Support your local merchants.

AGENDA
REGULAR SESSION
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, DECEMBER 3, 2014 at 6:30 P.M.

Note: Council member(s) may attend Council Sessions either in person or by telephone, video, or internet conferencing.

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) Special Session – November 19, 2014
      2) Executive Session – November 19, 2014 - Recorded
      3) Regular Session – November 19, 2014
   b) **Set Next Meeting, Date and Time:**
      1) December 09, 2014 at 5:30 p.m. – Special Session
      2) December 10, 2014 at 5:30 p.m. – Work Session
      3) December 17, 2014 at 6: 30 p.m. – **Combined Regular/Council Hears P&Z Matters**
      4) December 24, 2014 at 6:30 p.m. – Council Hears Planning & Zoning Matters - **CANCELLED**

5. **Special Announcements and presentations:**
   - **Proclamation declaring December 13, 2014 as Camp Verde Arbor Day Celebration**

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

7. **Possible approval of Arizona Department of Transportation (ADOT) IGA/JPA 14-0004471-I. The purpose of the agreement is to define access management on the crossroads along State Route 260 from I-17 to Thousand Trails Road and responsibilities of ADOT and the Town for the completion and on-going maintenance of improvements. Following possible approval of the agreement staff will give a general update of State Route Highway 260.** Staff Resource: Ron Long

8. **Discussion, consideration, and possible approval of Ordinance 2014-A402, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona adding Article 13-3, Town Trees & Parks to the Town Code, Chapter 13 Parks & Recreation & Library.** Staff Resource: Steve Ayers

9. **Update by Economic Development Director Steve Ayers regarding current and future activities of the Economic Development Department.** Staff Resource: Steve Ayers

10. **Update and possible time frame by Town Manager Russ Martin regarding independent investigation by Amy Lieberman.** Staff Resource: Russ Martin

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

12. **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.

13. **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.

14. **Adjournment**

Posted by: U Jones Date/Time: 11-25-2014 11:45 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.

DRAFT MINUTES
SPECIAL SESSION
MAYOR AND COUNCIL
COUNCIL CHAMBERS · 473 S. Main Street, Room #106
WEDNESDAY, NOVEMBER 19, 2014
3:00 P.M.

Minutes are a summary of the discussion. They are not verbatim.
Public input is placed after Council discussion to facilitate future research

Note: Council member(s) may attend Council Sessions either in person or by telephone, video, or internet conferencing.

1. **Call to Order**
Mayor German called the meeting to order at 3:01 p.m.

2. **Roll Call**
Mayor German, Vice Mayor Baker, and Councilors George, Gordon, Jones, German and Whatley were present.

Also Present
Town Manager Russ Martin, Deputy Town Clerk Virginia Jones, Town Attorney William Sims and legal counsel Amy Lieberman.

3. **Discussion concerning document not yet subject to disclosure.** On August 18, 2014, the Town Council authorized an independent investigation by outside counsel involving matters directed by the Town Council and certain matters that were the subject of an employee complaint. Outside counsel has completed the initial phase of her investigation and has prepared a draft report. Until that report and investigation is finalized, the draft report is not a public document that is subject to disclosure. The Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(2) for discussion and consideration of documents exempt from public disclosure. The Executive Session will not include any discussion or consideration of personnel matters as described in ARS §38-431.03(A)(1).

On a motion by George seconded by Gordon Council voted to go into Executive Session.

The Special Session was recessed at 3:04 and reconvened at 5:52 p.m.

4. **Action** Following the Executive Session, Council may discuss possible future agenda items regarding the draft investigative report and may establish a deadline by which the draft investigative report shall become subject to public disclosure.

On a motion by Mayor German, seconded by Brad Gordon Council unanimously agreed to schedule a meeting for December 3, 2014, giving Council time to read the initial review from Amy Lieberman pertaining to the independent investigation and at that meeting Council may determine a tentative time frame to make the document public. Each Council member should submit to the Town Manager by December 1, 2014 suggested corrective measures & solutions.

5. **Adjournment**

On a motion by Gordon seconded by Baker, the meeting was adjourned at 5:55 p.m.

_____
Charles German, Mayor

_____
Virginia Jones, Deputy Town Clerk

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions and/or discussion of the Mayor and Common Council of the Town of Camp Verde during the Special Session of the Town Council of Camp Verde, Arizona, held on November 19, 2014. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2014.

_____
Virginia Jones, Deputy Town Clerk

4 a.3

DRAFT MINUTES
REGULAR SESSION
COUNCIL HEARS PLANNING AND ZONING MATTERS
COMBINED
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, NOVEMBER 19, 2014 at 6:30 P.M.

1. **Call to Order**

Mayor German called the meeting to order at 6:30 p.m.

2. **Roll Call**

Mayor Charles German, Council members Carol German, Bruce George, Brad Gordon, Jessie Jones and Robin Whatley. Vice Mayor Jackie Baker was absent.

Also Present

Town Manager Russ Martin, Marshal Nancy Gardner, Community Development Director Mike Jenkins, Assistant Planner Jenna Owens, Economic Development Director Steve Ayers, Finance Director Michael Showers, Administrative Assistant Barbie Bridge and Recording Secretary Marie Moore.

3. **Pledge of Allegiance**

Mayor German led the 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) Special Session – November 5, 2014
   2) Executive Session – November 5, 2014 - Recorded
   3) Regular Session – November 5, 2014

b) **Set Next Meeting, Date and Time:**
   1) November 26, 2014 at 6:30 p.m. – Council Hears Planning & Zoning Matters – **CANCELLED**
   2) December 3, 2014 at 6:30 p.m. – Regular Session
   3) December 10, 2014 at 5:30 p.m. – Work Session
   4) December 17, 2014 at 6: 30 p.m. – **Combined Regular/Council Hears P&Z Matters**
   5) December 24, 2014 at 6:30 p.m. – Council Hears Planning & Zoning Matters - **CANCELLED**

c) **Possible authorization to increase Operating Transfer budget lines in the Federal Grants, CDBG and General Funds for the Fiscal Year 2014-15 Budget for a total of $1,252.49** Staff Resource: Michael Showers

On a motion by George, seconded by Jones, Council voted to accept the Consent Agenda unanimously.

5. **Special Announcements and presentations:**
   - **There were no Special announcements or presentations**

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

Steven Goetting addressed Council regarding a budget for marketing. Goetting reminded Council that it is approximately 73 days until the Super Bowl, which is an event that has the potential to bring a serious influx to the State's tourism. Inevitably, visitors will travel north to visit Sedona and the Grand Canyon. Goetting strongly encouraged the Council to invest in marketing techniques so Camp Verde may draw some visitors as they pass through to other destinations.

Mayor German requested that this item be added to the December 3rd agenda for further discussion.

7. **Discussion, consideration, and possible approval of a Class 9 Amended Liquor License Application for Basha's Store #49, located at 650 West Finnie Flat Road, Camp Verde.** Staff Resource: Debbie Barber

On a Motion by German, seconded by George, Council voted unanimously to approve the Class 9 Amended Liquor License Application for Basha's Store #49, located at 650 West Finnie Flat Road, Camp Verde.

The applicant explained that the current liquor license is listed under Eddie Basha's name, but because of the death of Mr. Basha's, the store needs to amend the license.

Public Input:
None

8. **Public Hearing, followed by discussion, consideration, and possible approval of Resolution ~~2014-941~~, 2014-921 a Resolution of the Common Council of the Town of Camp Verde, Arizona, Yavapai County, approving a minor general plan amendment to go from residential high density 11 units per acres maximum to commercial for approximately 21.87 acres, located on parcel 403-23-104F at the east end of N. Homestead Parkway.** Staff Resource: Mike Jenkins
NOTE: A typo on the posted agenda indicated Resolution 2014-941, the correct number is 2014-921.

On a motion by George, seconded by German, Council voted unanimously to approve Resolution 2014-921, a Resolution of the Common Council of the Town of Camp Verde, Arizona, Yavapai County, approving a minor general plan amendment to go from residential high density 11 units per acres maximum to commercial for approximately 21.87 acres, located on parcel 403-23-104F at the east end of N. Homestead Parkway.

Community Development Director, Mike Jenkins gave a brief overview of the property as it is currently surveyed and existing, as well as what the proposed change would bring for the property. Jenkins read a letter written by the property owner to the Council explaining why the requested amendment would be beneficial in many ways to the Town of Camp Verde, Arizona.

German requested clarification on the technology center proposed for the property. Assistant Planner Owens explained that it would be a location for companies to utilize high-speed internet and potententially could be split into five lots for businesses that are technology based.

German requested clarification regarding the advance in aid agreement. Applicant, Scott Simonton, addressed council regarding the history of the property and the genesis of his desire to donate the property to the Archeology Center. Simonton explained that sewer is in and existence, but water would need to be extended to the property. Simonton stated that he felt it would be in the best interest for the town, the archeological center and himself to cooperate with each other. Simonton explained the terms of the donation and sale of the property to the center.

Gordon pointed out that the alternative to this option could be apartments and a high-density living area with approximately 300 children in the area.

George pointed out that Simonton had graciously offered an additional 25-foot buffer for the neighbor, as well as the unique opportunity to have a center on a site where existing pit house are located.

Public Input:

Steven Goetting voiced his excitement for the opportunity this would bring to the Town and inquired who would be responsible for the funding for the roadway, as it will be a large expenditure.

Mayor German explained that at this time, Council will only address the request for change in zoning and assured Mr. Goetting that construction costs and plans would be handled at a different time

9. **Public Hearing, followed by discussion, consideration, and possible approval of Ordinance 2014-A394, an Ordinance of the Town of Camp Verde, Yavapai County, Arizona, adopting an amendment to the Zoning Map of the Planning and Zoning Ordinance for parcel 403-233-104F consisting of approximately 21.87 acres to go from PAD, approximately**

17.26 acres and M1, approximately 4.61 acres, to a zoning of C2 (Commercial: General Sales & Services). This property is located on parcel 403-23-104F at the east end of N. Homestead Parkway Staff Resource: Mike Jenkins
On a motion by George, seconded by German, Council voted unanimously to approve Ordinance 2014-A394, an Ordinance of the Town of Camp Verde, Yavapai County, Arizona, adopting an amendment to the Zoning Map of the Planning and Zoning Ordinance for parcel 403-233-104F consisting of approximately 21.87 acres to go from PAD, approximately 17.26 acres and M1, approximately 4.61 acres, to a zoning of C2 (Commercial: General Sales & Services). This property is located on parcel 403-23-104F at the east end of N. Homestead Parkway

Jenkins briefly explained the requested zone change and indicated there was a vote for five in favor and one opposed with the Planning and Zoning Commission.

10. **Discussion, consideration and possible approval of Ordinance 2014-A400, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona relating to Ordinance 2014-A398, adopted on September 17, 2014, which removed exemption (q) sales of food for home consumption, under section 8-465 Retail Sales: Exemptions, and Declaring an Emergency.** Staff Resource: Michael Showers

On a motion by George, seconded by Gordon, Council voted unanimously to approve Ordinance 2014-A400, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona relating to Ordinance 2014-A398, adopted on September 17, 2014, which removed exemption (q) sales of food for home consumption, under section 8-465 Retail Sales: Exemptions, and Declaring an Emergency

11. **Discussion, consideration, and possible direction to staff to transfer $5,822 from account 01-999-20-796000, Water Advisory Committee, to Economic Development Department Projects account 01-170-20-757100 to fund a contract extension for the Economic Development Intern. This transfer would extend the position through June 31, 2015.** Staff Resource: Steve Ayers

On a motion by Gordon, seconded by George, Council voted unanimously to to transfer $5,822 from account 01-999-20-796000, Water Advisory Committee, to Economic Development Department Projects account 01-170-20-757100 to fund a contract extension for the Economic Development Intern. This transfer would extend the position through June 31, 2015.

Ayers explained that in June of 2013, the Town hired an intern to work on a number of projects and for the last 6 months, the intern has worked on numerous projects and created valuable projects on her own with overwhelming success. Ayers presented a detailed PowerPoint presentation to Council with information regarding the work Ms. McCarthy has contributed and the value of extending her contract.

George inquired about the lack of funds to the water advisory board if Council was to approve the request. Mayor German explained that WAC is no longer in full operation; therefore, half of the funds originally allocated are available for other uses.

12. **Discussion, consideration, and possible approval of request by the Sesquicentennial Committee to proceed with a plan that would declare the area surrounding the gazebo to be the Town's Official Sesquicentennial Park.** Staff Resource: Steve Ayers

On a motion by German, seconded by George, Council voted unanimously to approve the request by the Sesquicentennial Committee to designate the area surrounding the Town's gazebo as a Sesquicentennial Park. Some ideas include beautification, interpretive panels and other amenities, before exploring the details of such a proposal the committee is asking for the councils blessing.

Ayers explained that there are 14 members of the sesquicentennial committee and it is requested and common to designate an area as a Sesquicentennial Park. Ayers informed Council that there are no specific plans at this time, but options would include a beatification project, some history information and also create an entrance to the soccer field area.

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

None

14. **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.

None

15. **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.

Russ Martin reminded Council that the Town offices will be closed next Thursday and Friday due to the Thanksgiving Holiday. Martin also stated there is an "In-Service" event tomorrow for Town staff and all offices will be closed from 12 to 1 pm. Martin requested that Council members attend and help serve staff lunch for the function.

November 20th the Town will be hosting the Verde Valley Intergovernmental Meeting at the Marshal's Office Training room.

Manager Martin reminded everyone that December 6th is the Town Christmas party, which will take place at the Phillip England Performance Center cafeteria, noting the event is a potluck and it is requested Council members notify staff as to what they will be bringing.

December 13th is the Towns Holiday Light Show Parade and Craft Bazaar.

The Fire Department will be announcing its new fire truck at 4:00 pm tomorrow.

16. **Adjournment**

On a motion by Gordon, seconded by Jones, Council voted unanimously to adjourn at 7:42 pm.

_____

Charles German, Mayor

_____

Marie Moore, 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 November 19, 2014. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2014.

_____

Virginia Jones – Deputy Town Clerk

Town of Camp Verde
Proclamation
Declaring
December 13, 2014
as
Arbor Day Celebration 2014

TOWN OF CAMP VERDE

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees; and

WHEREAS, Arbor Day is now observed at various times of the year throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil due to wind and water, cut heating and cooling costs, moderate temperature, clean the air, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource that increase property values, enhance economic vitality, and create more livable communities; and

WHEREAS, trees, where properly planted, are a source of joy and community pride.

Now, Therefore, The Mayor and Council of the Town of Camp Verde urge all citizens to care for our urban forest and to support our town's ongoing commitment to improving and managing our tree resources. The Camp Verde Town Council hereby proclaims December 13, 2014, as Camp Verde's Arbor Day Celebration.

IN WITNESS WHEREOF, *I have hereunto set my hand and caused to be affixed the seal of the Town of Camp Verde, Arizona, this 3rd day of December 2014.*

_____

Charles German, Mayor

ATTEST:

_____

Deborah Barber, Town Clerk

1

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: December 3, 2014

☒ *Consent Agenda* ☐ *Decision Agenda* ☐ *Executive Session Requested*

☐ *Presentation Only* ☐ *Action/Presentation* ☐ *Special Session*

Requesting Department: Public Works

Staff Resource/Contact Person: Ron Long

Agenda Title (be exact): Consideration and possible approval of Arizona Department of Transportation (ADOT) IGA/JPA 14-0004471-I. The purpose of the Agreement is to define access management on the crossroads along SR-260 from I-17 to Thousand Trails Road and responsibilities of ADOT the Town for the completion and on-going maintenance of the improvements.

List Attached Documents: IGA/JPA 14-0004471-I (9 pages)

Estimated Presentation Time: N/A

Estimated Discussion Time:

Reviews Completed by: N/A

☐ ***Department Head:*** ☒ ***Town Attorney Comments:*** included in the IGA

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

Finance Director Comments/Fund:

Fiscal Impact: ***Budget Code:*** _____ ***Amount Remaining:***____

Comments:

Background Information: On January 1, 2014, Council approved Resolution 2014-909 to accept and execute IGA 1-0002982 between ADOT and the Town for improvements to SR-260

For the past several months, ADOT has met with representatives from The Town, The Nation, Cottonwood, utilities, and owners of property fronting the proposed improvements. ADOT recommended improvements to SR-260; from exit 287 at I-17 to Thousand Trails Road; and participants have agreed that transportation improvements will include seven (7) roundabouts, six (6) within the boundary of Camp Verde. The project will be funded through the Federal Highway Administration and administered by ADOT.

The IGA/JPA for the improvement project stipulates that ADOT:

- Will obtain FHWA project approval and funding

- Prepare scoping, design, and specifications for bidding and entering into a contract with a firm for the pre-construction and construction related activities
- That no access will be granted within three hundred (300) feet of each roundabout on crossroads, as shown on Exhibit B, for the project
- That new and existing access from three hundred (300) to six hundred (600) feet of each roundabout on the crossroads shown in Exhibit B for the Project will be reevaluated by ADOT at such time that traffic volumes increase to the point where safety is compromised or Level of Service (LOS) drops below C
- Will maintain roundabouts on ADOT's Rights of Way
- Provide the Town any necessary blanket permit to work within ADOT Rights-of-way

The Town of Camp Verde will be responsible for:

- Designate ADOT as the authorized agent of this project for the Town
- Review and provide comments of the design document,
- Provide ADOT and the contractor(s), without cost, with a blanket Encroachment Permit for the construction and on-going maintenance of the improvements
- The Town concurs that no access will be permitted within three hundred (300) feet of each roundabout on crossroads and that new and existing access may be reevaluated by ADOT at such time that traffic volumes increase to the point that public safety is compromised, or level of service drops below C.
- The electric bills to pay for the lighting at six (6) of the seven (7) roundabouts within Town limits

Recommended Action (Motion): Move to approve and authorize the mayor's signing of IGA/JPA 14-0004471-I; for the purpose of defining access management on the crossroads along SR- 260 from I-17 to Thousand Trails Road, and responsibilities of ADOT the Town for the completion and on-going maintenance of the improvements.

Instructions to Clerk: Bill Sims will be sending to Virginia Jones: 2 executed Approvals, please include with the two original, signed IGA's. Please print two (2) copies on plain bond paper, obtain the Mayor's signatures, and return both signed Agreements, **Please return the signed originals to: Anita Colebrook, Arizona Department of Transportation, Joint Project Administration, 205 S. 17th Avenue, MD 637E, Phoenix, AZ 85007**

ADOT CAR No.: IGA /JPA14-0004471-I
AG Contract No.: P001 2014 002786
Project: Thousand Trails to I-17
Section: I-17 to Thousand Trails Road
Federal-aid No.: N/A
ADOT Project No.: H8699 01D
TIP/STIP No.: N/A
CFDA No.: 20.205 - Highway Planning and Construction

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
TOWN OF CAMP VERDE

THIS AGREEMENT is entered into this date _____, 2014, pursuant to the Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and the TOWN OF CAMP VERDE, acting by and through its MAYOR and TOWN COUNCIL (the "Town"). The State and the Town are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes § 9-240 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement on behalf of the Town.

3. The purpose of the agreement is to define access management on the crossroads near the intersections along State Route (SR) 260 from I-17 to Thousand Trails Road. The State will administer scoping, design and construct improvements for seven (7) roundabout intersections, shown in Exhibit A, with access restrictions along SR 260, as detailed in Exhibit B, hereinafter referred to as the "Project". The roundabout intersections are within the Town limits. The State will obtain federal funds for the design and construction costs associated with the Project.

4. The Parties will perform their responsibilities consistent with this Agreement, and any change or modification to the Project will only occur with the mutual written consent of both Parties.

5. The Project will be performed, completed, accepted and paid for in accordance with the requirements of the Project plans and specifications.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Upon execution of this Agreement, be the designated agent for the Town, for purposes of this Project only, if the Project is approved by FHWA and funds for the Project are available.

b. Prepare and provide the design plans, specifications and other such documents and services required for the construction bidding and construction of the Project and provide comments to the Town as appropriate.

c. Stipulate that no access will be granted within three hundred (300) feet of each roundabout on crossroads, as detailed in Exhibit B, for the SR 260 Project.

d. Stipulate that all new and existing accesses from three hundred (300) feet to six hundred (600) feet of each roundabout on crossroads described in Exhibit B, for the SR 260 Project will be reevaluated by ADOT at such time that traffic volumes increase to the point where safety is compromised or Level of Service (LOS) drops below C. Should a LOS of D, E or F occur, driveway turning restrictions could be imposed for safety reasons.

e. Upon FHWA approval, proceed to advertise for, receive and open bids subject to the concurrence of the FHWA. The State will enter into a contract with a firm to whom the award is made for the construction of the Project. Administer the contract for the Project and make all payments to the contractor.

f. Be granted, without cost requirements, the right to enter Town right-of-way as required to conduct any and all construction and pre-construction related activities for said Project, including without limitation, temporary construction easements or temporary rights of entry on to and over said rights-of-way of the Town.

g. Issue, per established procedures of the State's Prescott District Permit Office, a valid blanket Encroachment Permit for the routine/normal maintenance and emergency maintenance work to be provided by the Town within the State's rights-of-way. Process any other Encroachment Permits that may be needed to work within the State's right-of-way to effectively meet the obligations set forth for the Town in this Agreement. The State agrees all activities that are reasonably required to be performed by the Town under this Agreement shall be set forth in and covered by the appropriate Encroachment Permit.

h. Upon completion of the Project and final inspection and acceptance of all the Project improvements, the State will maintain the roundabouts on ADOT's right-of-way.

2. The Town will:

a. Upon execution of this Agreement, designate the State as the authorized agent for the Town for purposes of this Project only.

b. Review the design documents required for construction of the Project and provide comments to the State as appropriate.

c. Concur that no access will be permitted within three hundred (300) feet of each roundabout on crossroads, as detailed on Exhibit B for the SR 260 Project.

d. Agree that all new and existing accesses from three hundred (300) feet to six hundred (600) feet of each roundabout on crossroads described in Exhibit B for the SR 260 Project will be reevaluated by ADOT at such time that traffic volumes increase to the point where safety is compromised or Level of

Service (LOS) drops below C. Should a LOS of D, E or F occur, driveway turning restrictions could be imposed for safety reasons.

e. Not permit or allow any encroachments upon or private use of the public right-of-way, except those authorized by permit. In the event of any unauthorized encroachment or improper use, the Town shall take all necessary steps to remove or prevent any such encroachment or use.

f. Grant to the State, its agents and/or contractors, without cost, the right to enter Town rights-of-way, as required, to conduct any and all construction and preconstruction related activities for the Project, including without limitation, temporary construction easements or temporary rights of entry on, to and over Town rights-of-way.

g. Request and maintain, per established procedures of the State's Prescott District Permit Office, a valid blanket Encroachment Permit for the routine/normal maintenance and emergency maintenance work provided by the Town within the State's rights-of-way. Agree to obtain separate permits for any new construction and/or installations in accordance with the Prescott District established procedures. The Town agrees all activities performed by the Town under this Agreement shall be set forth in and covered by the appropriate Encroachment Permit.

h. Be responsible to pay the electric bill for the lighting at six (6) of the seven (7) roundabouts. A future IGA will be initiated to address electrical and maintenance responsiblities through the entire Town limits.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of the Project and all reimbursements provided herein. All maintenance obligations contained herein shall be perpetual. This Agreement may be cancelled at any time prior to the award of a Project construction contract, upon thirty (30) days written notice to the other party. It is further understood and agreed that, in the event Town cancels this Agreement, the State shall have no other obligation to continue with the Project.

2. To the extent permitted by law, the Town hereby agrees to save and hold harmless, defend and indemnify from loss the State, any of its departments, agencies, officers or employees from any and all liability, costs and/or damage incurred by any of the above arising or resulting from the Agreement; and from any other liability, damage to any person or property whatsoever, which is caused by any activity, condition, misrepresentation, negligence, directives, instruction or event arising out of the performance or non-performance of any provisions of this Agreement by (a) the State, any of its departments, agencies, officers and employees, or its independent contractors; or (b) the Town, any of its agents, officers and employees, or its independent contractors. Costs incurred by the State, any of its departments, agencies, officers or employees shall include in the event of any action, court costs, and expenses of litigation and attorneys' fees.

3. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

4. The cost of the project under this Agreement includes indirect costs approved by the FHWA, as applicable.

5. Should the federal funding related to this Project be terminated or reduced by the federal government, or Congress rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State shall in no way be obligated for funding or liable for any past, current or future expenses under this Agreement.

6. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

7. The provisions of Arizona Revised Statutes § 35-214 are applicable to this Agreement.

8. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 09-09 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

9. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

10. In the event of any controversy which may arise out of this Agreement, the Parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

11. The Parties shall comply with the applicable requirements of Arizona Revised Statutes § 41-4401 and Title 34 of the Arizona Revised Statutes.

12. The Parties hereto shall comply with all applicable laws, rules, regulations and ordinances, as may be amended. In the event that any provision of this Agreement or portion thereof is held invalid, illegal or unenforceable, such, provision or portion thereof shall be severed from this Agreement and shall have no effect on the remaining provisions of this Agreement, which shall remain in full force and effect.

13. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

Town of Camp Verde
Attn: Ron Long P.E.
Public Works Director
395 S Main Street
Camp Verde, Arizona 86322
928-554-0821
928-567-1540 Fax
Ron.long@campverde.az.gov

14. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each Party's legal counsel and that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

TOWN OF CAMP VERDE

By _____
CHARLES GERMAN
Mayor

ATTEST:

By _____
DEBROAH BARBER
Town Clerk

STATE OF ARIZONA
Department of Transportation

By _____
DALLAS HAMMIT, P.E.
Senior Deputy State Engineer Development

JPA 14-0004471-I

ATTORNEY APPROVAL FORM FOR THE TOWN OF CAMP VERDE

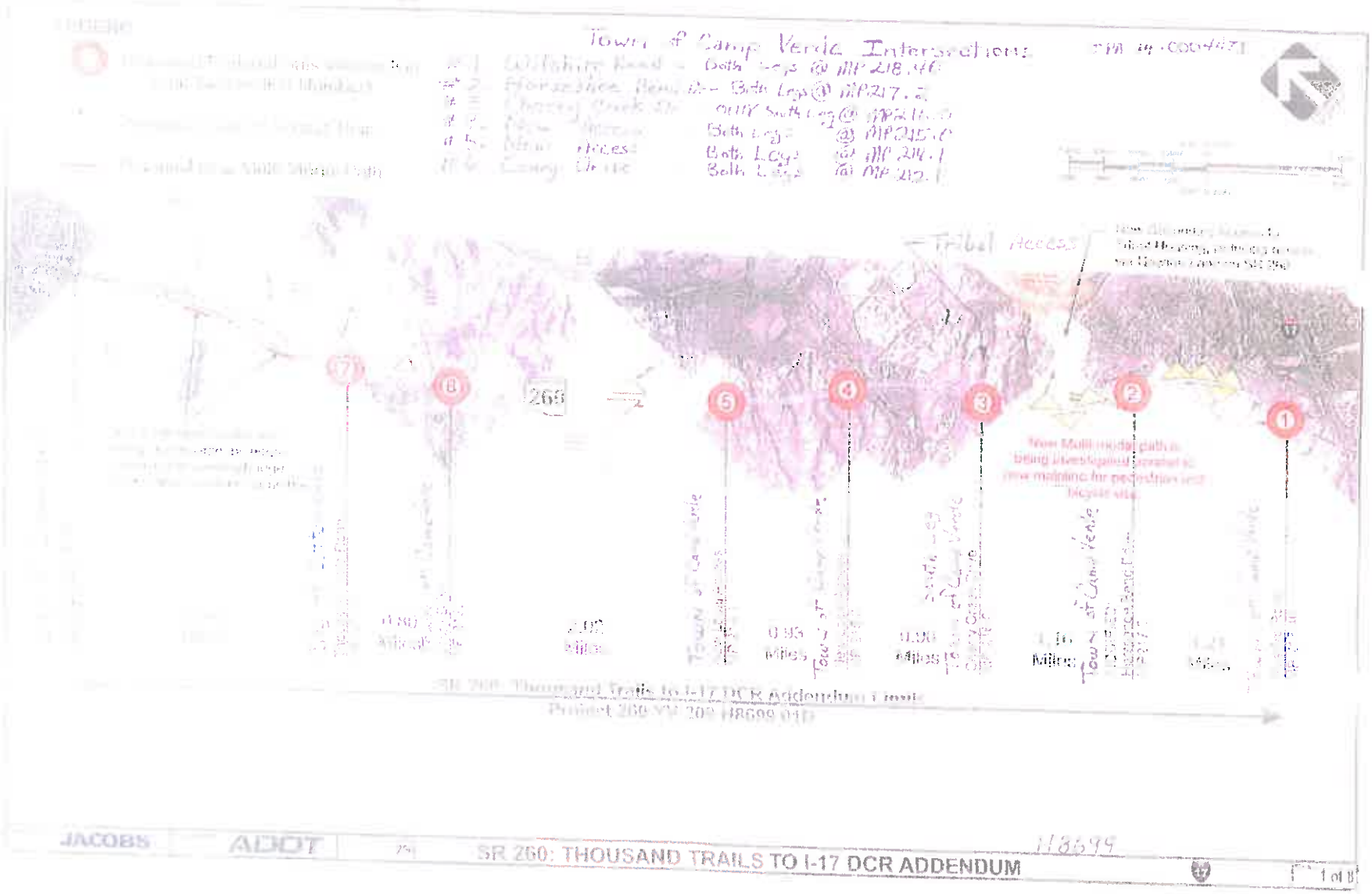
I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the TOWN OF CAMP VERDE, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____, 2014.

_____

Town Attorney


Town of Camp Verde Intersections
Tribal Access
New Multi-modal path is being investigated parallel to new mainline for pedestrian and bicycle use.
Town of Camp Verde
0.80 Miles
2.02 Miles
0.93 Miles
0.90 Miles
1.16 Miles
SR 260: Thousand Trails to I-17 DCR Addendum Limits
Project 260-YV-202 H8699 01D
JACOBS
ADOT
SR 260: THOUSAND TRAILS TO I-17 DCR ADDENDUM
H8699
1 of 8

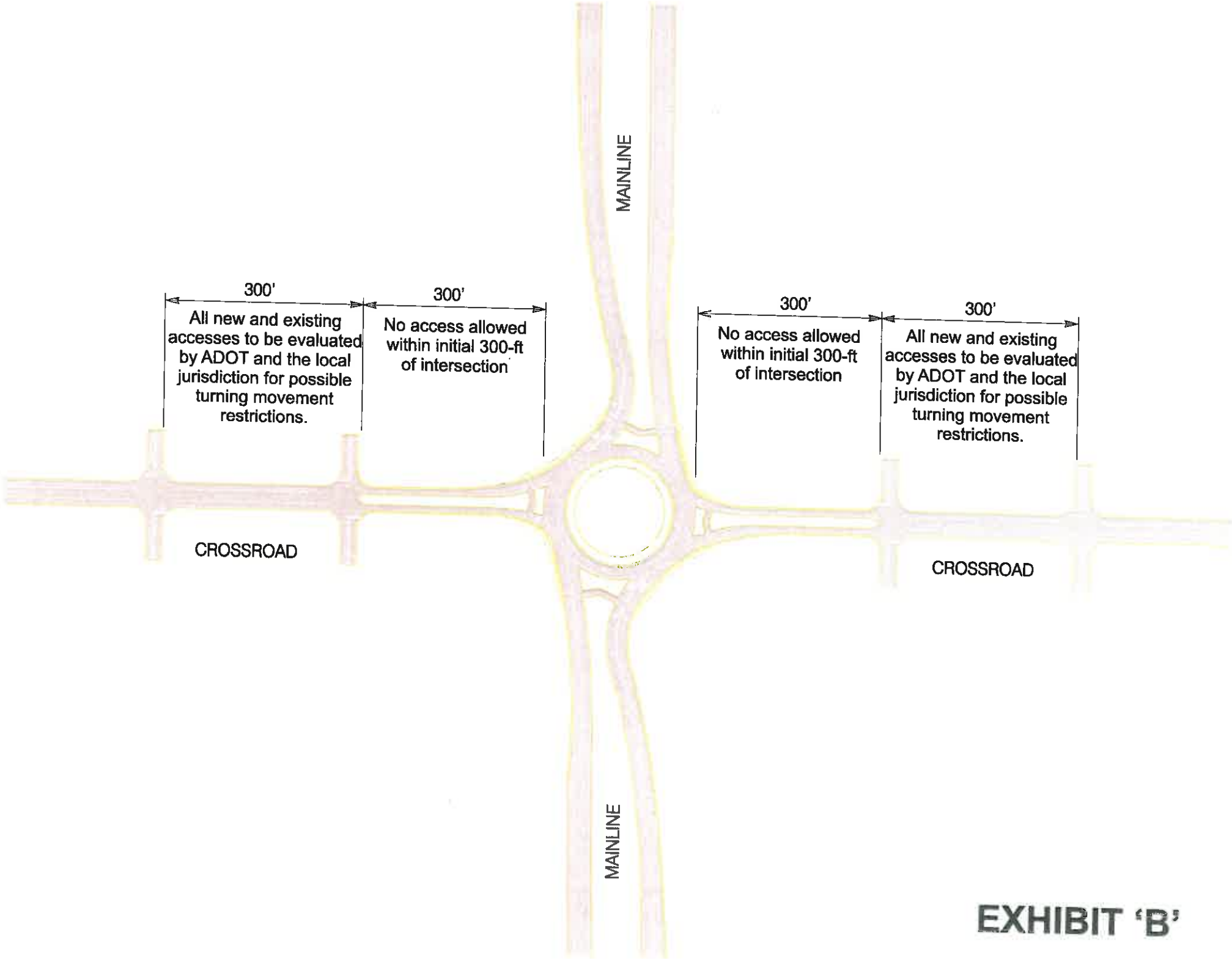

MAINLINE
300'
All new and existing accesses to be evaluated by ADOT and the local jurisdiction for possible turning movement restrictions.
300'
No access allowed within initial 300-ft of intersection
300'
No access allowed within initial 300-ft of intersection
300'
All new and existing accesses to be evaluated by ADOT and the local jurisdiction for possible turning movement restrictions.
CROSSROAD
CROSSROAD
MAINLINE

EXHIBIT 'B'

LOS or Level of Service, for non-signalized intersections, is determined by the minor or side leg delay. Per the 2010 Highway Capacity Manual, when side leg delay exceeds 25 Sec, the LOS for that approach drops to a LOS "D". Should the delay exceeds 35 seconds, the los would be "E" and below 50 seconds would be a LOS of "F". See 19-1 below.

Exhibit 19-1
Level-of-Service Criteria: Automobile Mode

Control Delay (s/vehicle)	LOS by Volume-to-Capacity Ratio	
	$v/c \leq 1.0$	$v/c > 1.0$
0–10	A	F
>10–15	B	F
>15–25	C	F
>25–35	D	F
>35–50	E	F
>50	F	F

Note: The LOS criteria apply to each lane on a given approach and to each approach on the minor street. LOS is not calculated for major-street approaches or for the intersection as a whole.

7

Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date:

☐ *Consent Agenda* ☐ *Decision Agenda* ☐ *Executive Session Requested*

☐ *Presentation Only* ☒ *Action/Presentation* ☐ *Special Session* ☐ Pre-Session

Requesting Department: Economic Development

Staff Resource/Contact Person: Steve Ayers

Agenda Title (be exact): Discussion, consideration and possible approval of Ordinance 2014-A402, an ordinance of the Mayor and Common Council of the Town of Camp Verde adding Article 13-3, Town Trees & Parks to the Town Code, Chapter 13 Parks & Recreation and Library.

List Attached Documents: Ordinance 2014-A402

Estimated Presentation Time: 5 minutes

Estimated Discussion Time: 10 minutes

Reviews Completed by:

☐ ***Department Head:*** ☒ ***Town Attorney Comments:***

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

Finance Director Comments/Fund:

Fiscal Impact:

Budget Code: _____ ***Amount Remaining:*** _____

Comments:

Background Information: At the August 6, 2014 meeting of the Town Council, the Economic Development Department was tasked with developing an ordinance that would establish a Tree Board, a requirement of the Arbor Day Foundation's Tree City USA designation. During that discussion, it was apparent that the proposed ordinance needed to pertain only to trees on Town property, 2) establish no additional burden of private land owners and 3) add no additional financial burden to the Town. The proposed ordinance is a hybrid version of the Town of Patagonia's ordinance—an ordinance we believe fulfills the desires of council as well as the requirements of the Tree City USA designation.

Recommended Action (Motion): Move to approve Ordinance 2014-A402, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona adding Article 13-3, Town Trees & Parks to the Town Code, Chapter 13 Parks & Recreation and Library.

Instructions to the Clerk: Process Ordinance and update Town Code

REGULAR SESSION
MAYOR & COUNCIL
473 S MAIN STREET-SUITE 106
CAMP VERDE, AZ 86322

DECEMBER 3, 2014

ADDITIONAL INFORMATION

ITEM # 8
Comments from Attorney

ORDINANCE 2014-A402

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ADDING ARTICLE 13-3, TOWN TREES & PARKS TO THE TOWN CODE, CHAPTER 13 PARKS & RECREATION & LIBRARY

ARTICLE 13-3

TOWN TREES & PARKS

13-3-1 FINDINGS
13-3-2 PURPOSE
13-3-3 TREE ADVISORY COMMITTEE-CREATION AND COMPOSITION
13-3-4 TOWN TREE PLAN
13-3-5 MAINTENANCE OF TOWN TREES
13-3-6 PLANTING, REMOVING OR CUTTING TREES ON PUBLIC PROPERTY PROHIBITED
13-3-7 POSTING ON TOWN TREES PROHIBITED

SECTION 13-3-1 FINDINGS

TREES BENEFIT THE TOWN OF CAMP VERDE BY DIMINISHING PARTICULATES AND OTHER AIR POLLUTANTS, ENHANCING THE VISUAL IMAGE OF THE COMMUNITY, AND MINIMIZING NOISE POLLUTION. TREES ALSO PROVIDE WELCOME SHADE TO BUILDINGS, STREETS, AND PUBLIC SPACES, WHICH MODERATES HIGH TEMPERATURES AND COOLING COSTS IN THE WARM AND SUNNY CLIMATE OF CENTRAL ARIZONA.

SECTION 13-3-2 PURPOSE

THIS ARTICLE IS INTENDED TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY PROVIDING GUIDELINES FOR THE PROTECTION, MAINTENANCE AND MANAGEMENT OF TREE RESOURCES WITHIN THE TOWN.

SECTION 13-3-3 TREE ADVISORY COMMITTEE-CREATION AND COMPOSITION

A. THERE IS HEREBY ESTABLISHED A TREE ADVISORY COMMITTEE, WHICH SHALL CONSIST OF AT LEAST FIVE AND UP TO SEVEN PERSONS APPOINTED BY THE TOWN MANAGER. COMMITTEE MEMBERS SHALL

SERVE FOR A STAGGERED TERM OF TWO YEARS AND MAY BE RE-APPOINTED BY THE MANGER ~~BY RECOMMENDATION OF CURRENT TREE ADVISORY COMMITTEE MEMBERS~~ [WJS1]AT THE EXPIRATION OF THEIR TERMS. THE MANAGER AND COMMITTEE SHALL PUBLICLY ANNOUNCE COMMITTEE VACANCIES TO ENCOURAGE PARTICIPATION FROM CAMP VERDE'S DIVERSE COMMUNITY.

B. THE TREE ADVISORY COMMITTEE SHALL APPOINT A CHAIRPERSON AMONGST THE CURRENT MEMBERS, WHO SHALL PRESIDE AT MEETINGS AND BE RESPONSIBLE FOR THE ORDERLY CONDUCT OF COMMITTEE BUSINESS.

C. THE PUBLIC WORKS DIRECTOR OR DESIGNEE SHALL BE A NON-VOTING MEMBER OF THE COMMITTEE.

SECTION 13-3-4 TOWN TREE PLAN

A. THE COMMITTEE SHALL PREPARE AND UPDATE FOR APPROVAL AND ADOPTION BY THE TOWN COUNCIL ~~A TOWN~~ [WJS2]EVERY TWO YEARS A TREE PLAN THAT WILL SERVE AS THE GUIDING DOCUMENT FOR THE CARE, MAINTENANCE AND EXPANSION OF THE TOWN'S TREE RESOURCES AND ENHANCEMENT OF THE TOWN'S OPEN SPACES.

B. THE PLAN SHALL BE DIVIDED BETWEEN A FIVE-YEAR PLAN AND A LONG-TERM VISION AND SHALL INCLUDE THE FOLLOWING ELEMENTS:

1. RECOMMENDED SPECIES AND SPECIFICATIONS OF TREES, BUSHES AND SHRUBS TO BE PLANTED IN OR REMOVED FROM TOWN PARKS AND RIGHTS OF WAY.

2. REQUIREMENTS FOR THE CARE, PRESERVATION, PRUNING, PLANTING, REPLANTING, REMOVAL OR DISPOSITION OF TREES IN TOWN PARKS AND RIGHTS OF WAY.

3. GUIDELINES FOR THE LOCATION, PRUNING AND SPACING OF TREES IN PARKS AND RIGHTS OF WAY.

4. PUBLIC OUTREACH TO FOSTER COMMUNITY SUPPORT FOR THE TOWN TREE PLAN AND TO ENCOURAGE VOLUNTARY USE OF THE TOWN TREE PLAN.

C. THE PLAN SHALL FURTHER BE PREPARED IN ACCORDANCE WITH THE GUIDELINES AND REQUIREMENTS OF THE NATIONAL ARBOR DAY FOUNDATION FOR THE TOWN TO BE DESIGNATED A "TREE CITY USA."

SECTION 13-3-5 MAINTENANCE OF TOWN TREES

A. THE PUBLIC WORKS DIRECTOR SHALL BE CHARGED WITH IMPLEMENTING ~~CONSERVE, MAINTAIN AND ENHANCE~~ [WJS3]THE TOWN'S TREE RESOURCES IN ACCORDANCE WITH THE TOWN TREE PLAN AND BY SO DOING ADDRESS THE CONSERVATION, MAINTEANANCE AND ENHANCEMENT OF THE TOWN'S TREE RESOURCES..

B. THE PUBLIC WORKS DIRECTOR [WJS4]IS AUTHORIZED AND DIRECTED TO REMOVE, PRUNE OR OTHERWISE DISPOSE OF TREES ON TOWN PROPERTY OR RIGHTS-OF-WAY THAT ARE IN AN UNSAFE CONDITION OR ARE OTHERWISE INJURIOUS TO SEWERS, SIDEWALKS, ELECTRIC POWER LINES, GAS LINES, WATER LINES OR OTHER PUBLIC IMPROVEMENTS, OR WHICH HAVE BECOME INFECTED WITH INJURIOUS PESTS OR

DISEASE.

SECTION 13-3-6 PLANTING, PRUNING OR REMOVING TREES ON PUBLIC PROPERTY PROHIBITED

NO PERSON SHALL PLANT, PRUNE, REMOVE, CUT ABOVE THE GROUND OR DISTURB ANY TREE WITHIN ANY TOWN RIGHT-OF-WAY, PARK OR OTHER PUBLIC PLACE WITHOUT CONSULTATION [WJS5]WITH THE PUBLIC WORKS DEPARTMENT.

SECTION 13-3-7 POSTING ON TOWN TREES PROHIBITED

IT SHALL BE UNLAWFUL FOR ANY PERSON TO NAIL, AFFIX BY STAPLING OR GLUING, OR IN ANY OTHER MANNER CAUSE TO BE ATTACHED TO A TREE LOCATED IN THE TOWN RIGHTS-OF-WAY, PARK OR TOWN PROPERTY, ANY SIGN, LETTER, REFLECTOR OR NUMBER.

PASSED AND ADOPTED BY A MAJORITY VOTE OF THE TOWN COUNCIL IN AN OPEN MEETING BY THE TOWN COUNCIL, TOWN OF CAMP VERDE, ARIZONA, ON THE 3RD DAY OF DECEMBER 2014, TO BE EFFECTIVE WHEN PUBLICATION AND POSITING, PURSUANT TO ARS 9-813, IS COMPLETED.

_____ DATE: _____

CHARLES GERMAN, MAYOR

ATTEST: APPROVED AS TO FORM:

_____ _____

DEBORAH BARBER, TOWN CLERK TOWN ATTORNEY

ORDINANCE 2014-A402

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_____ DATE: _____

CHARLES GERMAN, MAYOR

ATTEST:

APPROVED AS TO FORM:

_____

DEBORAH BARBER, TOWN CLERK

_____

TOWN ATTORNEY