

**MINUTES  
REGULAR SESSION  
MAYOR AND COUNCIL  
COUNCIL CHAMBERS  
WEDNESDAY, JANUARY 18, 2012  
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, George, Buchanan, Baker and German were present.  
  
**Also Present:** Town Manager Russ Martin, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper.
  
3. **Pledge of Allegiance**  
The Pledge was led by Burnside.
  
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 4, 2012
  - b) **Set Next Meeting, Date and Time:**
    - 1) January 25, 2012 at 5:30 p.m. – Joint Work Session with the Chamber of Commerce Board
    - 2) January 25, 2012 at 6:30 p.m. – Council Hears Planning & Zoning Matters – **CANCELLED**
    - 3) February 1, 2012 at 6:30 p.m. – Regular Session
    - 4) February 8, 2012 at 6:30 p.m. – Work Session Capital Improvements Plan
    - 5) February 15, 2012 at 5:30 p.m. – Special Session to be held at Verde Lakes Clubhouse located at 2867 E. Verde Lakes Drive Camp Verde, AZ
    - 6) February 15, 2012 at 6:30 p.m. – Regular Session
    - 7) February 22, 2012 at 6:30 p.m. – Council Hears Planning & Zoning Matters
  - c) **Possible approval of Amendment #1 to Intergovernmental Agreement 09-15251, approved by Resolution 2011-830 between the State of Arizona and the Town wherein the State will provide an additional \$12,550 for the purchase of Right-of-Way adjacent to Finnie Flat Road in front of the Bashas' property for the Finnie Flat Road Sidewalk Project.** Staff Resource: Ron Long
  - d) **Possible approval of a Facilities Use Agreement between the Town and the Governing Board of Yavapai Community College District for the use of Rooms 206-207, restrooms, and related parking lot for their Spring Semester dance class for the period beginning January 15, 2012 and ending January 15, 2013.** Staff Resource: Ron Long

On a motion by Kovacovich, seconded by Baker, the Consent Agenda was unanimously approved as presented, except for **Item 4.a)1).**

George requested that the Minutes be pulled.

**4.a)1) Regular Session – January 4, 2012**

On a motion by George, seconded by Whatley, the Council unanimously approved the addition to the Minutes, and the Minutes.

George referred to Item 10 of the subject Minutes during which the sale of property was being discussed, and said he would like to commend the Mayor for doing the research and giving the State Statutes on selling property; it was very pertinent and useful information and he wanted to say "thank you," and add his comments to the Minutes.

## 5. **Special Announcements & Presentations**

- **Possible approval of a Proclamation declaring February 4, 2012 as American Legion Auxiliary Kris Nelson Day.**
- **Welcome to the new businesses:**
  - ❖ **Optima Network Services, Inc. – Chino, California**
  - ❖ **MD Construction, Inc. – Phoenix**
  - ❖ **Specialty Paving & Grading, LLC – Prescott**
  - ❖ **Republic ITS, Inc. – Novato, California**

Mayor Burnside first formally announced the Proclamation declaring February 4, 2012 as the American Legion Auxiliary Kris Nelson Day. Burnside welcomed the new businesses as listed, and said it was always a pleasure to do so.

## 6. **Council Informational Reports.**

**Baker** commented on attending the Martin Luther King Day celebration set up by the wonderful boy, Chandler, and suggested that he be named the Grand Marshal for Fort Verde Days.

**Whatley** reported on attending the Sanitary District meeting Thursday and commented on the busy people who are on the Board; she also attended the MLK Day that was very successful that had the Nation incorporated into it as well, and everyone has been asked back next year.

**George** echoed Whatley's report; he also attended a volunteer meeting with the Verde Promotions, sponsors of the Corn Fest and Fort Verde Days. George said they would love to have more volunteers.

**Burnside** said he also attended the Martin Luther King Walk; it was fun and the boy did a wonderful job getting people together. Burnside explained his deep regret on not being able to take advantage of an invitation to join in a dance with one of the Yavapai-Apache Nation girls because of a back problem. Burnside went to a WAC meeting today; their dues are being revised; it was a very interesting meeting and he will share more information from the Minutes of that meeting. Burnside said he works at Copper Canyon Trailhead every weekend, from 8:00 to 4:30 each day, and invited volunteers to come and help finish the job.

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

(Comments from the following individuals are summarized.)

**Steve Goetting**, together with **Barbara Goetting** who distributed printed flyers, called attention to the Grand Opening of White Hills Gallery on 4<sup>th</sup> Friday, and the upcoming Pecan & Wine Festival; volunteers are invited, and they are still looking for vendors. Calls indicating interest in spending the weekend have been received from California, Texas, and Colorado, as well as Arizona cities. Last night the Archaeological Center held its annual meeting, with 60 people in attendance from as far away as Phoenix, Sedona and the Village of Oak Creek.

**Gary Chamberlain** reported on the result of his group that is focusing on the highways between Cottonwood and Camp Verde, and Cottonwood and Sedona, picking up bags of trash, a project that has now turned into a business that has been featured on Fox 10 News. He explained that his group has taken on the Adopt-A-Highway Program that has become a broken ADOT bureaucracy; through their efforts, commitments to that Program have now been increased significantly. Mr. Chamberlain invited the Council members to participate by spending 2 hours of their time four times a year helping one of those people who are on the ADOT signs to make it the best one mile section in the neighborhood. He has all the contact information for those who are interested. The bags of trash are periodically picked up and brought to Rusty's Morningstar Ranch for sorting and recycling. The entire community has much to gain through everyone's efforts.

**Andy Goodwin** announced the opening of his office in the Basha's plaza, starting on March 5th; he is with Edward Jones, an full-service investment firm.

**Justin Wertz** said he wanted to thank the Council for their time and attention to his project that is now drawing to a close;

he hopes the Council will step up with some of the initiatives and help solve some of the community's problems.

There was no further public input.

8. **Public Hearing followed by discussion, consideration, and possible recommendation to approve a liquor license application for Keith's Sports Café located at 522 W. Finnie Flat Rd., Ste. G-2.** Staff Resource: Debbie Barber  
On a motion by Baker, seconded by Buchanan, the Council unanimously recommended approval of a liquor license application for Keith's Sports Café located at 522 W. Finnie Flat Rd., Ste. G-2, in Camp Verde.

Town Clerk Barber said that this is a new application for a liquor license for the subject Sports Café; the owner is here if there are any questions. It has been posted for the required 20 days and no comments have been received.

**Keith Diskin** said the café had opened in August, starting with just breakfast and lunch, currently from 6:00 a.m. to 2:30 p.m. He explained they have applied for the liquor license and want to plan to be open evenings as a good place to come, with an atmosphere of sports, good food, and still family-oriented, keeping the two areas separate.

There was no public input.

9. **Public Hearing followed by discussion, consideration, and possible recommendation to approve a liquor license application for the extension of premises/patio permit for White Hills Winery, LLC, dba The Horn, located at 348 S. Main St.** Debbie Barber  
On a motion by Buchanan, seconded by German, the Council unanimously recommended approval of a liquor license application for the extension of premises/patio permit for White Hills Winery, LLC, dba The Horn, located at 348 S. Main Street, Camp Verde, Arizona.

Barber explained that this is a request to extend the patio premises to serve alcohol; posting was not required since this is just a formality to request Council approval before the Department of Liquor will extend the permit. Barber added that Barbara Goetting is present to answer any questions.

**Barbara Goetting** said that the plan is to extend the outdoor seating, and in order to do that, Council permission is necessary to let the State know that the additional area is approved. Ms. Goetting described the plans to make it a garden/picnic type area, cultivating hops that eventually will be used for brewing beer for The Horn. They just want more elbow room outside.

Burnside discussed with Ms. Goetting the use of the existing posts for the hops.

There was no public input.

Burnside explained his concern regarding the future propane tank shown in the drawing, and requested the Town Manager to follow up with Planning & Zoning on the necessary true protection for the public and make certain that it gets accomplished correctly. Buchanan thanked the Goettings for opening up a great place; they have never come up short on anything they have tried to accomplish. Barber confirmed that the request included "liquor license application."

10. **Presentation and possible discussion of the quarterly reports from the following:**
- ❖ **Planning & Zoning Commission**
  - ❖ **Board of Adjustments**
  - ❖ **Ft. Verde State Park**
  - ❖ **Camp Verde Chamber of Commerce**

Community Development Director Mike Jenkins presented the reports on behalf of the Planning & Zoning Commission and the Board of Adjustments for the quarter of October through December, 2011; no actions were taken by either body

or recommendations made to Council. Jenkins added that although it was a slow quarter, things are coming in the future.

There was no representative present from the Fort Verde State Park; however, the agenda packet had included a written report, with pictures, on the tours, special events and maintenance projects.

Tracie Schimikowsky, President and CEO of the Chamber of Commerce and Visitors Center, gave a Power Point presentation on information for the Visitors Center and Tourism Marketing, indicating an increase in visitor counts ahead of last year. She noted that the Center is on a quest for two more public computers to replace those that no longer are functioning but were very well used. Ms. Schimikowsky reviewed the quarterly comparison figures that also showed an increase in visitor spending, and pointed out the volunteer and staff time involved in the last quarter, as well as ads that have been published, the billboard located in Phoenix, and improvements made to the Website. Ms. Schimikowsky also reported on publicity that resulted from a tour of International journalists a year ago, and her months of work with an International tour company, their upcoming visit to Camp Verde, and a planned visit by a group through a tour company out of Minnesota.

**11. Possible award of bid to Yavapai Fence, Inc. in the amount of \$42,729 and authorization to execute contract documents with Yavapai Fence, Inc. for the Public Works Yard Fencing Project Bid #11-094. This is a budgeted item in the CIP. Staff Resource: Ron Long**

On a motion by German, seconded by Baker, the Council unanimously moved to award the bid and authorize the Mayor to execute the Agreement for the Public Works Yard Fencing Project, No. 11-094, between the Town of Camp Verde and Yavapai Fence Inc. in the amount of \$42,759.00, subject to Attorney review of the contract payment clause.

Martin said that he had excused Ron Long to attend a training opportunity in Yuma; Martin and Long's assistant are available to answer questions.

In response to a question from Baker, Martin explained that the fencing would not include the area where the sewer line and ditch are, but that obstacle in itself would be a strong deterrent for stealing and driving out with a large amount; it will not be a full security perimeter fence. Adm. Assistant Ranney added that the crew is doing some necessary grading and that dirt will also be moved along the side also.

Burnside reviewed his recollection pertaining to the fencing of the project; there was a dollar amount stated and there was a question regarding doing the whole fence; he understood that the intent of staff was to bring back some options, and questioned why those options had not been received. Martin said he remembered the discussions during budget sessions, and his understanding was whether the scope of work would have to be changed pursuant to a bid that would be received. He recalled that, based on assumption that the bid for the full amount would come in for a better number than the estimate, and staff would be able to do it in a full way in order to not confuse the public or bidders; he believed that was the intent of the Council when the project was funded, and that staff also had that understanding. Given the circumstances as alluded to, it was the intent to get the whole project done and it was bid out that way. Burnside commented on the reference to "alluded to," and said that should this come to him again he would ask, for the record, to specifically put in the Minutes as to what he or any other Council member was asking for, so that an "interpretation" does not happen again. Martin agreed, and said that it would have been important to give staff specific directions, reflected in the Minutes. Without that, it makes recollection more difficult; Martin suggested that staff's intent was to get the entire project done from the beginning, when it was actually funded, and when an opportunity arose to get the project done at or below what the anticipated cost was, staff took that opportunity. Burnside said that, based upon when he left the Council, he was going to get an option. So it appears that one bid was sent out and it came in low enough so that it is not necessary to do an option, which gives the impression that "we can do what we want to do," because the bid could have been put out for the entire property, with addendum showing the different options; that happens all the time. Martin said that he felt it would be better, if we were going to make a savings on the project, to not split up the project, and he takes responsibility for the decision.

Burnside continued expressing his concerns, including whether the full four acres were part of the project and the lack of

a map for reference showing the fencing and location of gates. Burnside objected to the payment clause as stated on Exhibit A, which he asserted should be according to the Arizona State Statutes, and not according to a Transportation Title; Burnside cited in detail the Statute sections defining progress payment requirements and the retention of a percentage of payments to ensure proper performance of the contract, both of which he believes should be set forth in the contract. Martin suggested that the Attorney could review those sections, which could be done before the next meeting; in the meantime staff could keep the project going. Burnside explained that his objection to the payment language was that some of it was taken from Title 28, ADOT requirements, whereas for the Town, fencing, carpet, building items all come under Title 41. Burnside said that the Town will be doing more work in the future, and this is a good time to start with the correctness of contracts and moving forward.

Public Works Adm. Asst. Deborah Ranney said that the contract, as submitted, has been reviewed and signed off by the lawyer at this point. Buchanan said he was also troubled, based on the recital of Arizona State Statutes, since he feels it is not uncommon for a lawyer to make a mistake and the issue should be further investigated. He said that he, too, had been expecting something further before approval of funding for fencing, at least a drawing indicating the construction. Buchanan added that without more information he would not be able to approve any motion on this at this time. German disagreed, pointing out that this has been discussed several times; the project should not be delayed further, and staff should be allowed to make any necessary additions to the contract regarding the desired State Statutes, without having to bring it back to Council. Ranney suggested that tours can always be arranged if anyone wants to look at the east side in question, how it is accessed, and the difficulty of getting into the yard. There was further discussion about getting the fence and building secured so that equipment can be moved in. George suggested moving forward with the project, subject to review by the Attorney. Baker questioned whether the project would have to comply with different ARS requirements, since there is HURF funding involved; based on his experience and expertise, she would trust the Attorney's review of the contract at this point. Baker said she would also trust the Town Engineer and his staff to be planning what is needed for the project. Burnside also objected to the payment schedule for materials and for final payment as set forth in the contract; he said it is very important to know how the Town pays the contractors and to define exactly when and how they are paid.

Martin said that staff could go to the Attorney to confirm the issues that should be addressed and make the appropriate changes, if necessary; that could be done in short order.

There was no public input.

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

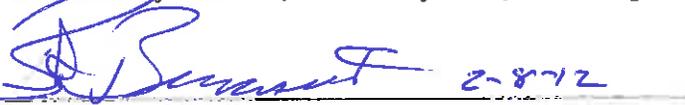
There was no public input.

13. **Manager/Staff Report**

Martin reminded everyone of the 4<sup>th</sup> Friday event.

14. **Adjournment**

On a motion by Buchanan, seconded by Baker, the meeting was adjourned at 7:33 p.m.

 2-8-12

✓ 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 Regular Session of the Town Council of Camp Verde, Arizona, held on the 18<sup>th</sup> day of January 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 9<sup>th</sup> day of Feb, 2012.

Virginia Jones  
~~Debbie Barber, Town Clerk~~  
Virginia Jones - Deputy Clerk