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MINUTES  
REGULAR SESSION  
MAYOR AND COUNCIL  
COUNCIL CHAMBERS  
WEDNESDAY, MAY 18, 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, Public Works Director Ron Long, Community Development Director Mike Jenkins, Finance Director Mel Preston, Councilor-Elect Alan Buchanan, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Garrison.

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 – May 6, 2011
- 2) Regular Session – May 4, 2011
- 3) Work Session – May 4, 2011
- 4) Council Hears P&Z Matters – April 27, 2011

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

- 1) May 25, 2011 at 6:30 p.m. – Public Hearing/P&Z Code Rewrite
- 2) June 1, 2011 at 6:30 p.m. – Regular Session
- 3) June 8, 2011 at 6:30 p.m. – Work Session
- 4) June 15, 2011 at 6:30 p.m. – Regular Session
- 5) June 22, 2011 at 6:30 p.m. – Council Hears Planning & Zoning Matters.

c) **Possible award of bid and authorization to execute contract documents for Project #11-089, Town of Camp Verde Facilities Re-roof Project, to R. Behmer Roofing, Inc. for \$36,158.47.** This is a budgeted item. Staff Resource: Ron Long

d) **Possible authorization of a \$1,714.95 payment to Southwest Risk Services/Arizona Municipal Risk Retention Pool for the Town's portion of expenses incurred relative to the Steve Alton litigation.** Staff Resource: Russ Martin

On a motion by Kovacovich, seconded by Roulette, the Consent Agenda was unanimously approved as presented.

5. **Special Announcements & Presentations –**

- **Welcome to the new businesses for the month of April**
  - ❖ **Wesies Custom, 4900 Hayfield Draw, Camp Verde**
  - ❖ **Airite Mechanical, Glendale**
  - ❖ **Ben Walsh Concrete, Inc., Cottonwood**
  - ❖ **Loven Contracting, Flagstaff**
  - ❖ **Desert Steel Builders, LLC, Knoxville, AR**
  - ❖ **Cowboy General Contracting, LLC, 1232 N. Powderhorn, Camp Verde**
- **Presentation of Certificate of Appreciation to Alan Buchanan, who has resigned from the Planning & Zoning Commission, effective May 7, 2011, in order to serve on the Council.**

Mayor Burnside announced with pleasure the list of new businesses for the month of April; that was followed

by his presentation to Alan Buchanan of a Certificate of Recognition for his services to the Town as a member of the Planning & Zoning Commission. Burnside added that he will be welcoming Buchanan to the Council at the meeting after next.

6. **Council Informational Reports.**

**Baker** said she wanted to thank all the staff, and in particular the Building Enforcement activities that were personally reported to her by Robert Foreman; the signs of cleaning up the Town are encouraging. Staff all are doing more every day than can even be asked for.

**Burnside** announced that the APS vote had been passed. He reported on a proposed trail system south of Cornville Road; the date of the first public meeting will be June 6, 2011 at 5:30 p.m. at the Red Rock Ranger Station. The Dewey-Humboldt Aqua Fria Festival will be held October 8 and 9, 2011, to raise funds for the acquisition of land for a park and will be held at the site of the former Young's Farm. The Hopi Tribe Quarterly invites everyone to the Honoring Arizona-Hopi Code Talkers ceremony Monday, May 23, 2011, 10:00 a.m. to noon at the Hopi Veterans Memorial Center, Kykotsmovi, Arizona. Burnside said the Yavapai County Juvenile Center groundbreaking ceremony was held today; he reminded everyone about the picnic that is to be held May 23<sup>rd</sup>, and on Memorial Day he will be at the ceremony at the Old Church.

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

There was no public input.

8. **Presentation of the Visual Library as referenced in the Planning & Zoning Ordinance.** Staff Resource Mike Jenkins

There was no action taken.

Community Development Director Jenkins gave a Power Point presentation of the Visual Library that had initially been approved by the Design Review Board in 2009 and is referred to in the Ordinance; it is intended to help developers and builders meet and replicate the appearance standards and rural-Western flavor of Camp Verde. During the different categories of architecture displayed, regarding some of the examples shown, Burnside suggested that Jenkins change the references to the "Camp Verde Chamber of Commerce" building to more correctly indicate "Camp Verde Visitors Center." During discussion following the presentation, Jenkins said that a portfolio of the photos will be available in the Community Development Department for reference, and confirmed that it is intended to grow and can be added to at any time in the future.

9. **Possible approval of Resolution 2011-845, a resolution of the Mayor and Common Council of the Town of Camp Verde, Arizona, approving the form and authorizing the execution and delivery of a First Purchase Agreement, a First Trust Agreement and other necessary agreements, instruments and documents; approving the sale and execution and delivery of a not to exceed \$1,005,000 aggregate principal amount pledged revenue obligation, Series 2011, evidencing the interest of the owner thereof in the Purchase Agreement; delegating authority to the Mayor, Manager and Finance Director of the Town to determine certain matters and terms with respect to the foregoing; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution and declaring an emergency.** This is a budgeted item. Staff Resource: Ron Long

On a motion by Baker, seconded by Kovacovich, the Council unanimously approved Resolution 2011-845, a resolution of the Mayor and Common Council of the Town of Camp Verde, Arizona, approving the form and authorizing the execution and delivery of a First Purchase Agreement, a First Trust Agreement and other necessary agreements, instruments and documents; approving the sale and execution and delivery of a not to exceed \$1,005,000 aggregate principal amount pledged revenue obligation, Series 2011, evidencing the interest of the owner thereof in the Purchase Agreement; delegating authority to the Mayor, Manager and Finance Director of the Town to determine certain matters and terms with respect to the foregoing;

authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution and declaring an emergency; **Note:** Burnside initially said he was opposed, based upon the referendum and not allowing the people to use their rights; however, **for the record**, Burnside said that, if the members agree, he will pull that vote of "No" and refer it to a "Yes" vote, "so that we can show complete compliance of our Council, as I have tried to do for the last two years."

Town Manager Martin said that bids had been received late last week; the limit was \$1 million, and the bid came in as \$1,005,000 which, rather than go back and have the attorney draw up new documents, was the reason for the last-minute "green sheet". Martin advised the Council that two attorneys have reviewed the proposed documents and the Town Attorney has included statements regarding what the Town's current potential liabilities might be, for full disclosure for finance companies, if necessary. Martin pointed out that the Purchase Agreement is only for the purchase of the money. He explained that the collateral is not the ground itself, but is the revenues that are pledged against it. Martin outlined how the payments would be made, using HURF funds as well as a portion from General Purpose revenue. Martin reviewed the purchase price, the down payment, approximately half from HURF fund and the rest from the General Fund. \$980,000 will be financed for a period of about 12 years; the interest rate will be 3.91% basis points, with the option for pre-payment after the sixth year free of any penalty. Martin said that the cost of doing business right now is relatively low; keeping the reserves in place would leave the Town in a good position to be able to make decisions on construction and road projects down the road.

Burnside discussed with Martin the lack of complete information on the documents that appear to be presented for signature on behalf of the Town, as well as the costs being incurred in connection with the Town Attorney review; Finance Director Preston said that the final completed versions will be submitted for execution. Burnside questioned the need for declaring the transaction an emergency, because of the probability that there would be no change in the interest rate in light of the current slow economy, and the fact that declaring an emergency would take away the right of the citizens to pull a referendum and stop what this government is doing.

Discussing the emergency clause, Martin said that it was suggested as a common clause in finance deals based on the usual 30-day period of time for bids to be in effect and getting all the documents completed for closing on schedule in order to save possible additional expense from any delay. Garrison said she wanted to make a statement about the Town trying to do business locally, and that the Finance Director had approached a local financing institution; Garrison was shocked that that entity declined to participate. Preston added that only two of the entities that had been contacted responded; the Town does not really have a lot of options.

#### **PUBLIC INPUT**

(Comments from the following individual are summarized.)

**Tony Gioia** said his explanation of the need for the Emergency Clause which, had it been an Ordinance, was it would have meant a 90-day delay; however, since it is by a Resolution, he understands it would only be 30 days.

There was no further public input.

Following the motion made, and Burnside's question regarding Gioia's comment pertaining to a Resolution declaring an emergency having no bearing on the rights of a referendum, Barber stated her belief that a Resolution declaring an emergency does not take away the rights of a referendum of the people. She said she would consult the attorney, but does not believe it would be a referable item since it is more administrative in nature. She added that the 30-day window would allow someone to pull a referendum; however, an emergency makes it effective immediately.

#### **10. Discussion, consideration, and possible approval of Resolution 2011-843, a Resolution of the Mayor**

**and Common Council of the Town of Camp Verde, Yavapai County, Arizona declaring the Town of Camp Verde Town Code, dated May 18, 2011, to be a public record.** Staff Resource: Debbie Barber  
On a motion by Baker, seconded by German, the Council voted unanimously to make the term of Vice-Mayor a two-year term to coincide with the two-year term of the Mayor.

On a motion by German, seconded by Baker, the Council unanimously approved Resolution 2011-843, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona declaring the Town of Camp Verde Town Code, dated May 18, 2011, to be a public record, as amended.

Barber stated that the Town Code is ready tonight for approval; the recent changes requested have been made, and actually, Items 10 and 11 go together. Burnside said that Item 10 will be addressed first, and then Item 11. There was a brief discussion for further clarification of some of the verbiage, and the distinction between a routine attorney review and a formal opinion.

Baker referred to the section on Page 8 establishing the term of Vice Mayor; she requested that a change be made to set it as a two-year term to coincide with the two-year term of the Mayor. There was general agreement expressed by the members, and action was taken accordingly.

There was no public input.

**For the record**, Burnside said the actions taken will be a good example; as we go through and read the Town Code and see that changes need to be made, they will be brought back to Council for discussion, since this is also a moving document.

**NOTE: A recess was called at 7:32 p.m.; the meeting was called back to order at 7:39 p.m.**

11. **Discussion, consideration, and possible approval of Ordinance 2011-A372, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting by reference the Town of Camp Verde Town Code, a recodification of selected prior ordinances of the Town, and proscribing penalties for violations thereof.** Staff Resource: Debbie Barber  
On a motion by Baker, seconded by Roulette, the Council unanimously approved Ordinance 2011-A372, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting by reference the Town of Camp Verde Town Code, a recodification of selected prior ordinances of the Town, and proscribing penalties for violations thereof.

Barber explained that the subject Ordinance adopts the Town Code. Barber confirmed that the Exhibit A included in the packet was prepared in order to publish only the areas that are required to be published by Statute, which would be much less expensive than publishing the entire Ordinance.

There was no public input.

12. **Discussion, consideration, and possible direction to staff relative to researching opportunities to present to Council with respect to options for the possible disposition of Town-owned properties. Discussion may include, but not be limited to the sale, exchange, engaging a realtor, requests for proposals, using the web for advertising and marketing, appraisals, identification of properties, and the possible benefits and detriments of property disposition.** Staff Resource: Russ Martin  
Martin summarized the direction to staff, in essence: As to Fort River Caves, maybe on properties that are sensitive to neighborhood issues, and along that line the McCracken property that has been brought to Council in the past, and the opportunity to put those together; the discussion of the Oasis -260 brought up more history, and make sure there is adequate information that the Council would have if they were to pull or select any of those in the future, and place them on the MLS, because the MLS is important for the potential marketing; go ahead and prepare a Request for Proposal draft that Council would review, and

identify the explicit properties that we would consider placing on the MLS and wanting them to market so that it is clear as to what we are asking a potential realtor to do. Along those lines, design or try to work with the website, see if there is a direct way to market the properties as well; and the Council would entertain exchanges if they were proposed, either partial and/or exchanges would be entertained so that we would have that opportunity to draw on; talk about some of the benefits, and if we came up with those, the willingness to put on the list; need to include potential opportunities for the money to be used for capital projects instead of vacant property; the ability for vacant property to pay taxes to those institutions that require property taxes. There was further discussion regarding the McCracken property, Oasis and Cliffs Parkway, as well as the Rio Verde property.

Martin noted that the Town in previous years had acquired property in several different ways, most of the parcels through donation, including the Verde Lakes and Clear Creek flood areas. Martin referred to a list of seven properties on hand that he believes the Town would be wise to consider selling or exchanging, and, if so, asked if he should entertain such offers if they were to be made. Discussing several options with the Council, Martin suggested that properties for sale could be published on the website. Another example, in the event a realtor were to be engaged to sell a property, that could be done by a Request for Proposal. Martin said he would come back for Council approval of whatever course of action he would propose. The members agreed that it would not be necessary to do an appraisal prior to marketing any of the properties in any form or fashion. Roulette raised a possible problem of the Town being locked into a contract for sale of a property going on the market for \$20,000, and then the appraisal coming in for \$50,000. Martin asked about identifying properties that the Town may wish to exclude from the list of properties to be considered for sale or trade. A strip of land in Fort River Caves was one example discussed; if others are thought of, staff will be advised accordingly. The members discussed with Martin other parcels, including the McCracken parcel, and the property at the corner of Oasis and 260. The discussion also pointed out the benefits of sales financing future CIP projects, and perhaps alleviating public criticism of the Town continuing to hold onto property that could be put to better use as well as returned to the private sector for tax revenues.

#### **PUBLIC INPUT**

(Comments from the following individuals are summarized.)

**Murray Lichty** said that, hearing of all the properties the Town has, with some of them in flood plains or undesirable areas, he would suggest putting a chain link fence around one of the properties and make it a Dog Park, following rules that Cottonwood has set up for theirs that work very well. It would be very resident-friendly for the Town, needing only a fence, occasional mowing and watering.

**Tony Gioia**, former Mayor of Camp Verde, shared his memory of how and why the flood plain properties had been acquired by individuals who later found that the parcels could not be built upon and subsequently abandoned them. The Town arranged with the County and Verde Lakes to take ownership so that the fleeing of the citizens, or potential citizens, would not be propagated, and also that the properties would remain open space. He also commented that everyone knows how he feels about the Oasis property; the zoning was twice approved by the General Plan for open space. It was purchased from State Lands with the intent to be used as a Welcome Center. *Burnside shared his memory of the original discussion on purchasing the Oasis property and discussing bed taxes, and how he had suggested that it would be a great brothel area.*

There was no further public input.

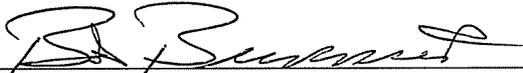
13. **Call to the Public for items not on the agenda.**  
There was no public input.
14. **Advanced Approvals of Town Expenditures.**  
There were no advanced approvals.

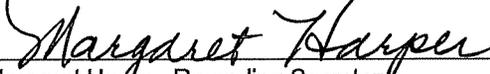
15. **Manager/Staff Report**

Martin referred to the aggressive time frame he had outlined in his report, and said that hopefully the public will get involved with the CIP process, and he would appreciate feedback from the Council on their thoughts along that line. He gave an update on the recent purchase of the Ford Taurus that is now requiring unanticipated repairs and expense; however, the repairs are benefiting the local economy as opposed to buying a \$5,000 vehicle.

16. **Adjournment**

On a motion by German, seconded by Baker, the meeting was adjourned at 8:20 p.m.

  
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Bob Burnside, Mayor 6-2-11

  
\_\_\_\_\_  
Margaret Harper, Recording Secretary

**CERTIFICATION**

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on the 18<sup>th</sup> day of May 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 2 day of June, 2011.

  
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Debbie Barber, Town Clerk