stored during the training operations, and the instructor is always with the trainee. Burnside expressed his concern about the intensity of the lighting to be used; Mr. Powell said the company would work with the Town as long as it would be approved by the FAA. Mr. Powell explained that the camera is capable to seeing 10-12 miles, and it is not tied to any satellite; there will only be one balloon aloft at one time. There was also discussion about the possibility of the balloon getting loose which would be highly unlikely considering the almost \$4 million value of the entire system. Roulette commented that the support of the Chamber of Commerce was significant; he is in support of the project and believes it is a good fit for the Town; he would recommend only a 3-year term. Responding to comments from some out-of-town speakers who voiced objections based on fear of what they perceived as "government intrusion," Baker spoke of her personal deep, steadfast belief and pride in the United States, saying in essence that it was an egregious insult to our Country for them to interject their comparisons of the Military to Nazi Germany; furthermore, she said she will vote absolutely in favor of supporting the proposed activity. Garrison requested that staff make sure that notices of public hearings are always published in both of the local newspapers, and to keep in mind the scheduling of important meetings close to holidays. Whatley said that if she can do one little thing to help bring this system to Camp Verde, she believes it will not only help the boys and girls over there, but it will also help the Town. There was also further discussion on addressing high-intensity lighting and possible complaints; Mr. Powell will look into the lighting issue with the FAA. Garrison noted that the application still has to go before the Sanitary District for approval, and then back to the Council for discussion and agreement on the actual lease terms. Jenkins said he understands that on the application to the FAA for the waiver, the company was required to indicate the location of the airstrip that was mentioned in the public input.

Town Manager Martin confirmed that the Sanitary District has separate authority as the owner of the

property; the Town is subject to the arrangement with the Sanitary District pursuant to the lease already in place. It was also confirmed the Motion included the recommendation of the Planning & Zoning Commission for a 5-year term of the Use Permit, however, the Council may decide upon a different term for the Use Permit at the time of approval.

9. **Call to the Public for Items not on the Agenda.**
There was no public input.
10. **Advanced Approvals of Town Expenditures.** There are no advanced approvals.
There were no advanced approvals.
11. **Manager/Staff Report**
There was no Manager/Staff report.
12. **Adjournment**
On a motion by Baker, seconded by Kovacovich, the meeting was adjourned at 9:32 p.m.

Bob Burnside, Mayor

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 Work Session of the Town Council of Camp Verde, Arizona, held on the 26th day of January 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2011.

Debbie Barber, Town Clerk



**TOWN OF CAMP VERDE
Agenda Action Form**

Meeting Date: February 16, 2011

Meeting Type: Regular Session

Consent Agenda – Special Announcements **Regular Business**

Reference Document: New Business License list for the month ending January, 2011

Agenda Title (be exact):

Welcome to the new businesses that registered during the month of November:

- Lansink Family Properties, 301 S. Woods Street, Camp Verde
- Kings Authentic Gifts & Souvenirs, 1550 W. Highway 260, Camp Verde
- Alarm Electronics, Prescott, Az
- Baier's Carpet & Upholstery Cleaning, Camp Verde
- Valley View Restaurant, 102 W. Arnold, Camp Verde
- Jerry Rosenberg, 866 N. Garner Lane, Camp Verde
- Doc's Small Engine Repair/Welding, 227 S. Woods, Camp Verde
- Highlands Floor Covering, Flagstaff, AZ
- Tyler Technologies, Inc., Sugarland, TX

Purpose and Background Information:

These are the businesses that opened during the month of January. A complete report is attached.

Recommendation (Suggested Motion):

Welcome the new businesses.

Finance Review: Budgeted Unbudgeted N/A

Finance Director Comments/Fund: N/A

Attorney Review: Yes No N/A

Attorney Comments: N/A

Submitting Department: Clerk's Office

Contact Person: Debbie Barber, Town Clerk

Action Report prepared by: D. Barber

New Licenses Issued in January:

Name of Business	License #	Physical Address	City/Town
Lansink Family Properties	2102	301 S Woods Street	Camp Verde
Kings Authentic Gifts & Souvenirs	2103	1550 W Hwy 260	Camp Verde
Alarm Electronics	2104	11025 N. Deer Hill Lane	Prescott
Baler's Carpet & Upholstery Cleaning	2105	3561 W Northern Avenue	Camp Verde
Valley View Restaurant	2106	102 W. Arnold	Camp Verde
Jerry Rosenberg	2107	866 N. Garner Lane	Camp Verde
Doc's Small Engine Repair/Welding	2108	227 S Woods	Camp Verde
Furr Hendron Enterprises, Inc. Highlands Floor Covering	2109	2009 N. Fourth St.	Flagstaff
Tyler Technologies, Inc.	2110	1650 Ste. 100	Sugarland, TX

Business Licenses Closed in January

Brown Development	1942	Per owner request
Camp Verde Veterinary Clinic	1203	
Arizona Solar Installation LLC	1939	Per owner request
Seminars & Company	1967	Per owner request
Harrison Roberts Landscape Maintenance	1497	Per owner request



**TOWN OF CAMP VERDE
Agenda Action Form**

Meeting Date: February 16, 2011

Meeting Type: Regular Session

Consent Agenda **Regular Business**

Agenda Title: Presentation by Carol Brown relative to an overview of Risk Management

Staff resource: Carol Brown

Purpose and Background Information:

It would be beneficial to have an overview of Risk Management prior to Council adopting the Town's first Risk Management Policies and Procedures and Safety Programs.

Recommendation: Afford Carol Brown the opportunity to make the presentation to the Town Council and the larger community.

Finance Review: **Budgeted** **Unbudgeted** **N/A**

Finance Director Comments:

Attorney Review: **Yes** **No** **N/A**

Attorney Comments: N/A

Submitting Department: Administration
Action Report prepared by: C. Brown

Contact Person: Carol Brown



**TOWN OF CAMP VERDE
Town Council
Agenda Action Form**

Meeting Date: February 16, 2011

Meeting Type: Regular Session

Consent Agenda Regular Business

Reference Document: Resolution 2011-833

Agenda Title (be exact): Public Hearing, Discussion and Possible approval of Resolution 2011-833; a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolution 2006-699 and Vacating the approval of the Final Plat for the River's View Subdivision at Simonton Ranch.

Purpose and Background Information: The Final Plat for the River's View Subdivision at Simonton Ranch was approved by the Town Council on October 25, 2006. Under Article IV of the Town's Subdivision Regulations, "Within 180 days of the approval by the Council, the owner/subdivider shall provide all required materials and demonstrate that all conditions of plat approval have been met and the properly examined plat is presented to the Town Planning & Zoning Director for recording. If this is not done, the developer shall present a written status report to the Director who may administratively grant a six (6) month extension of time. At the end of (1) one year if the conditions of approval have not been satisfied and the plat is not presented or found acceptable for recording the final plat shall be referred to the Town Council for action."

As can be seen, it has been well over one year since the Final Plat approval by the Council. As required in said Article IV, this Final Plat approval is being referred to the Council for action at this time.

Since this Final Plat approval did not require a recommendation from the Planning & Zoning Commission, the P&Z Ordinances do not require a recommendation from the Commission prior to Council action.

Recommendation (Suggested Motion): Move to approve or deny Resolution 2011-833.

Attorney Review: The Town Attorney has reviewed and approved Resolution 2011-833 as to format and content.

Submitting Department: Community Development Department

Contact Person: Michael Jenkins, Acting Community Development Director
Action Report prepared by: Michael Jenkins



RESOLUTION 2011-833

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, SUPERSEDING RESOLUTION 2006-699 AND VACATING THE APPROVAL OF THE FINAL PLAT FOR THE RIVER'S VIEW SUBDIVISION AT SIMONTON RANCH.

WHEREAS, the Town Council, at their regular session of October 25, 2006, approved the final plat for the River's View Subdivision at Simonton Ranch, ("Final Plat") and

WHEREAS, under Town Subdivision Regulation Article IV, Section 15 of the Planning & Zoning Ordinances of the Town of Camp Verde it is required that after one (1) year from the Council's Final Plat approval, if the developer/subdivider has not satisfied all the Town's conditions to the Final Plat approval and the plat has not been presented for recording, then the Final Plat shall be referred to the Town Council for action, and

WHEREAS, The Town Council realizes that the Town is currently revising its Planning & Zoning Ordinances which regulates the land use and land development requirements for the Town, and

WHEREAS, The Town Council realizes that in the best interest of the Town that all preliminary subdivisions that have not met the one (1) year requirements of Article IV, Section 15 of the Subdivision Regulations of the Town Zoning Code and have not met the requirements for recording shall be rescinded. Should the developer/subdivider of such property intend on developing the subject property the developer/subdivider must begin the subdivision process under the newly adopted land use and land development standards to be adopted by the Town within the near future.

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE RESOLVE, TO VACATE THE APPROVAL OF THE FINAL PLAT FOR THE RIVER'S VIEW SUBDIVISION AT SIMONTON RANCH.

PASSED AND APPROVED by a majority vote of the Town Council of Camp Verde, Arizona, this 16th day of FEBRUARY, 2011.

Bob Burnside, Mayor

Date: _____

Approved as to Form:

Town Attorney

Attest: _____
Deborah Barber, Town Clerk



RESOLUTION 2006-699

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ADOPTING FINAL PLAT 2006-05 FOR RIVER'S VIEW @ SIMONTON RANCH LOCATED ON PARCEL 403-23-102F CONSISTING OF 16.9 ACRES. THIS PROJECT IS LOCATED OFF OF FINNIE FLAT ROAD AND IS WITHIN THE MASTER PLANNED COMMUNITY OF SIMONTON RANCH.

WHEREAS, a request for a final plat (2006-05) approval was filed by Albert Dupuy, agent for ALD Development, Inc., owner of the of tax parcel 403-23-102F, for River's View @ Simonton Ranch and

WHEREAS, a preliminary plat was approved by the Common Council on October 26, 2005 in public hearings that were advertised and posted according to state law, and

WHEREAS, the purpose of the Final Plat is to allow for the development of a residential subdivision and to subdivide 16.9 acres into 15 lots using the residential design standards approved for Simonton Ranch PAD 1-2, and

WHEREAS, the construction plans have been reviewed and approved by the Town Engineer, Arizona Engineering and

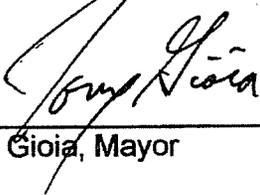
WHEREAS, the proposed subdivision will not constitute a threat to the health, safety, or welfare to the general public and should be approved;

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE RESOLVE, TO ADOPT FINAL PLAT 2006-05 FOR RIVER'S VIEW @ SIMONTON RANCH SUBDIVISION WITH THE FOLLOWING STIPULATIONS:

1. Upon the determination by the developer of the amount of water rights needed on the subdivision, the developer will voluntarily transfer any and all unallocated water rights to the Town.
2. All non-motorized trails will be within the dedicated drainage and ditch easements dedicated to the Town on the Final Plat and the Homeowner's Association will enter into an agreement with the Town concerning the maintenance and repair of these areas as described on the Final Plat prior to recordation.

3. Development fees will be applicable to all building permits submitted after the effective date of the adoption of such fees.
4. The method of assurance will be in the form of an escrow account that will be for the amount of construction plus 10% as estimated by the project engineer and approved by the Town Engineer.
5. Subject to receipt of letter from ADWR indicating adequate water supply.
6. Subject to approval of provisions for sewer service or temporary septic systems until such time as sewer service is available

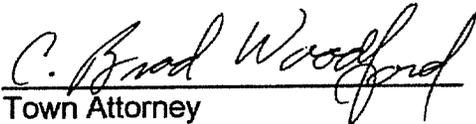
PASSED AND APPROVED by a majority vote of the Town Council of Camp Verde, Arizona, this 25th day of October 2006.



Tony Gioia, Mayor

Date: 10/30/06

Approved as to Form:



Town Attorney

Attest: 

Deborah Barber, Town Clerk



**TOWN OF CAMP VERDE
Town Council
Agenda Action Form**

Meeting Date: February 16, 2011

Meeting Type: Regular Session

Consent Agenda Regular Business

Reference Document: Resolution 2011-834

Agenda Title (be exact): Public Hearing, Discussion and Possible approval of Resolution 2011-834; a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolution 2006-693 and Vacating the approval of the Final Plat for the Homestead Subdivision at Simonton Ranch.

Purpose and Background Information: The Final Plat for the Homestead Subdivision at Simonton Ranch was approved by the Town Council on October 25, 2006. Under Article IV of the Town's Subdivision Regulations, "Within 180 days of the approval by the Council, the owner/subdivider shall provide all required materials and demonstrate that all conditions of plat approval have been met and the properly examined plat is presented to the Town Planning & Zoning Director for recording. If this is not done, the developer shall present a written status report to the Director who may administratively grant a six (6) month extension of time. At the end of (1) one year if the conditions of approval have not been satisfied and the plat is not presented or found acceptable for recording the final plat shall be referred to the Town Council for action."

As can be seen, it has been well over one year since the Final Plat approval by the Council. As required in said Article IV, this Final Plat approval is being referred to the Council for action at this time.

Since this Final Plat approval did not require a recommendation from the Planning & Zoning Commission, the P&Z Ordinances do not require a recommendation from the Commission prior to Council action.

Recommendation (Suggested Motion): Move to approve or deny Resolution 2011-834.

Attorney Review: The Town Attorney has reviewed and approved Resolution 2011-834 as to format and content.

Submitting Department: Community Development Department

Contact Person: Michael Jenkins, Acting Community Development Director
Action Report prepared by: Michael Jenkins



RESOLUTION 2011-834

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, SUPERSEDING RESOLUTION 2006-693 AND VACATING THE APPROVAL OF THE FINAL PLAT FOR THE HOMESTEAD SUBDIVISION AT SIMONTON RANCH.

WHEREAS, the Town Council, at their regular session of October 25, 2006, approved the final plat for the Homestead Subdivision at Simonton Ranch, ("Final Plat") and

WHEREAS, under Town Subdivision Regulations Article IV, Section 15 of the Planning & Zoning Ordinances of the Town of Camp Verde it is required that after one (1) year from the Council's Final Plat approval, if the developer/subdivider has not satisfied all the Town's conditions to the Final Plat approval and the plat has not been presented for recording, then the Final Plat shall be referred to the Town Council for action, and

WHEREAS, The Town Council realizes that the Town is currently revising its Planning & Zoning Ordinances which regulates the land Use and land development requirements for the Town, and

WHEREAS, The Town Council realizes that in the best interest of the Town that all preliminary subdivisions that have not met the one (1) year requirements of Article IV, Section 15 of the Subdivision Regulations of the Town Zoning Code and have not met the requirements for recording shall be rescinded. Should the developer/subdivider of such property intend on developing the subject property the developer/subdivider must begin the subdivision process under the newly adopted land use and land development standards to be adopted by the Town within the near future.

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE RESOLVE, TO VACATE THE APPROVAL OF THE FINAL PLAT FOR THE HOMESTEAD SUBDIVISION AT SIMONTON RANCH.

PASSED AND APPROVED by a majority vote of the Town Council of Camp Verde, Arizona, this 16th day of FEBRUARY, 2011.

Bob Burnside, Mayor

Date: _____

Approved as to Form:

Town Attorney

Attest: _____
Deborah Barber, Town Clerk



RESOLUTION 2006-693

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ADOPTING FINAL PLAT 2006-03 FOR HOMESTEAD @ SIMONTON RANCH LOCATED ON PARCEL 403-23-102 CONSISTING OF 36.2 ACRES. THIS PROJECT IS LOCATED OFF OF FINNIE FLAT ROAD AND IS WITHIN THE MASTER PLANNED COMMUNITY OF SIMONTON RANCH.

WHEREAS, a request for a final plat (2006-03) approval was filed by Robert Fuller, agent for R&R Homestead LLC, owner of the of tax parcel 403-23-102, for Homestead @ Simonton Ranch and

WHEREAS, a preliminary plat was approved by the Common Council on October 26, 2005 in public hearings that were advertised and posted according to state law, and

WHEREAS, the purpose of the Final Plat is to allow for the development of a residential subdivision and to subdivide 36.2 acres into 52 lots using the residential design standards approved for Simonton Ranch PAD 3-5, and

WHEREAS, the construction plans have been reviewed and approved by the Town Engineer, Arizona Engineering and

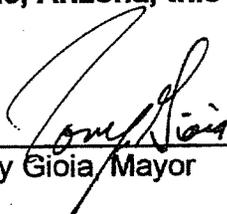
WHEREAS, the proposed subdivision will not constitute a threat to the health, safety, or welfare to the general public and should be approved;

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE RESOLVE, TO ADOPT FINAL PLAT 2006-03 FOR HOMESTEAD @ SIMONTON RANCH SUBDIVISION WITH THE FOLLOWING STIPULATIONS:

1. Upon the determination by the developer of the amount of water rights needed on the subdivision, the developer will voluntarily transfer any and all unallocated water rights to the Town.
2. All non-motorized trails will be within the dedicated drainage and ditch easements dedicated to the Town on the Final Plat and the Homeowner's Association will enter into an agreement with the Town concerning maintenance and repair of these areas as described on the Final Plat prior to recordation of the plat.

3. Development fees will be applicable to all building permits submitted after the effective date of the adoption of such fees.
4. The method of assurance will be in the form of an escrow account that will be for the amount of construction plus 10% as estimated by the project engineer and approved by the Town Engineer.
5. Subject to receipt of letter from ADWR indicating adequate water supply.
6. Subject to approval of provisions for sewer service or temporary septic systems until such time as sewer service is available.

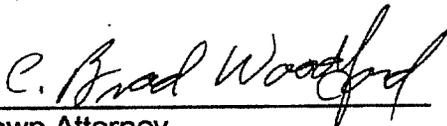
PASSED AND APPROVED by a majority vote of the Town Council of Camp Verde, Arizona, this 25th day of October 2006.



Tony Gioia Mayor

Date: 10/30/06

Approved as to Form:



Town Attorney

Attest: 

Deborah Barber, Town Clerk



TOWN OF CAMP VERDE
Town Council
Agenda Action Form

Meeting Date: February 16, 2011

Meeting Type: Regular Session

Consent Agenda Regular Business

Reference Document: (Abandonment & Reversion to Acreage Plat of the Silverado Subdivision) & Resolution 2011-832.

Agenda Title (be exact): **Public Hearing, Discussion and Possible approval of Resolution 2011-832 of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolution 2006-685 and approving to record the abandonment and reversion to acreage plat of the Silverado subdivision at Simonton Ranch and said plat also including the abandonment of all roadways, easements and common areas of the subdivision as evaluated by the Planning & Zoning Commission on January 27, 2011.**

Purpose and Background Information:

- Silverado Subdivision: The Final Plat for the Silverado Subdivision was recorded on July 6, 2006. The Town's Subdivision Regulations, Article I.H.1, states that "Council may revoke the Final Plat if no lots have been sold and if all improvements have not been made within (3) three years from the date of the Final Plat recording".

There have been no improvements to or lots sold for the Silverado Subdivision. The current Title Report shows that the current owner is Investors Mortgage Holder (IMH)Special Asset NT 228, LLC. Staff has met with a representative of (IMH) and have discussed the intent of returning the subdivision to the Commission and Council for action to Abandon the subdivision and Revert the property to Acreage. Also, a certified letter was sent to IMH, on January 11, 2011, advising that the Abandonment and Reversion to Acreage Plat would be going before this Commission for recommendation on January 27, 2011 and to the Council for final approval or denial on February 16, 2011.

The processes and requirements for this action are in the Planning & Zoning Ordinances (Subdivision Regulations) under Article I.H. The Arizona Revised Statutes provides Municipal Authority under ARS §9-463.01.G.2 (Plats filed for the purpose of reverting to acreage of land previously subdivided).

The reasoning behind the State Statutes for this Abandonment & Reversion Plat authority is that it is understood once an item is recorded (The current Final Plat) with the County Recorder, that item cannot be unrecorded. (This protects the public record). This new action to Abandon and Revert to Acreage is then recorded as a Plat to notice the public of the current land status of un-subdivided land and that the previous action, by the Council of an approved subdivision plat is now void.

Planning & Zoning Commission Recommendation: On January 27, 2011, the Town of Camp Verde Planning and Zoning Commission recommended approval of the Abandonment & Reversion to Acreage Plat of the Silverado Subdivision to the Town Council as follows:

On a motion by Hisrich and seconded by Hough, the Commission voted 6-0 to recommend that Council approve the Silverado Subdivision Abandonment and Reversion to Acreage Plat as prepared under the direction of the Town Council, which also includes the abandonment of all roadways, easements and common areas of the subdivision. (Commissioner Freeman was absent.)

Recommendation (Suggested Motion): Move to approve or deny the Silverado Subdivision Abandonment and Reversion to Acreage Plat as prepared under the direction of the Town Council, which also includes the abandonment of all roadways, easements and common areas of the subdivision and Resolution 2011-832 as part of this action by the Town Council.

Attorney Review: The Town Attorney has reviewed the Abandonment and Reversion to Acreage Plat for the Silverado Subdivision, which includes the abandonment of all roadways, easements and common areas within the said subdivision. This review was completed on December 22, 2010. Resolution 2011-832 was reviewed by the Town Attorney on January 24, 2011 and approved accordingly.

Town Engineer: The Town Engineer has reviewed the Abandonment and Reversion to Acreage Plat for the Silverado Subdivision, which includes the abandonment of all roadways, easements and common areas within the said subdivision on December 21, 2010.

Submitting Department: Community Development Department

Contact Person: Michael Jenkins, Acting Community Development Director
Action Report prepared by: Michael Jenkins



RESOLUTION 2011-832

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, SUPERSEDING RESOLUTION 2006-685 AND APPROVING TO RECORD THE ABANDONMENT AND REVERSION TO ACREAGE PLAT FOR THE SILVERADO SUBDIVISION AT SIMONTON RANCH AND SAID PLAT ALSO INCLUDING THE ABANDONMENT OF ALL ROADWAYS, EASEMENTS AND COMMON AREAS OF THE SUBDIVISION AS EVALUATED BY THE PLANNING & ZONING COMMISSION ON JANUARY 27, 2011.

WHEREAS, the Town Council, at their regular session of November 17, 2010, has directed town staff to process an Abandonment and Reversion to Acreage action for the Silverado Subdivision at Simonton Ranch under the requirements of the Town of Camp Verde Planning & Zoning Ordinances (Subdivision Standards) Article I.H, and

WHEREAS, under said Article I.H.1 it states that "Council may revoke the Final Plat if no lots have been sold and if all improvements have not been made within (3) years from the date of the Final Plat recording, and

WHEREAS, there have been no improvements to or lots sold for the Silverado Subdivision, and

WHEREAS, under said Article I.H.4 of the Planning & Zoning Ordinances it is required that any action considered by the Town Council relating to revocation of all or part of a subdivision whether lots, or lots and rights-of-way, shall be referred to the Commission for evaluation, and

WHEREAS, under A.R.S. §§ 9-240 and 28-7205, the Town may abandon streets and roads and the Town Council may do so under A.R.S. §§ 9-463.01 and 9-240.B.3.(e); and

WHEREAS, the Town of Camp Verde's Planning and Zoning Commission performed the said evaluation and hearing at their regularly scheduled meeting of November 17, 2010 (posted and advertised per Arizona State Statutes) with a recommendation to the Town Council to approve the Abandonment and Reversion to Acreage Plat of the Silverado Subdivision which included the abandonment of all roadways, easements and common areas of the subdivision

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE RESOLVE, TO ADOPT AND APPROVE FOR RECORDING THE ABANDONMENT AND REVERSION TO ACREAGE PLAT FOR THE SILVERADO SUBDIVISION AT SIMONTON RANCH.

PASSED AND APPROVED by a majority vote of the Town Council of Camp Verde, Arizona, this 16th day of FEBRUARY, 2011.

Bob Burnside, Mayor

Date: _____

Approved as to Form:

Town Attorney

Attest: _____
Deborah Barber, Town Clerk



RESOLUTION 2006-685

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ADOPTING FINAL PLAT 2006-01 FOR SILVERADO @ SIMONTON RANCH LOCATED ON PARCELS 403-23-103B, 403-23-103D AND A PORTION OF 403-23-103C CONSISTING OF 64.84 ACRES. THIS PROJECT IS LOCATED OFF OF FINNIE FLAT ROAD AND IS WITHIN THE MASTER PLANNED COMMUNITY OF SIMONTON RANCH.

WHEREAS, a request for a final plat (2006-01) approval was filed by Alan Willis agent for Haven Homes, owner of the of tax parcels 403-23-103B, 403-23-103D and a portion of 403-23-103C for Silverado @ Simonton Ranch and

WHEREAS, a preliminary plat was heard by the Planning Commission on October 6, 2005 and by the Common Council on October 26, 2005 in public hearings that were advertised and posted according to state law, and

WHEREAS, the purpose of the Final Plat is to allow for the development of a residential subdivision and to subdivide 64.84 acres into 252 lots using the residential design standards approved for Simon Ranch PAD as shown in exhibit A and

WHEREAS, the construction plans have been reviewed and approved by the Town Engineer, Arizona Engineering and

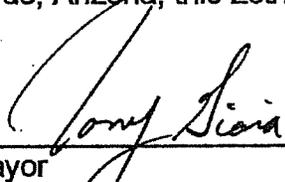
WHEREAS, the proposed subdivision will not constitute a threat to the health, safety, or welfare to the general public and should be approved;

NOW THEREFORE THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE RESOLVE, TO ADOPT FINAL PLAT 2006-01 FOR SILVERADO @ SIMONTON RANCH SUBDIVISION WITH THE FOLLOWING STIPULATIONS:

1. 4' sidewalks will be constructed on both sides of the entrance roadway.
2. The entrance road ROW will be 68' in width with two 20' travel lanes and two 10' PUE on either side of the roadway.
3. The local road ROW will be 50' in width with two 16' travel lanes and two 8' PUE on either side of the roadway.

4. The infrastructure will be completed and accepted by the Town before any Certificate of Occupancy's will be issued for any residence except for the models used for sales purposes per the agreement between the developer and the Town in lieu of filing a performance bond.
5. Upon the determination by the developer of the amount of water rights needed on the subdivision, the developer will voluntarily transfer any and all unallocated water rights to the Town.
6. All non-motorized trails will be within the dedicated drainage and ditch easements dedicated to the Town on the Final Plat and the Homeowner's Association will maintain these areas as described on the Final Plat.
7. Development fees will be applicable to all building permits submitted after the effective date of the adoption of such fees.

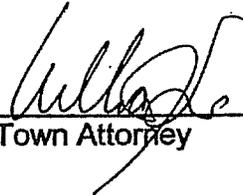
PASSED AND APPROVED by a majority vote of the Town Council of Camp Verde, Arizona, this 26th day of April 2006.



Mayor

Date: 4/28/06

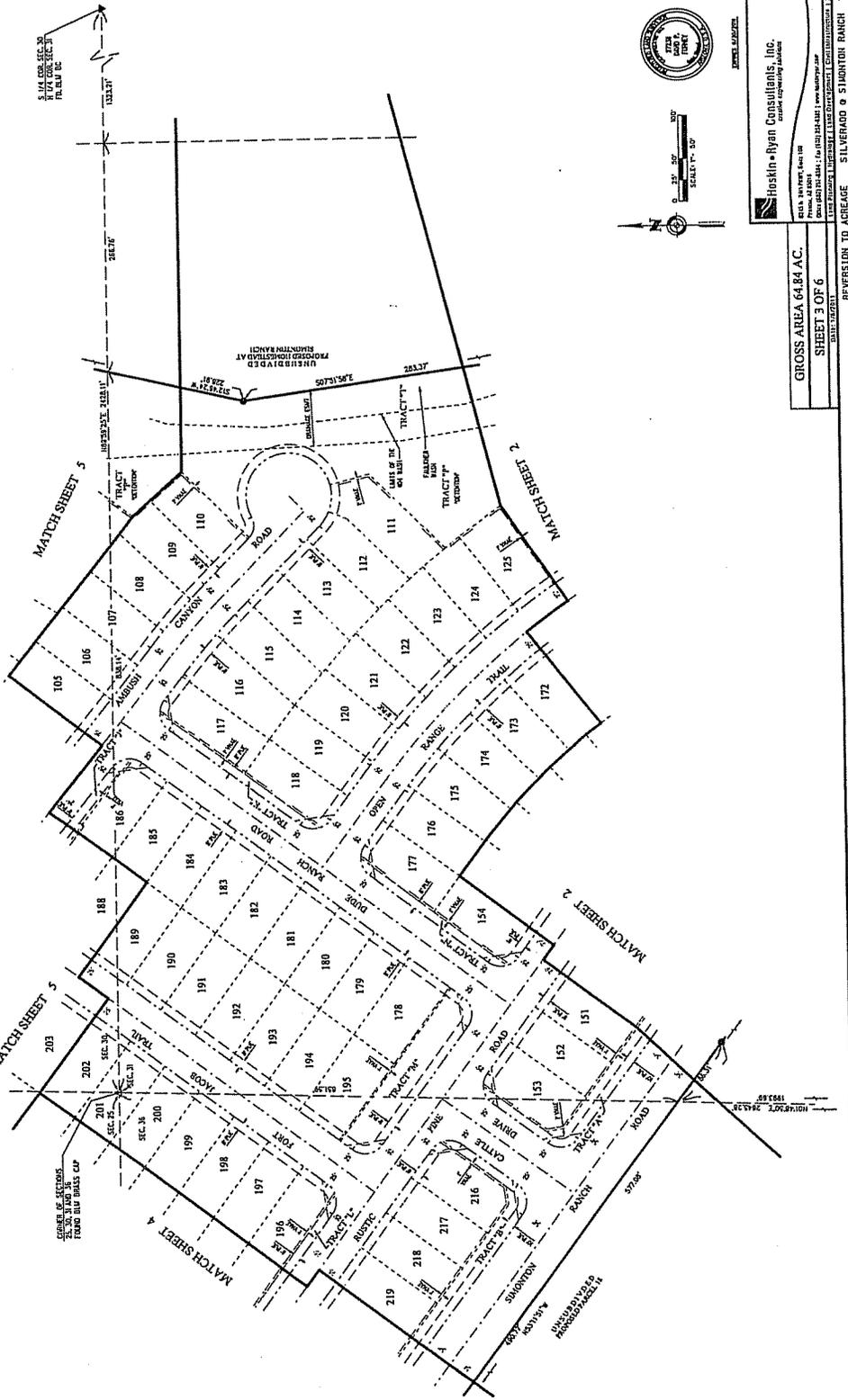
Approved as to Form:



Town Attorney

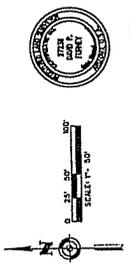
Attest: Virginia Lewis 5-4-06
Deputy Clerk

**FINAL PLAT
FOR
THE ABANDONMENT AND REVERSION
TO ACREAGE OF THE SILVERADO
SUBDIVISION AT SIMONTON RANCH**



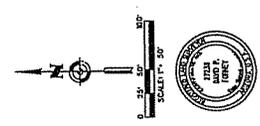
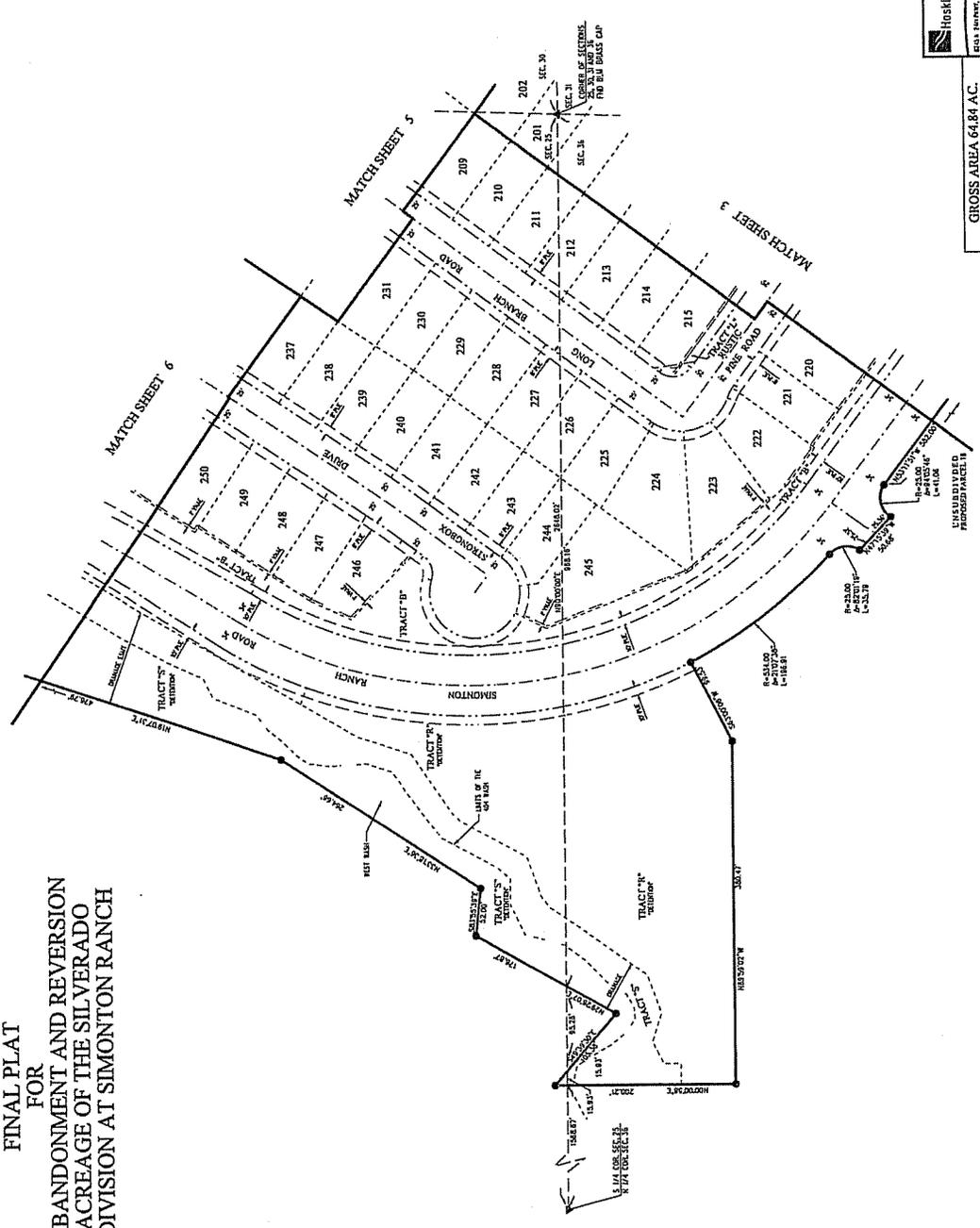
GROSS AREA 64.84 AC.
SHEET 3 OF 6
DATE 12/27/21

Hoskin-Ryan Consultants, Inc.
Professional Engineering Subcontract



REVERSION TO ACREAGE SILVERADO @ SIMONTON RANCH 10-032

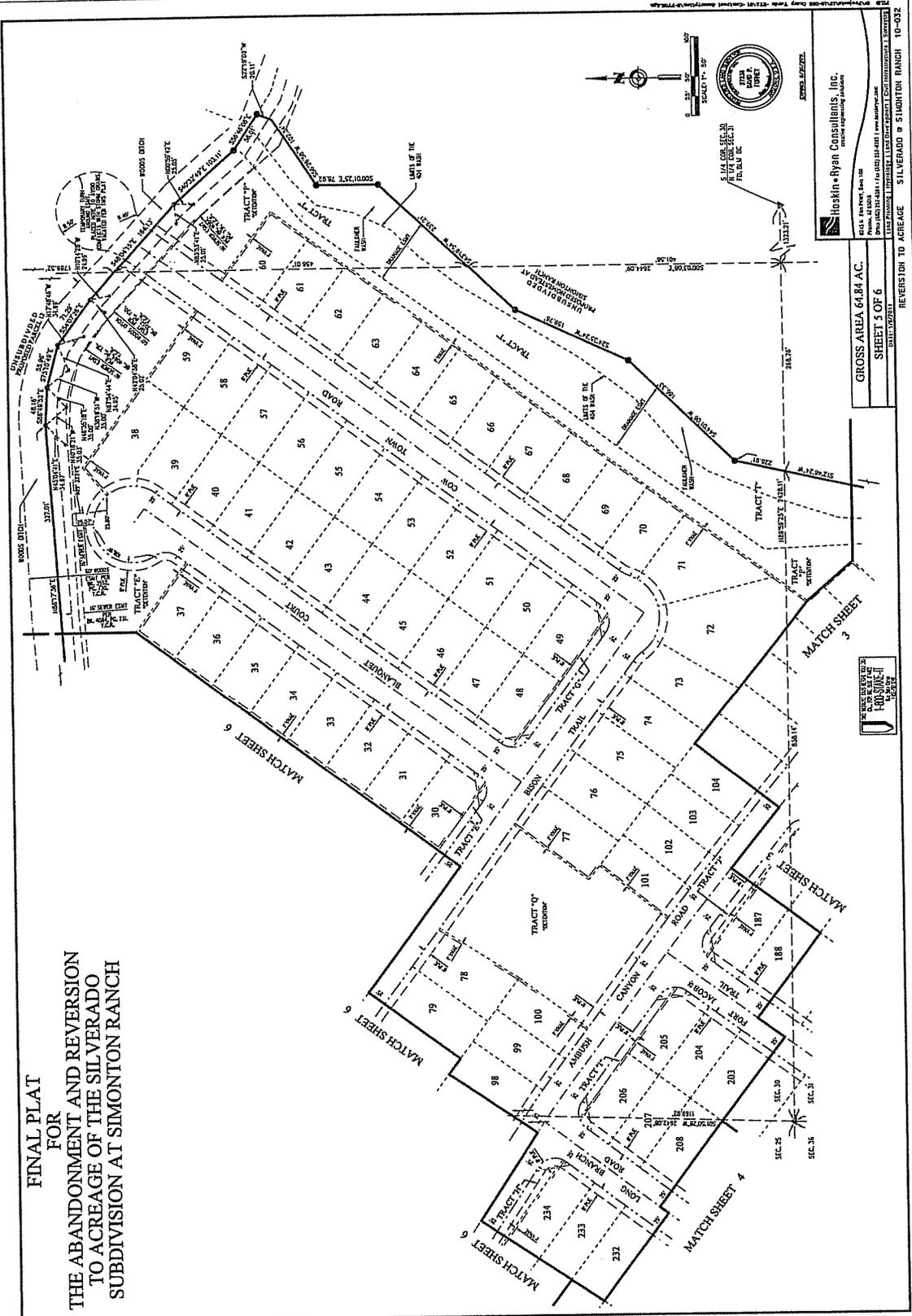
FINAL PLAT
 FOR
 THE ABANDONMENT AND REVERSION
 TO ACREAGE OF THE SILVERADO
 SUBDIVISION AT SIMONTON RANCH



DEVELOPER
 Hoskin • Ryan Consultants, Inc.
 1100 N. 10th Street, Suite 100
 Denver, Colorado 80202
 (303) 733-1100 | www.hoskin-ryan.com

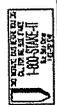
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 SHEET 4 OF 6
 REVERSION TO ACREAGE SILVERADO @ SIMONTON RANCH 10-002

**FINAL PLAT
FOR
THE ABANDONMENT AND REVERSION
TO ACREAGE OF THE SILVERADO
SUBDIVISION AT SIMONTON RANCH**



Hoskin-Ryan Consultants, Inc.
 1000 N. 10th Street, Suite 100
 Silverado, Colorado 80451
 (303) 425-1234
 www.hoskin-ryan.com

GROSS AREA 64.84 AC.
 SHEET 5 OF 6
 DATE: 07/20/2011



REVERSION TO ACREAGE SILVERADO @ SIMONTON RANCH 10-032

12



**TOWN OF CAMP VERDE
Agenda Action Form**

Meeting Date: February 16, 2011

Meeting Type: Regular Session

Consent Agenda Regular Business

Agenda Title (be exact):

Discussion, consideration, and possible direction to staff relative to developing a comprehensive zoning enforcement process utilizing established protocol to include the Planning & Zoning Commission and the Town Attorney.

Staff Resource: Mike Jenkins

Purpose and Background Information:

We have provided for your review, two flow charts. One is the currently followed enforcement procedure and the other flow chart illustrating the proposed code enforcement procedure.

NOTE: The Planning & Zoning Ordinance re-write leaves the zoning code enforcement virtually the same as it is in the current Ordinances.

On February 2, 2000, the Town Council approved Resolution 2000- 434 (Attached), a Resolution Adopting Zoning Enforcement Policies for the Town of Camp Verde. This Resolution 2000-434 was re-affirmed by the Town Council on May 25, 2005 (Actions Taken, Dated May 25, 2005 (Attached)).

- It is stated in Resolution 2000-434 that the Town Council, in 2000 & 2005, wanted a unified enforcement policy that addresses handling of zoning complaints with a choice of either civil or criminal enforcement.
- In the current Town Code Article 7-7.A (Attached) allows for a zoning complaint to be heard by the Town's Civil Hearing Officer first and then by the Magistrate Court (criminal process) for any subsequent violations.

Courts have typically determined that actual Council adopted Ordinances (laws) are the legal processes to follow as opposed to policies as set by Resolution. Also, there appears to be many conflicts between the Planning & Zoning Ordinance (Section 102) and the Town Code (Article 7-7).

Over the last several years, it has been realized by staff that there are certain benefits to using the Criminal Citation process. It is understood that the Criminal Citation approach to zoning enforcement, as well as being less costly to the Town, can be more effective than the Civil Citation approach by allowing for warrants for arrest to be issued if the defendant does not appear for their hearing or does not pay fines if found guilty of the violation. In the Civil Hearing process, if the defendant is found guilty and does not pay his or her fine, the Town would have to try and obtain such fines through the civil processes such as property liens or collection agencies. These Civil processes require additional monies from the Town for legal fees and additional staff time. Under the Town Code (Article 7-7.D) it is stated that "all evidence in the Civil Hearing process shall be presented by the Town Attorney". This also would be costly for the Town since we do not have an on-staff attorney.

It is by the current events such as Public Sentiment, Economic Development, Reduced Staff Levels and the Economic Downturn that leads staff to believe that the Council should have the opportunity to re-evaluate the Zoning Enforcement process as outlined in Section 102 of the current Planning and Zoning Ordinances (attached), the Enforcement Procedures for Violations as outlined in the Town Code, Article 7-7 (attached) and Resolution 2000-434 (Zoning Enforcement Policies).

In certain cases, the Code Enforcement Official has first taken a defendant through the courtesy warning, the written warning

and then the Civil Hearing process without obtaining compliance to the zoning ordinances and with fines imposed by the Civil Hearing Officer left unpaid. As a next step, the Code Enforcement Official has issued a Criminal Violation through the Magistrate Court. The defendant was found guilty by the Magistrate Judge and fines were imposed through his court. The problem has been that the Magistrate Court can only issue warrants for arrest for unpaid fines imposed by their court not the fines that were imposed through the Civil Hearing Officer. The Town then is still responsible to obtain payment by the civil processes mentioned. With this in mind, the Criminal process is a more effective approach to code enforcement as is currently written in the Planning & Zoning Ordinances. It is currently staff's process (Under Section 102.B.2.a-c) of the adopted Planning & Zoning Ordinances) to issue a Verbal Warning (a.) then a Written Warning(b.) and finally a Criminal Citation (c.)

This provides two opportunities for the defendant to remedy the violation and work out schedules of completion with the Code Enforcement Official prior to being cited into the Magistrate Court. Once a criminal citation has been issued to the Magistrate Court, the Town is removed from the process until the Code Enforcement Official is called as a witness at the hearing. Any determinations made by the Magistrate Judge are appealed to the Superior Court.

Apart from the proposed Enforcement process, two additional items are presented to the Council as follows:

- **Utilization of all available Community Development Staff as Zoning Code Enforcement personnel:** Due to minimal staff levels, it is proposed that any and all Community Development Staff will participate in the Zoning Enforcement processes at one level or another. The Community Development Director is designated as the Town's Zoning Administrator under the Town Code, Section 3-2-4. The Director is already required to enforce the zoning regulations directly or through his designee as well as determining enforcement priorities and provide training of the zoning codes and Town Policies to the zoning inspectors. It is hereby proposed that administrative staff could be utilized for the identification and initial research and administrative support for the Director and the zoning inspector or Zoning Enforcement Official. It is apparent that the Policy is already in place and unless otherwise revised by the Council would remain as is.
- **Standard Practices:** It is standard and prudent practice to involve the Town Manager in zoning violation issues that may carry particular liability for the Town. It is also standard and prudent practice to involve the Town Attorney sparingly and only in zoning violation issues that require legal advice or when the Community Development Director or his designee has been contacted by a defendant's attorney. Unless otherwise revised by the Town Manager, this policy will remain in place.

Recommendation (Suggested Motion): Move to direct staff to develop a comprehensive zoning enforcement process through the Planning & Zoning Commission and the Town Attorney utilizing the criminal citation process as prescribed in Section 102 of the current Planning and Zoning Ordinances and to place the enforcement procedures in the (proposed new Planning and Zoning Ordinances / Town Code) as a single guidance source.

Attorney Review:

Attorney Comments: N/A

Submitting Department: Community Development Department

Contact Person: Michael Jenkins, Robert Foreman

Action Report prepared by: Michael Jenkins & Robert Foreman

February 16, 2011

Regular Session

**ADDITIONAL INFORMATION
ITEM #12**

#12

RESOLUTION 2000-434

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE
TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,
ADOPTING ZONING ENFORCEMENT POLICIES**

WHEREAS, the Town of Camp Verde has adopted, under Section 102 of the Planning & Zoning Ordinance of Camp Verde (Ordinance 87-A23), general enforcement procedures, and

WHEREAS, the Town recently adopted Ordinance 99-A152 establishing alternate civil zoning and building code enforcement procedures, and

WHEREAS, it would be in the best interest of the Town staff and the public to adopt a unified enforcement policy that addresses handling of zoning complaints, priorities of violations, enforcement timelines, and choice of civil or criminal enforcement

***NOW THEREFORE THE MAYOR AND COMMON COUNCIL OF THE
TOWN OF CAMP VERDE RESOLVE TO ADOPT THE FOLLOWING
ZONING ENFORCEMENT POLICY:***

1. Initiation of Enforcement Actions. A zoning or building code enforcement action, which may be to enforce the Camp Verde Planning and Zoning Ordinance, removal of trash or debris pursuant to Ordinance 94-A87/ARS 9-499, enforce public nuisance statutes and ordinances, provisions of a conditional use permit or planned area development agreement, or provisions of the applicable uniform building and related codes, may be commenced by citizen complaints or observations of the staff building and zoning inspectors. Citizen complaints, whether verbal or written, will not be kept anonymous, though if a caller refuses to give identification, the staff will nevertheless inspect the property for a violation. Citizen complaints will be independently confirmed by staff prior to opening a file for enforcement action.
2. Neighborhood Evaluation. Whether a complaint is initiated by a citizen or from the inspection by the staff, the inspector shall also review the immediate neighborhood of the subject property, and take appropriate enforcement action for any observed zoning violations.

3. Enforcement File. When a complaint is confirmed, or a violation observed by a staff inspector, a file will be opened that contains the date and time of the violation, applicable sections of any codes or ordinances violated, notes of any contacts with the property owners or responsible parties by the staff, any witness statements, photographs of the property showing the violation that are dated and identified by the photographer, copies of any letters to the property owner, notes of phone calls, and copies of any civil or criminal filings. Letters to property owners concerning enforcement shall be in a form approved by the Community Development Director, and shall include a copy of this policy statement and appropriate statutes, rules, ordinances, or codes allegedly being violated. The violations will be summarized in a manner that will clearly alert the defendant of the nature of the complaint, as well as citation to the code or ordinance subsections. The contents of the file is a public record. Staff will have available logs showing the status of pending complaints, disposition of complaints, and other data relating to zoning enforcement.

4. Timelines. While Section 102 describes in general the steps to be taken in many enforcement actions, there will necessarily be some actions that must have the immediate attention of the zoning staff. These include enforcement of violations that are fire or hazardous substance violations, code enforcement necessary during building construction or property development, signs that are traffic hazards, violations of County Flood Control, ADOT, or other agencies, and those that come from the conduct of a person or property owner where prior enforcement attempts show there will be no cooperation short of court intervention. In these cases, the staff shall contact the property owner or responsible party within 24 hours, and, if the violation cannot be immediately resolved, file either a criminal complaint under Section 102 of the zoning ordinance, or a civil complaint under Ordinance 99-A152, together with the posting or delivery of a stop work order (SWO) where appropriate. In all other cases, the enforcement timeline would be:

- Verbal warning, as described in Section 102, **within 5 days** of the receipt of the initial complaint
- Written warning, as described in Section 102, if corrective action is not substantially completed **within 30 days** of the verbal warning. The warning shall

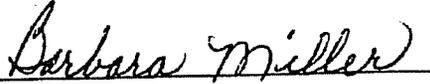
include a statement that a civil or criminal complaint will be filed if the violation is not corrected and the property re-inspected as in compliance with the code **within 15 days.**

- At the expiration of the above time periods, the staff shall file a complaint, alleging any or all of the remaining zoning or other violations, unless there is a documented hardship which prevents compliance by the defendant(s). Acceptable hardships might be illness, waiting for approval by another agency, or access denied to the defendant because of another court order or pending litigation. In no event, however, may a violation continue **more than 90 days** from the first complaint or violation observed by the staff without the filing of a complaint, civil or criminal.

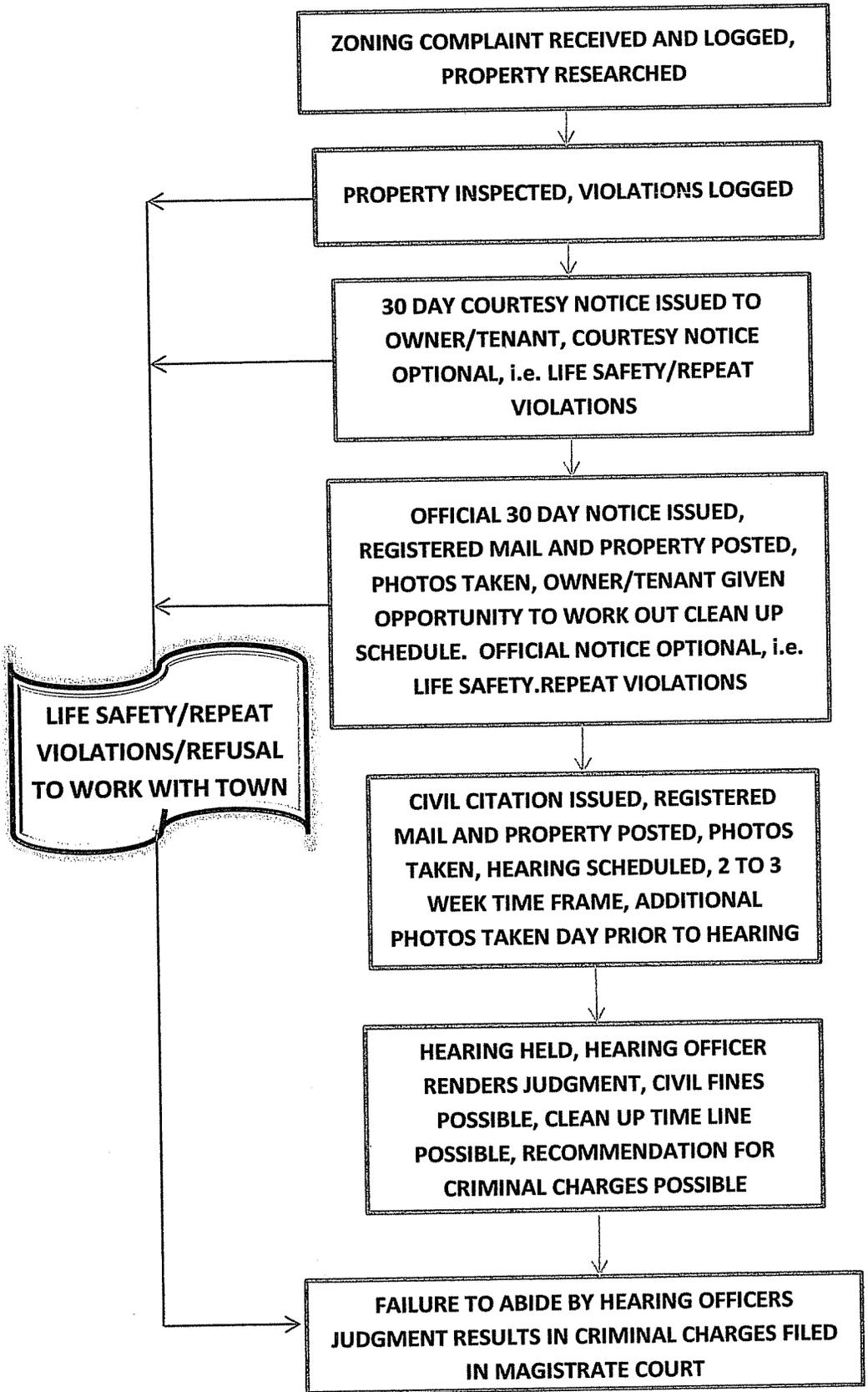
5. Deed Restrictions and Restrictive Covenants. The Town staff will not enforce or interpret private deed restrictions or restrictive covenants, which operate independently from any public ordinances or codes. It is the responsibility of property owners to notify and enforce such restrictions within their own applicable neighborhoods through private counsel.

6. Court Enforcement. If immediate enforcement is necessary, or if prior warnings have not been successful, it is the policy of the Town to first seek civil enforcement by filing a complaint following the procedures outlined in Ordinance 99-A152. The complaint will allege each subsection of any ordinance or code as a separate violation, including violation of any stop work order (SWO) issued. If a violation by the defendant continues after resolution of the civil action, or if the violation is serious and the property owner or responsible party shows no indication of cooperation or compliance with the codes or ordinance, then criminal complaints will be filed. When necessary, injunctive relief may be sought at any time by filing in Superior Court.

PASSED AND APPROVED by a majority vote of the Common Council at the regular meeting of ~~January~~ XXXXXXXXXX 2000: FEBRUARY 2, 2000


Barbara Miller, Mayor

FLOW CHART
CURRENT CODE ENFORCEMENT PROCEDURE



FLOW CHART
PROPOSED CODE ENFORCEMENT PROCEDURE

ZONING COMPLAINT RECEIVED AND LOGGED,
PROPERTY RESEARCHED

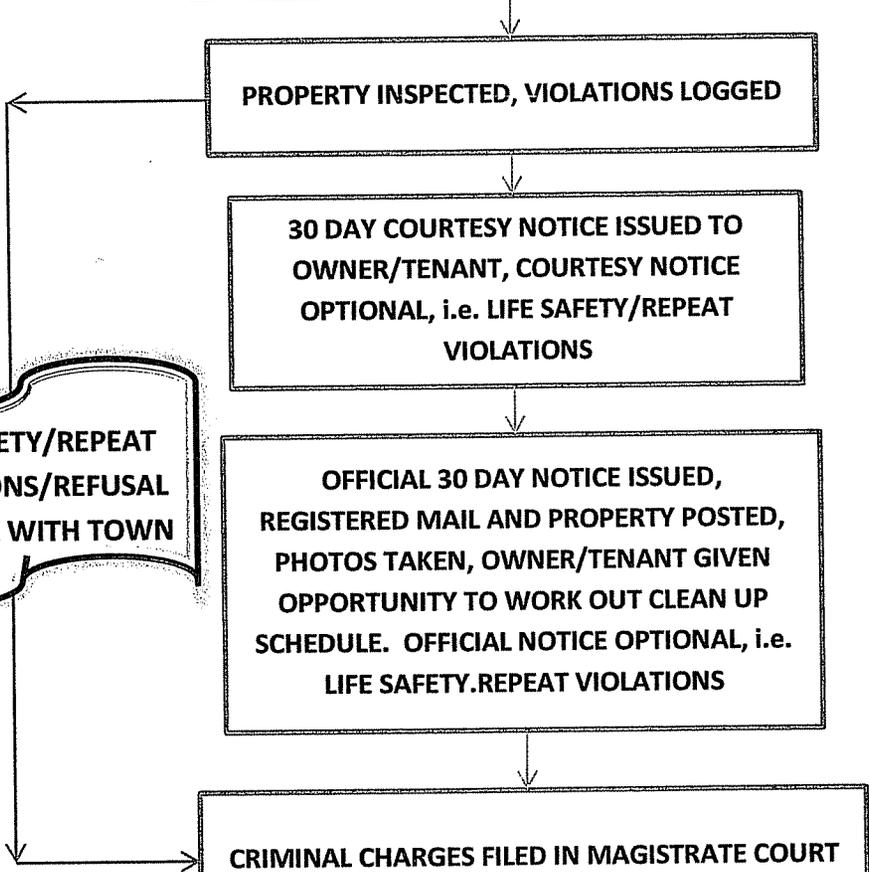
PROPERTY INSPECTED, VIOLATIONS LOGGED

30 DAY COURTESY NOTICE ISSUED TO
OWNER/TENANT, COURTESY NOTICE
OPTIONAL, i.e. LIFE SAFETY/REPEAT
VIOLATIONS

OFFICIAL 30 DAY NOTICE ISSUED,
REGISTERED MAIL AND PROPERTY POSTED,
PHOTOS TAKEN, OWNER/TENANT GIVEN
OPPORTUNITY TO WORK OUT CLEAN UP
SCHEDULE. OFFICIAL NOTICE OPTIONAL, i.e.
LIFE SAFETY.REPEAT VIOLATIONS

LIFE SAFETY/REPEAT
VIOLATIONS/REFUSAL
TO WORK WITH TOWN

CRIMINAL CHARGES FILED IN MAGISTRATE COURT



SECTION 102

A. **SCOPE:** In the interpretation and application the provisions of this Ordinance (unless otherwise provided) shall be deemed minimum requirements designed to govern the division and use of land in order to: secure safety from fire, panic and other dangers; provide adequate light and air; prevent overcrowding of land and avoid undue concentration of population in certain areas; facilitate adequate provision of transportation, water, sewerage, schools, parks and other public requirements; maintain and promote stable values of land and structures. These provisions shall govern whenever they are more stringent than any other statute, ordinance, legal covenant, agreement or contract, but shall not abrogate any other such requirement which is more stringent or restrictive than the provision herein.

B. **ENFORCEMENT:**

1. **General:** The Town shall enforce the provisions of this ordinance by any means stated in ARS 9-462.05B, and filing a criminal complaint, as appropriate.

2. **Code Enforcement Official:** For the purpose of enforcement of the provisions of this Ordinance, there is hereby created the position of Code Enforcement Official as may be required. The Community Development Director shall administer and enforce this Ordinance as the zoning administrator pursuant to ARS 9-462.05C, up to and including the authorization of the filing of criminal charges against violators by the Code Enforcement Official. There are three types of violation notices used:

- a. **Verbal Warning:** A verbal warning is generally used when initial contact is made between the Code Enforcement Official and the party in violation. A verbal warning is usually given in very minor violations, as a courtesy and is not required by law.
- b. **Written Warning:** A written warning is provided when personal contact cannot be made, because access to property is blocked i.e. (dogs, fences, etc) or occupant is not at home. Normal time frame is ten days; Extensions are usually at the discretion of the Code Enforcement Official for compliance. A written warning is a courtesy and not required by law.
- c. **Criminal Citation:** A criminal citation under ARS 9-462.05A. is used when the offense is serious and requires immediate action, when the parties have ignored previous warnings and refuse to work with the Town, or when this is a repeat of a previous offense.

The method of violation notice used shall be at the discretion of the Code Enforcement Official. Conditions and special circumstances will influence the decision of the Official.

3. **Building Inspector:** For the purpose of enforcement of the provisions of this Ordinance, violations of any adopted building code will be considered violations of this ordinance as well, and appropriate enforcement action taken.

to review and prior approval of the reviewing officer pursuant to the procedures provided in the Street Naming and Addressing Guidelines. New Streets must be named from a pool of historical locations, pioneer family names, local brands and native vegetation that is approved and updated by the Town Council and is available at the Community Development Department. A list of historical street names shall be submitted by staff to the Council for review and approval as required, but not less frequently than every six (6) months. The applicant also has the option of submitting a list of alternate street names along with the Preliminary Plat for possible approval by the Council.

B. This program is hereby declared the only legal addressing system for the incorporated areas within the Town.

C. Any person who fails to comply with the addressing requirements of this article within thirty days of initial notification by the addressing official shall be subject to a petty offense for the first offense, and a Class 3 Misdemeanor for a second or subsequent offense as to the same property. Each day the property is not in compliance may constitute a separate offense. "Person" includes the property owner, occupant, or any persons having control over the use of the property.

Article 7-7
ENFORCEMENT PROCEDURES FOR VIOLATIONS
OF TOWN CODE
(2006-A332) (2006-A336)

A. **Designation of Civil Offense.** Violations of zoning and code ordinances of the Town may be filed under the civil enforcement procedures and are declared to be civil offenses. A person shall not be charged with both a civil and criminal offense for the same violation on the same date, but a subsequent violation against the same property or person may be charged as criminal rather than civil.

B. **Hearing Officer.** The Council shall periodically appoint a hearing officer to hear and determine zoning and code violations under the civil violation procedure. The hearing officer shall not be an employee or member of any Town board or commission.

C. **Filing a complaint.** Civil complaints shall be filed using either the uniform Arizona Traffic Ticket and Complaint form, or one substantially similar, which shall cite to this ordinance as well as the particular subsection of the zoning or code ordinance applicable to the alleged violation. Each subsection of the ordinance cited in the complaint shall be deemed a separate offense. Complaints may be sworn to any building inspector or zoning code officer for the Town. The citation shall contain the date and time of the alleged violation, and direct the defendant to appear before the Hearing Officer at the specified time to enter a plea either admitting or denying the complaint. Citations will be served by personal delivery upon the defendant by the responsible inspector or code enforcement officer, or by registered mail together with a summons, in the manner set forth in rule 3.4, Rules of Criminal Procedure. The citation will state that if the defendant fails to appear, the hearing officer will enter a default judgment against him in favor of the State, and impose sanctions not to exceed \$250 for each alleged violation. Subpoenas for witnesses shall be prepared and signed at the request of either the defendant or the State, and served by personal service, certified mail, or first class mail, pursuant to ARS 13-4072, as may be amended.

D. **Hearing Procedures.** Unless otherwise modified therein, civil enforcement procedures herein shall follow the Arizona Rules of Court for Civil Traffic Violations. The Town Attorney will present evidence of the charges in the complaint. The defendant may present evidence *pro per* or through counsel. The defendant will not have a right to a jury trial. If the hearing officer finds that the charges are proven by a preponderance of the evidence, judgment shall be entered against the defendant for the State, and sanctions imposed up to \$250 per offense. If the hearing officer finds the charges not proven, the case shall be dismissed. Any sanction shall be imposed immediately, without setting a sentencing date or probationary period, except that the hearing officer may allow the defendant a time to pay the sanction not more than 30 days from the hearing date.

E. **Appeals.** The defendant may appeal the decision of the hearing officer to the Town Magistrate, pursuant to ARS 22-402.B, as may be amended, who shall conduct a review of the matter limited to

whether the ordinance or code has been correctly interpreted or applied by the component. It shall not be a trial *de novo* unless the Court determines that the records are insufficient, or there is no record preserved. A record for purposes of this section consists of audio tape recordings, any written rulings of the Hearing Officer, and exhibits admitted at the hearing. Further appeal to the Superior Court, either pursuant to the civil traffic rules or through ARS 12-124.A, as may be amended, is hereby granted, but may be discretionary with the Court.

Section 7-7-1 Inspection Warrant. (2006-A336)

- A. An "inspection warrant" is an order, in writing, in the name of the people, signed by a judge or magistrate of a court of competent jurisdiction, directed to a state, county or local official, commanding him to conduct any inspection required or authorized by state, county or local law or regulation relating to building, fire, safety, plumbing, electrical, health or zoning.
- B. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the place, dwelling, structure, premises or vehicle to be searched and the purpose for which the search is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonable justifying the failure to seek such consent.
- C. Cause shall be deemed to exist if either reasonable legislative or administrative standards for conducting a routine or area inspection are satisfied with respect to the particular place, dwelling, structure, premises or vehicle, or there is reason to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises or vehicle.
- D. Before issuing an inspection warrant, the judge may examine on oath the applicant and any other witnesses, and shall satisfy himself of the existence of grounds for granting such application.
- E. If the judge is satisfied that cause for the inspection exists, he shall issue the warrant particularly describing each place, dwelling, structure, premises or vehicle to be inspected and designating on the warrant the purpose and limitations of the inspection, including the limitations required by this section
- F. An inspection warrant shall be effective for the time specified therein, but not for a period of more than fourteen (14) days, unless extended or renewed by the judge who signed and issued the original warrant upon satisfying himself that such extension or renewal is in the public interest. Such inspection warrant must be executed and returned to the judge by whom it was issued within the time specified in the warrant or within the extended or renewed time. After the expiration of such time the warrant, unless executed, is void.
- G. An inspection pursuant to this warrant may not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, nor in the absence of an owner or occupant of the particular place, dwelling, structure, premises or vehicle unless specifically authorized by the judge upon a showing that such authority is reasonably necessary to effectuate the purpose of the regulation being enforced. An inspection pursuant to a warrant shall not be made by means of forcible entry; except that the judge may expressly authorize a forcible entry where facts are shown sufficient to create a reasonable suspicion of violation of a state, county or local law or regulation relating to buildings, fire, safety, plumbing, electrical, health or zoning, which, if such violation existed, would be an immediate threat to health or safety, or where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. Where prior consent has been sought and refused, notice to the owner or occupant that a warrant has been issued must be given at least twenty-four

**ACTIONS TAKEN
COUNCIL HEARS PLANNING AND ZONING
MAYOR and COMMON COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, MAY 25, 2005
at 6:30 P.M.**

4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.
- a) **Approval of the Minutes:**
 - 1) There are no minutes for approval.
 - b) **Set Next Meeting, Date and Time:**
 - 1) Regular Session – June 1, 2005 at 6:30 p.m.
 - 2) Regular Session – June 15, 2005 at 6:30 p.m.
 - 3) Council Hears Planning & Zoning – June 22, 2005 at 6:30 p.m.
 - c) **Approval of Resolution 2005-647 a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, declaring and adopting the results of the General Election held on May 17, 2005.**
 - d) **Possible approval of Resolution 2005-646, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting the Final Plat 2005-03 for Hinch Springs Subdivision located on 19.44 acres consisting of parcel 404-13-451M. This project is located off of SR 260 accessed by Verde Lakes Drive by a new roadway.**

On a motion by Kovacovich, seconded by Teague, the Council unanimously approved the Consent Agenda as presented.

5. **Call to the Public for Items not on the Agenda.**
John Teague said that he felt very saddened by the City officials and the Marshal as they failed to participate in the Police Memorial held in Cottonwood May 21st, after having been invited to that event sponsored by the City of Cottonwood and Triple Nine Foundation. Representatives of all the other communities, including YCSO and DPS, attended the event to honor fallen officers, but once again no one from Camp Verde could find time to attend, even when one of their own was remembered. Mr. Teague asked when is the Town going to show some involvement instead of idly standing by; as of May 21st he is ashamed of his City government and Town officials. Mr. Teague said he now knows why the Verde Valley gossips about the City government of Camp Verde.
6. **Discussion, consideration, and possible re-affirmation of Resolution 2000-434, specific for the Town Site Redevelopment area. Resolution 2000-434 adopted a unified enforcement policy of the Town's Zoning Ordinances for the entire Town.**
On a motion by Gioia, seconded by Baker, the Council voted 5-1 to reaffirm Resolution 2000-434 and direct staff to continue their efforts; with a 'no' vote by Parrish.
7. **Discussion, consideration, and possible approval of Resolution 2005-634, a resolution of the Town of Camp Verde, Arizona approving the abandonment of a portion of Cliff House Drive in Fort River Caves subdivision as public roadways.**
On a motion by Teague, seconded by Gioia, the Council voted unanimously to table Item 7.

PUBLIC INPUT

William Ray Collins, has lived there for 15 years, said that he lives next door to Mr. Blue who he feels is improving the property, and that it looks good instead of just junk.

Ron Ogle said he has lived there for 6 years, and if the Town gives the property to them for apartments that means that Charlie will end up having apartments on the other side. Mr. Ogle

13



**TOWN OF CAMP VERDE
Agenda Action Form**

Meeting Date: February 16, 2011

Meeting Type: Regular Session

Consent Agenda – Special Announcements **Regular Business**

Reference Document: N/A

Agenda Title (be exact):

Discussion, consideration, and possible approval of Resolution 2011-835, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, deeming the granting of a franchise to Arizona Public Service Company beneficial to the Town and calling a Regular Election set for May 17, 2011 to submit the question to the qualified electors as to whether or not the franchise shall be granted,

Purpose and Background Information:

The franchise agreement expires in 2012. Having the election in conjunction with our regular election cycle will save election expenses for both the Town and APS. On January 5, 2011, Council directed the Manager to negotiate terms of the agreement. This has been completed and the attached agreement has been reviewed by the attorney. To make the general election timeline, Council must approve the resolution no later than February 16, 2011.

Recommendation (Suggested Motion):

Move to approve Resolution 2011-834, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, deeming the granting of a franchise to Arizona Public Service Company beneficial to the Town and calling a Regular Election set for May 17, 2011 to submit the question to the qualified electors as to whether or not the franchise shall be granted,

Finance Review: **Budgeted** **Unbudgeted** **N/A**

Finance Director Comments/Fund: N/A

Attorney Review: **Yes** **No** **N/A**

Attorney Comments: N/A

Submitting Department: Clerk's Office

Contact Person: Debbie Barber

Action Report prepared by: D. Barber



RESOLUTION 2011-835

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE
TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,
DEEMING THE GRANTING OF A FRANCHISE TO
ARIZONA PUBLIC SERVICE COMPANY
BENEFICIAL TO THE TOWN, AND CALLING A
REGULAR ELECTON SET FOR MAY 17, 2011
TO SUBMIT THE QUESTION TO THE QUALIFIED ELECTORS
AS TO WHETHER OR NOT THE FRANCHISE SHALL BE GRANTED**

WHEREAS, Arizona Public Service Company, a corporation organized and existing under and by virtue of the laws of the State of Arizona, has presented a Franchise Agreement to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, for the granting to Arizona Public Service Company of a utilities franchise, pursuant to A.R.S. 9-502(A); and

WHEREAS, the Town Council has reviewed said Franchise Agreement and find that said franchise is deemed to be in the best interest of the public health, welfare and safety of the Town and its citizens, pursuant to A.R.S. 9-502(B); and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA AS FOLLOWS:

Section 1: That the question of whether or not the franchise shall be granted to Arizona Public Service Company will be determined at a Regular Election scheduled set for May 17, 2011. Said election shall be held in compliance with A.R.S. 16-204 by submitting the following question to the voters of the Town of Camp Verde.

ELECTRIC FRANCHISE

SHALL A FRANCHISE BE GRANTED TO ARIZONA PUBLIC SERVICE COMPANY, AN ARIZONA CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN AND OPERATE AN ELECTRIC UTILITY SYSTEM IN THE TOWN OF CAMP VERDE, ARIZONA, AND FUTURE ADDITIONS THERETO, IN ACCORDANCE WITH THE FRANCHISE AGREEMENT THAT WAS SUBMITTED TO THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA, BY SAID ARIZONA PUBLIC SERVICE COMPANY AND IS FILED IN THE RECORDS OF SAID TOWN?

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF
CAMP VERDE THIS 16TH DAY OF FEBRUARY, 2011.

Bob Burnside, Mayor

ATTEST:

APPROVED AS TO FORM:

Deborah Barber, Town Clerk

William Sims, Town Attorney

FRANCHISE AGREEMENT

BETWEEN

ARIZONA PUBLIC SERVICE COMPANY

AND

TOWN OF CAMP VERDE, ARIZONA

Section 1. - Grant of Franchise:

There is hereby granted to Arizona Public Service Company, a corporation organized and existing under and by virtue of the laws of the State of Arizona (herein called "Grantee"), its successors and assigns, a franchise (herein called the "Franchise") to construct, maintain and operate its electrical system, as defined herein, upon, over, along, across and under the present and future public rights-of-way. These rights-of-way include but are not limited to streets, alleys, ways and highways in the Town of Camp Verde, Arizona (herein called "Town"). Grantee's system includes electric power lines, together with all necessary or desirable appurtenances, including, but not limited to, poles, towers, wires, cables, conduits, transmission lines, transformers, switches and communication lines for its own use. This Franchise is for Grantee's use of Town's public rights-of-way to supply and deliver electric energy to Town, its successors, the inhabitants thereof, and all individuals and entities either within or beyond the limits thereof, for all purposes. This Franchise includes the right to use public rights of way for telecommunication services incidental to supplying electricity and for Grantee's own use. However, this Franchise does not include the right to use public rights-of-way for interstate telecommunications and/or interstate information services. Grantee agrees that if Grantee uses or leases to others, wires, cables or lines for any purpose other than supplying electric services as

permitted by the preceding sentence, before such use or lease, Grantee or Grantee's lessee must apply to the Town for and obtain a separate license.

Section 2. – Grantee's Compliance with Town Practice; Plans Submitted for Approval; Town Construction near Grantee's Facilities:

All construction under this Franchise shall be performed in accordance with established practices of Town with respect to such public rights-of-way. Such construction shall be completed within a reasonable time. Before Grantee makes any installations in the public rights-of-way, Grantee shall upon request or direction from Town obtain a construction permit and submit for approval a map showing the location of such proposed installations to Town's Public Works Director. Town and Grantee agree and understand that there may be instances when Grantee is required to make repairs that are of an emergency nature. Grantee shall notify Town prior to such repairs, to the extent practicable, and shall obtain the necessary permits in a reasonable time after notification, showing the work performed in the public rights-of-way.

If Town undertakes either directly or through a contractor any construction project adjacent to or near Grantee's facilities operated pursuant to this Franchise, Town shall include in all such construction specifications, bids, and contracts, a requirement that the contractor or his designee must comply with the overhead power line safety laws (A.R.S. § 40-360.41 *et. seq.* as amended).

Section 3. – Construction and Relocation of Grantee's Facilities; Payment:

All facilities installed or constructed pursuant to this Franchise shall be so located or relocated and so erected as to minimize the interference with traffic, or other authorized uses over, under or through the public right-of-way. Furthermore, Grantee shall not install, construct, maintain or use its facilities in a manner that damages or interferes with any existing facilities of

another utility located in the public right-of-way and agrees to relocate its facilities at Grantee's cost, if necessary, to accommodate another facility relocation that has a prior rights interest in the public rights-of-way.

Grantee shall coordinate the installation, construction, use, operation and relocation of its facilities within Town as appropriate to enable Town to better plan, facilitate and protect public safety and convenience. Without limiting the foregoing, Grantee shall provide reasonable advance notice of work hereunder to Town. Grantee shall prior to cutting any Town street:

- A. Meet with the Town Engineer before Grantee begins work which will disturb the surface of the Town streets, and set forth the proposed method of work and objective for the project to be accomplished by Grantee;
- B. Propose a work method for approval by the Town Engineer [Public Works Director?] that will not disturb or will minimize the disturbance of the surface of the Town streets; and,
- C. Adopt a construction method by mutual agreement with the Town Engineer that least disturbs the surface of the Town streets while also considering Grantee's work objectives and cost.

Activities related to the construction of Grantee's facilities within the rights-of-way such as traffic control, backfilling, compaction and paving, and the location or relocation of lines and related facilities shall be subject to regulation by Town. Grantee shall keep accurate records of the location of all facilities in the public rights-of-way and furnish them to Town upon request. Upon completion of new or relocation construction of underground facilities in the public rights-of-way, Grantee shall, upon request or direction from Town, provide the Town's Public Works

Director with corrected drawings showing the location of the underground facilities in those cases where the actual location differs from the proposed location. Grantee shall cooperate with Town, to furnish upon Town's request, the actual location of such new or relocated facilities in the public rights-of-way in an electronic format. Such format shall conform to utility industry best-practice standards. If Grantee needs to change its electronic format to be compatible with Town's format, Grantee shall do so within a reasonable time.

- A. If Town requires Grantee to relocate Grantee's facilities which are located in private easements obtained by Grantee prior to Town's acquisition of said property from which the facilities must be relocated, the entire cost of relocating Grantee's facilities (including the cost of purchasing a new private easement if necessary) shall be borne by Town. Town shall also bear the entire cost of all subsequent relocations of the relocated facilities required by Town, until such time as Town condemns or purchases Grantee's private easement.
- B. Except as covered in Paragraph A above, Grantee shall bear the entire cost of relocating its facilities located on public rights-of-way, the relocation of which is necessary for Town's carrying out of its governmental functions. Notwithstanding the foregoing, if Grantee is requested by the Town to perform work of a temporary nature on a governmental project to relieve construction problems which could be relieved by other means, the cost of said temporary work will be borne by Town or Town's contractor working on the governmental project. Governmental functions are those duties imposed on Town, where the duties involve a general public benefit, not in the nature of a business undertaking for the proprietary

benefit and interest of Town. By way of example only, governmental functions include, but are not limited to, the following:

1. Any and all improvements to Town's public rights-of-way;
2. Establishing and maintaining domestic and municipal water systems, sanitary sewers, pipes, storm drains, and related facilities;
3. Establishing and maintaining municipal parks, parking spaces, parkways, pedestrian malls, or grass, shrubs, trees and other vegetation for the purpose of landscaping any street or public property;
4. Providing fire protection and other public safety functions; and
5. Collection and disposal of garbage and recyclables.
6. The relocation of Grantee's facilities necessary to carry out the exercise of the Town's police power for urban renewal.

- C. Town will bear the entire cost of relocating any of Grantee's facilities, the relocation of which is necessitated by the construction of improvements by or on behalf of Town in furtherance of a proprietary function. All functions of Town which are not governmental are proprietary.
- D. If during the course of construction of a governmental function project within the rights-of-way, Town determines that Grantee's facilities are in conflict with the proposed improvement, Town shall notify Grantee of the conflict and provide Grantee with the construction plans. If Town becomes aware of a potential delay of a governmental function project caused by the failure of Grantee to timely relocate its facilities, Town shall promptly notify Grantee of the potential delay.

- E. Grantee, shall bear the entire cost of relocating any facilities regardless of the function served, where Town has a prior superior right to use the public right-of-way, or where Town facilities or other facilities occupying public right-of-way under authority of a Town permit, license or franchise, which must be relocated are already located in the public right-of-way and the conflict between the Grantee's potential facilities and the existing facilities can only be resolved expeditiously as determined by Town, by the movement of the existing Town or permittee facilities.
- F. If Town participates in the cost of relocating Grantee's facilities for any reason, the cost of relocation to Town shall not include any upgrade or improvement of Grantee's facilities as they existed prior to relocation.
- G. Town will not exercise its right to require Grantee's facilities to be relocated in an unreasonable or arbitrary manner, or to avoid its obligation under the Franchise. Town agrees to notify Grantee during the planning and design of Town's projects in rights-of-way that may require relocation of Grantee's facilities and to coordinate its construction plans and schedules with Grantee to determine the most cost-effective design to mitigate Grantee's cost to relocate its facilities.
- H. Town agrees it will not require Grantee to relocate its facilities located within the public rights-of-way without providing Grantee adequate space within the rights-of-way to relocate the facilities that must be moved.
- I. Notwithstanding any other provision in this Franchise (except Section 3A above which shall supersede this Section I,) from the effective date of this Franchise during the term of this Franchise, if Town requires a relocation for a governmental

function and said relocation is required within five (5) years of when the facilities are originally constructed or relocated, Town shall pay the total cost of relocating the facilities; if said relocation is required within six (6) to ten (10) years of when the facilities are constructed or relocated, Town will pay 50% of the cost of relocating said facilities.

- J. Town will not plant any tree that can normally grow to a height of more than 25 feet under or adjacent to Grantee's overhead power lines in the public rights-of-way. Grantee shall have the authority to prune or remove any trees or shrubs located within or hanging over the limits of the public rights-of-way of Town that in the judgment of Grantee may interfere with the construction, or endanger the operation, of the lines and/or facilities of Grantee. Grantee shall provide reasonable advance notice to Town prior to performing routine line clearance pruning or tree removal. All said vegetation management work is to be done at Grantee's expense and pursuant to A.N.S.I. Standard A300.

Section 4. – Indemnification:

Grantee shall, to the fullest extent permitted by law, defend, indemnify, and hold Town harmless from and against any and all claims, costs, suits, damages, judgments, expenses and losses including, but not limited to attorney fees and court costs relating to, arising out of, or alleged to have resulted from the exercise of this Franchise by Grantee; provided, however, that Grantee's duty to indemnify shall not extend to claims to the extent such claims are caused by the willful misconduct or negligent acts or omissions of Town. Grantee, so long as it maintains, operates or owns facilities, within rights-of-way of Town, at its own cost and expense, shall keep, or cause to be kept, in force insurance against claims and liability for personal injury, death

and property damage arising from the construction, operation or maintenance by Grantee of its facilities in a reasonable amount sufficient to insure Grantee's obligations under this Section, with Town named as an additional insured. Grantee shall provide Town with 30 days written notice of material change, cancellation or nonrenewal by the insurer. The policy shall be primary and noncontributing with any policy of Town. Grantee shall file with the Town documentation of such insurance within sixty (60) days following the Effective Date of this Franchise.

Section 5. – Restoration of Rights-of-Way:

Whenever Grantee shall cause any opening or alteration whatsoever to be made for any purpose in any public right-of-way, the work shall be completed with due diligence within a reasonably prompt time. Grantee will, in a manner acceptable to the Town, restore the disturbed property to substantially its former condition with comparable materials, so that the restoration meets or exceeds industry standards.

Except due to circumstances beyond Grantee's control, should such restoration, repair or replacement not be completed within a reasonable time or fails to be completed in a manner acceptable to Town, Town may, after prior notice to Grantee, perform the necessary restoration, repair or replacement either through its own forces or through a hired contractor, and Grantee agrees to reimburse Town for its expenses in so doing within thirty (30) days after its receipt of Town's invoice.

Section 6. – Franchise Fee:

Grantee shall pay to Town in consideration of the grant of this Franchise a sum equal to two percent (2%) of all revenues of Grantee, including Regulatory Assessments, but excluding transaction privilege taxes and similar governmental impositions, from the retail sales and/or delivery by it of electric energy and other charges for services attendant to the retail sale and/or

delivery of electric energy delivered through Grantee's electric distribution system within the present and any future corporate limits of Town, as shown by Grantee's billing records. Grantee shall not, however, pay said franchise fee on revenues charged to Grantee's retail customers by third party electric service providers. Said payments shall be in lieu of any and all fees, charges or exaction of any kind otherwise assessed by Town in any way associated with Grantee's use of the rights-of-way, including but not limited to, the construction of Grantee's facilities hereunder or for inspections thereof during the term of this Franchise.

For the purpose of verifying amounts payable hereunder, the books and records of Grantee shall be subject to inspection by duly authorized officers or representatives of Town at reasonable times.

Beginning November 26, 2012, payment as described in the preceding paragraphs shall be payable in quarterly amounts within 30 days after the end of each calendar quarter ("the Delinquent Date"). If the payment is later than the Delinquent Date, a 2% penalty will be added, and interest of 1.5% monthly shall occur on the entire amount due. The penalty and interest may be waived by Town if the failure to pay by the Delinquent Date was the result of a casualty that renders Grantee unable to compute the liability from business records; provided, however, Grantee in such event must file an estimated payment by the Delinquent Date to avoid penalty and interest charges. Based on a history of prior on-time payments, Town may waive the penalty and interest.

Notwithstanding the provisions of this Franchise, if during the term of this Franchise Grantee enters into any electric franchise with any other municipality in Arizona during the term of this Franchise that provides for a higher percentage of Grantee's revenues than two percent (2%) or includes more categories of revenues than set forth in this Franchise, Grantee shall notify

Town Council of such higher percentage or expanded revenue base. Town Council, at its sole discretion, shall have the option to, as applicable: (i) increase Grantee's franchise fee to the higher percentage rate; and/or (ii) include other revenue categories set forth in the franchise agreement Grantee has with the other entity of this State. Following Town Council's action, Grantee agrees to henceforth pay to Town a new franchise fee at the higher franchise percentage or to include the additional revenue categories.

Section 7. – Additional Fees and Taxes:

Notwithstanding any provision contained herein to the contrary, Grantee shall pay, in addition to the payment provided in Section 6, the following charges, taxes and fees as established in a code or ordinance properly adopted by Town:

- A. General ad valorem property taxes;
- B. Transaction privilege and use tax as authorized by law and collected by Grantee for its retail sales to its electric customers within the present and any future corporate limits of Town;
- C. Other charges, taxes or fees generally levied upon businesses by Town, provided said charge, tax or fee is a flat fee per year and that the annual amount of such fee does not exceed the amount of similar fees paid by any other businesses operated within Town.

Section 8. – Term:

This Franchise shall continue and exist for a period of twenty-five (25) years from November 26, 2012 (the "Effective Date"); provided, however, that either party may terminate this Franchise on its tenth anniversary by giving written notice of its intention to do so not less than one (1) year before the date of termination. If such notice is given for the purpose of

negotiating a new franchise and such negotiation is successful, the party giving the notice of termination shall be responsible for the costs of the resulting franchise election.

Section 9. – Franchise; Non-Exclusive:

This Franchise is not exclusive, and nothing contained herein shall be construed to prevent Town from granting other like or similar grants or privileges to any other person, firm or corporation.

Section 10. – Conflicting Ordinances:

Notwithstanding any other provisions hereof, all ordinances and parts of ordinances in conflict with the provisions hereof, to the extent applicable to a franchised electric public service corporation, are hereby superseded.

Section 11. – Independent Provisions:

If any section, paragraph, clause, phrase or provision of this Franchise, shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Franchise as a whole or any part of the provisions hereof other than the part so adjudged to be invalid or unconstitutional.

If Section 6 shall be adjudged invalid or unconstitutional in whole or in part by a final judgment, a new Franchise will be negotiated and brought to the public at the next scheduled General Election in the Town of Camp Verde .

Section 12. – Town Use of Facilities:

In consideration of this Franchise and the rights granted hereby, Town shall, if the following six criteria are met, have the right to place, maintain, and operate on Grantee's poles located on public rights-of-way within Town's corporate limits, any and all wires and appurtenances (other than steps or climbing devices) for Town's fire alarm, police telephone or other municipal communications and network services utilized for governmental functions:

- A. Town must notify Grantee in writing of Town's intended use of Grantee's poles;
- B. Town shall, to the fullest extent permitted by law, defend, indemnify and hold Grantee harmless from any and all claims, costs, damages, expenses and losses, including but not limited to reasonable attorney fees and court costs relating to, arising out of, or alleged to have resulted from Town's use of Grantee's facilities pursuant to this Franchise; provided however, that such claims, expenses and losses are not the result of the willful misconduct or negligent acts or omissions of Grantee.
- C. Town's facilities and the installation and maintenance thereof must comply with the applicable requirements of the Occupational Safety and Health Act, the National Electrical Safety Code, and all other applicable rules and regulations as amended. If Town does not comply with all applicable laws, ordinances and regulations, or if Town's facilities create an immediate safety hazard, Grantee retains the right to remove or correct Town's facilities at Town's expense;
- D. Town's facilities and the installation and maintenance thereof must not cause Grantee's facilities and the installation and maintenance thereof to be out of compliance with all applicable requirements of the Occupational Safety and Health Act and the National Electrical Safety Code and all other applicable rules and regulations as amended. If Town does not comply with all applicable laws, ordinances and regulations, or if Town's facilities create an immediate safety hazard, Grantee retains the right to remove or correct Town's facilities at Town's expense;

- E. Town's use of its facilities shall not interfere with Grantee's use of Grantee's facilities, and;
- F. Town shall be responsible for any incremental costs incurred by Grantee as a result of Town's use of Grantee's facilities.

Section 13. – No Third Party Beneficiaries:

There are no third party beneficiaries to this Franchise agreement between Town and Grantee.

Section 14. – Voter Approval Required:

This Franchise is subject to the approval of the electors of Town. Grantee shall pay all of the costs incurred in conducting the franchise election, except that, if one or more additional propositions are presented to the electors at such election, Grantee shall pay only that portion of Town's election expense determined by dividing all of Town's expenses by the number of issues presented on the ballot.

Section 15. – Transfer of Franchise:

The right, privilege and franchise hereby granted may not be transferred in whole or in part by the Grantee, its successors and assigns, without the prior consent of either Town or the Arizona Corporation Commission. The consent of Town is hereby given to Grantee to transfer or assign this Franchise to grantee's parent corporation, Pinnacle West Capital Corporation or one of its affiliates. Grantee will notify Town if such transfer or assignment should occur. No consent shall be required in connection with an assignment made as security pursuant to a mortgage or deed of trust or in connection with subsequent transfer made pursuant to any such instrument.

Section 16. – Mediation:

If a dispute arises out of or relates to this Agreement, or breach thereof, including, but not limited to, governmental or proprietary uses, and if the dispute cannot be settled through negotiation, the parties agree first to settle the dispute through mediation before resorting to arbitration, litigation, or some other dispute resolution procedure. In the event that the parties cannot agree upon the selection of a mediator within ten (10) days after settlement negotiations cease without arriving at a mutually acceptable resolution, either party may request the Presiding Judge of the Superior Court of Yavapai County to assign a mediator from a list of real estate experienced mediators maintained by the Arizona Municipal Risk Retention Pool. The mediator selected by the parties or the Presiding Judge shall be qualified by training and experience to mediate disputes of the nature arising under this Agreement and shall be impartial to both parties. The costs of mediation shall be borne equally by the parties. If mediation fails to resolve the dispute within thirty (30) days after the mediation actually commences, either party shall be free to resort to other means then available to it to resolve the dispute. If in the future, both parties agree to waive these provisions and agree to some other dispute resolution procedure, they may do so.

Section 17 – Notices:

Any notice required or permitted to be given hereunder shall be in writing, unless otherwise expressly permitted or required, and shall be deemed effective either (i) upon hand delivery to the person then holding the office shown on the attention line of the address below, or, if such office is vacant or no longer exists, to a person holding a comparable office, or (ii) on the third business day following its deposit with the United States Postal Service, first class and certified or registered mail, return receipt requested, postage prepaid, addressed as follows:

A. To Town: Town Clerk
Town of Camp Verde
437 S. Main Street, Suite 102
Camp Verde, Arizona 86322

B. To Arizona Public Service: Franchise Department
Arizona Public Service Company
P.O. Box 53999, M.S. 8679
Phoenix, Arizona 85072-3999

Section 18. – Adoption:

We, the undersigned, have adopted this document on the dates written below in accordance with the results of the Town of Camp Verde General Election on May 17, 2011.

TOWN OF CAMP VERDE

ARIZONA PUBLIC SERVICE COMPANY,
An Arizona Corporation

By _____
Bob Burnside, Mayor
On behalf of the Town of Camp Verde
Date: _____

By _____
Daniel Froetscher, Energy Delivery Vice President
On behalf of Arizona Public Service Company
Date: _____

ATTEST:

_____,
Deborah Barber, Town Clerk

APPROVED AS TO FORM:

_____,
Williams Sims, Town Attorney



**TOWN OF CAMP VERDE
Agenda Action Form**

Meeting Date: February 16, 2011

Meeting Type: Regular Session

Consent Agenda – Special Announcements Regular Business

Reference Document: N/A

Agenda Title (be exact):

Discussion, consideration, and possible direction to staff relative to the method in which Council wishes to review the revisions to the Town Code and the Financial Operations Guide, Risk Management Policy, Council & Committee Policies Rules & Procedures, Records Management Policy, and Agenda Preparation Guidelines, and the Special Events Policies. Direction may include setting a work session.

Purpose and Background Information:

On January 7, 2011, Council held an all-day work session to review and formulate proposed changes to the Town Code and the Financial Operations Guide, Risk Management Policy, Council & Committee Policies Rules & Procedures, Records Management Policy, and Agenda Preparation Guidelines. Unfortunately, not all Council members were able to attend the meeting in its entirety. The Special Event Policy document was not included in the initial review on January 7. However, if Council agrees, staff recommends that the Special Event Policy be included in the review.

Staff had planned to have ordinances and resolutions ready to adopt at this meeting. However, since staff desires to ensure that we fully understood Council's direction, and since not all of Council had input, staff recommends that you set a work session to review the changes. In addition, staff would like direction as to how Council would like to receive the revised information. As you know, the last document exceeded 600 pages, which did not include the Special Events Handbook. Would it be acceptable to provide you with only the pages that were changed and the Special Events Handbook in its entirety?

Following approval, all of the policies and procedures will be placed in one document called the "*Town of Camp Verde Policies and Operations Guide*".

Recommendation (Suggested Motion):

Determine how Council wishes to proceed with the review of the Town Code and policies, receipt of the amendments, and direct staff accordingly, to include a motion to set a work session if necessary.

Finance Review: Budgeted Unbudgeted N/A

Finance Director Comments/Fund: N/A

Attorney Review: Yes No N/A

Attorney Comments: N/A

Submitting Department: Clerk's Office

Contact Person: Debbie Barber

Action Report prepared by: D. Barber

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**IN THE CAMP VERDE MUNICIPAL COURT
YAVAPAI COUNTY, ARIZONA**

473 South Main Street, Suite 107, Camp Verde, Arizona 86322
TEL: (928) 567-6635 FAX: (928) 567-9049

CAMP VERDE MUNICIPAL COURT ADMINISTRATIVE ORDER
2011-2

Effective immediately:

TOWN CODE VIOLATIONS: After review of Arizona Supreme Court decision, Kadish v. Arizona State Land Department, 177 Ariz. 322, our Supreme Court ruled that, in Arizona,

"Both a city and state may legislate on the same subject when that subject is of local concern or when, though the subject is not of local concern, the charter or particular state legislation confers on the city express power to legislate thereon; but where the subject is of statewide concern, and the legislature has appropriated the field by enacting a statute pertaining thereto, that statute governs throughout the state, and local ordinances contrary thereto are invalid."

The Camp Verde Municipal Court interprets this ruling that the state law preempts a city ordinance reference parking violations, under Town Code, Article 12-3 Parking.

IT IS HEREBY ORDERED, all future civil traffic parking violations submitted to this court be cited under Az. Revised Statues § 28-871 thru 28-886.

IT IS FURTHER ORDERED that all pending pre-adjudicated cases will be handle on case by case bases.

Dated: February 8, 2011



Harry Cipriano
Presiding Magistrate
Camp Verde Municipal Court

cc.
Camp Verde Marshalls Office
Yavapai Apache Police Dept.
Carrie Kelly, Town of Camp Verde
Russell Martin, Town Manager