DRAFT MINUTES
REGULAR SESSION
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, SEPTEMBER 2, 2015 at 6:30 P.M.

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

1. **Call to Order**
Mayor German called the meeting to order at 6:30 p.m.

2. **Roll Call**
Mayor Charles German, Vice Mayor Bruce George, Councilors Robin Whatley, Brad Gordon, Jackie Baker, and Carol German were present. Jessie Jones was absent.

Also Present
Town Manager Russell Martin, Marshal Nancy Gardner, Public Works Director Ron Long, Library Director Kathy Hellman, Town Clerk Virginia Jones, and Recording Secretary Saepyol Choe.

3. **Pledge of Allegiance**
Mayor German 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) Special Session – July 29, 2015
   2) Executive Session – July 29, 2015 (recorded)
   3) Special Session – July 31, 2015
   4) Executive Session – July 31, 2015 (recorded)
   5) Regular Session – August 5, 2015
   6) Work Session – August 12, 2015
   7) Special Session – August 14, 2015
   8) Executive Session – August 14, 2015 (recorded)

b) **Set Next Meeting, Date and Time:**
   1) Wednesday, September 9, 2015 at 5:30 p.m. Work Session
   2) Wednesday, September 16, 2015 at 6:30 p.m. Regular Session
   3) **FRIDAY, SEPTEMBER 18, 2015 8:00 A.M. -10:30 A.M. – SPECIAL/WORK SESSION-SETTING MANAGER GOALS**
   4) Wednesday, September 23, 2015 at 6:30 p.m. Council Hears Planning & Zoning Matters-Cancelled
   5) Wednesday, September 30, 2015 at 5:30 p.m. Work Session

c) **Possible authorization to award Agreement 15-111, Townsite Phase III Road Construction Project to the apparent low bidder, Fann Contracting Inc. in the amount of $309,128.00.** Staff Resource: Ron Long

d) **Possible authorization to proceed with two applications to Water Infrastructure Finance Authority (WIFA): State Route 260 for the Sewer Collection System Expansion Master Plan in the amount of $35,000.00 and the Wastewater Treatment Plant Energy Efficiency Study in the amount of $35,000.00.** Staff Resource: Ron Long

e) **Possible approval to close the Camp Verde Public Library on Monday October 12, 2015 for an all-staff training day and be open on Fort Verde Day, Saturday October 10,2015.**

f) **Possible approval of the re-appointment for Ronald C. Ramsey, Esq. as an Assistant Magistrate for Camp Verde Municipal Court for a two (2) year term, effective September 18, 2015 and setting an hourly pay rate of $38.00 per hour on an as need basis with a three (3) hour minimum.** Staff Resource Judge Paul Schlegel

On a motion by Vice Mayor George, seconded by Jackie Baker, Council voted unanimously to approve the Consent Agenda, with the exception of Item 4D, which Baker pulled for discussion.

On a motion by Robin Whatley, seconded by Vice Mayor George, Council voted 5-1 to approve proceeding with two applications to Water Infrastructure Finance Authority (WIFA): State Route 260 for the Sewer Collection System Expansion Master Plan in the amount of $35,000.00 and the Wastewater Treatment Plant Energy Efficiency Study in the amount of $35,000.00. Councilor Baker voted "No."

Baker requested scheduling a Work Session to ensure that Council clearly understands its role as trustees for the Sewer District. Council owes it to the citizens paying assessment fees to act responsibly as trustees. She asked for more information about the sewer sleeves and said she preferred to understand the whole picture in order to make educated decisions. German asked for clarification on the relationship between these grants and the sewer sleeves.

Public Works staff explained that the deadline for the applications has already expired, so there is no time to wait for a Work Session. There is no match required for these grants, and the $35,000 would pay a portion of the cost to design the sewer sleeves, as well as some toward assessing solar options for the sewer treatment plant. We need to take this now or pay all $65,000 out of pocket for the sewer sleeve design, which we need in order to start Hwy 260 construction in January.

5. **Special Announcements and presentations:**

- **Proclamation Declaring September 11, 2015 as "A Day to Remember"**
- **Proclamation Declaring September 2015 as Library Card Sign-Up Month**
- **Proclamation Designation September 7 through 13, 2015 as Suicide Prevention Week**
- **Proclamation Declaring September 2015 as Grandfamily/Kinship Care Month**

Mayor German proclaimed at the above.

Barbara Litrell from the Mental Health Coalition thanked Mayor for the proclamation. She reported that Yavapai County is #3 in the state for suicide, and that many Verde Valley families have been affected. Just a week ago, someone took their life in Sedona off of Midgley Bridge. She explained that the coalition started 18 months ago to rid the stigma of mental illness, to provide resources, information, advocacy at the state level, as well as community support services. She announced the First Annual Mental Health Summit on September 25th at Yavapai College which will discuss the "state of mental illness in the Verde Valley" with community leaders.

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

Nikki Miller from Camp Verde Promotions introduced "Penelope," a scarecrow, to promote the Scarecrow contest starting September 19th. This is meant to be a fun, non-political, and hopefully annual event to attract tourism. Please register to let them know you are entering the contest.

Steve Goetting asked that staff fix the selectcampverde.com and visitcampverde.com websites. One has been down for six weeks, and the other is featuring attractions that have nothing to do with Camp Verde. He is disappointed they are paying fees for these websites that are not up to standard and promoting business for other towns, while not effectively driving business to ours. He asked that visitcampverde.com include the following attractions: Fort Verde State Park, Clear Creek, Fossil Creek, Bull Pen, Copper Canyon Trail, Beasley Flats, Salt Mine, C.A. McDonald trailhead at Clear Creek Ruins, Hance House, Center of Arizona, Historical Society, Rezzonico Park, White Bridge, and Montezuma Castle.

Tom Pitts announced an Arizona Association for Economic Development event in Tucson, September 16 – 18; and an event, October 16th, in Cottonwood to discuss economic development for northern Arizona. He wrote a Letter to the Editor for The Bugle promoting Focus Future, sponsored by APS, which only a handful of business persons attend. Since Focus Future's goal is to improve economic development, create jobs, and develop a vision for Camp Verde, the business community needs to get involved. He reported that the Town and Staff has a very different outlook for the vision of Camp Verde than the business community and

he hopes they can have productive discussion rather than throw rocks at each other. The Town has a less than marvelous reputation for encouraging business, and it is important to get people from opposite sides in the same room.

Cat Davis, from the Focus Future council, clarified that they have only given the Town Council a courtesy document, and not an official document; therefore Council cannot act on anything. She agrees with Tom Pitts that there are disagreements about the vision for Camp Verde, and that people need to have an open, honest discussion and unify so we can get to work.

Nikki Miller thanked Council for creating and agreeing to participate in a special kick off ceremony for Fort Verde Days. It is nice to have Council support for this event. Let's have a good Fort Verde Days.

7. **Discussion, consideration and possible approval of Special Event Liquor License application for Verde Valley Rangers, Mounted Sheriff's Posse for a fundraiser during Fort Verde Days located at 75 E Hollamon Street in Camp Verde, AZ 86322** Staff Resource: Virginia Jones

On a motion by Carol German, seconded by Jackie Baker, Council voted unanimously to approve the Special Event Liquor License application for Verde Valley Rangers, Mounted Sheriff's Posse for a fundraiser during Fort Verde Days located at 75 E Hollamon Street in Camp Verde, AZ 86322.

Carol German said the Verde Valley Rangers have done this for years and it is a wonderful event.

~~8. **Presentation by Sharon Massey and Dee Jenkins, followed by discussion, consideration and possible direction to staff relative to the Jordan Meadows Resident's concerns about the designation of Guinea Fowl as poultry under Town Code Section 6-1-7.**~~

(THIS ITEM WAS REQUESTED BY COUNCILOR CAROL GERMAN)

8. **PRESENTATION BY SHARON MASSEY AND DEE JENKINS, FOLLOWED BY DISCUSSION, CONSIDERATION AND POSSIBLE DIRECTION TO STAFF RELATIVE TO THE GUINEA FOWL ISSUE AND POSSIBLE SOLUTIONS, TO INCLUDE, BUT NOT LIMITED TO POSSIBLE CHANGES IN THE TOWN CODE.**

On a motion by Carol German, seconded by Whatley, Council voted unanimously to direct staff to uphold the Code Enforcement Officer's well researched determination that the Guinea hens are wild, cannot be captured, and the birds will be treated in the same manner as any other wild animal or feral cat; and further direct staff to bring back proper definitions of "wild birds" or "wild animals" to avoid this type of situation in the future.

Mayor German said he has read the history of this issue and asked for the concerned citizens to share their recommended course of action. Carol German explained that citizens requested this item be put on the agenda two weeks ago and she agreed to sponsor the item.

Sharon Massey, a Jordan Meadows resident, presented a detailed summary of the Guinea fowl issue in their neighborhood. They held a meeting to the discuss the issue on August 24th, and she interpreted the Mayor and Council's lack of participation as a sign of their disinterest. The Town Manager, Marshal, Town Attorney, Animal Control Officers, and residents—about 100 people total were in attendance. Residents asked many questions, but they never received any clear answers. The residents were not prepared to offer a solution then, as they thought the meeting was only a discussion; so they put it on the agenda today to recommend solutions.

Camp Verde Marshal's Office received an anonymous complaint in March 2015 about Guinea fowl causing a nuisance throughout Jordan Meadows. The matter was investigated by Animal Control and the case was closed on May 21, 2015, declaring the birds wild, unable to be captured; and authorizing the complainant to

treat the Guinea Fowl as feral cats and capture or rid them from personal property as needed. It also concluded that no one could be cited or held responsible for their existence. Two months later, the case was reopened as a violation of Town Code Chapter 6 Section 6-1-7, "Any person who keeps or causes to be kept . . . poultry, shall keep such animals in a pen or enclosure to prevent the animal from being at large within the Town limits." Flyers bearing a the CVMO logo were distributed, and residents were notified by phone that if the residents did not cooperate or capture the Guinea hens when on their property, they would be cited and fined. Massey recommended the following solutions: 1. Allow CVMO Deputy Report for Incident V15003575 dated May 21st to stand as the final ruling on the matter, 2. Reword the "Animals at large" ordinance in the Town Code with clear language, including a proper categorization for guinea fowl other than "poultry" so it is clear to everyone and enforceable. She asked Council to determine that the Guinea fowl deserve freedom.

Dee Jenkins, Jordan Meadows homeowner and business owner of Quintus, Inc. on Industrial Drive, said the Guinea fowl became an issue only after a feud between two neighbors, and that it only escalated this far because the complainant has a close relationship with the Town Manager. Interference from the complainant after the CVMO's May 21st conclusion was not acceptable. Animal Control's suggestion to "shoot" the Guineas was not appropriate, and the Town Code cannot obligate residents to capture wild animals. Guinea hens are not "domesticated or raised for eggs, meat, or feathers," and should not be categorized as "poultry." 48 of 49 Jordan Meadows homeowners want to keep the guinea hens. Please accept Animal Control's determination.

Mayor German stated that he has not prematurely formed an opinion and that he cares about the residents of Jordan Meadows. He did not attend the August 24th meeting because he had been advised not to attend meetings that may result in the appearance of taking sides.

Vice Mayor George stated that he wanted to attend, but was also advised not to attend. Councilor Brad Gordon said the Town Manager was not showing favoritism, but trying to work with the Town Code. The Manager was advised by a different attorney with a different opinion, and was trying to work a solution.

Whatley said she would have attended the meeting, but that Council is strictly obligated to adhere to the "Open Meeting Law." She said the Town Code is a living document that can change, and that the Town Manager was trying to work with the one we have now. She disapproves, however, of the policy of allowing complaints to be filed anonymously.

Public Hearing

Donna Bingham, one of the original owners in Jordan Meadows, said she was a farmer's daughter and that guinea hens are a wild game bird, not poultry. They carry no diseases, cause no harm, and if you attempt to catch them, they will die, due to their hollow bones. They also cannot be penned as they fly and roost in trees. They are vital additions to farms for pest control, people request baby hens for their gardens, and Phoenix allowed a variance for owning them because they kill ticks. Camp Verde is an agricultural Town with all kinds of animals, and she loves them all. She would rather have the ravens caught!

Kate Lockwood said the three issues were the Town Manager's conflict of interest, unnecessary cost to taxpayers, and the lack of democracy. The Town Manager was not satisfied with CVMO's ruling and micromanaged the issue. Lockwood questioned why are we dealing with repeated complaints about the Guineas when the case was closed? A two-person feud is costing us all a lot of money. What is appropriate at Jordan Meadows is not appropriate for the Views. This is a way of life that has existed longer than any code. Town Code Chapter 6 Section 6-1-7 is an unworkable effort to eliminate the Guineas, because it does not apply. Honor the wants and needs of the majority, that fits the neighborhood, and do not allow one anonymous party to dictate to the majority. There has been enough wasted time and effort.

June Trinidad agreed that the Town Manager should not have reopened the case. Showlow has a "wild

animal" clause in its Town Code and we should include one as well. Our Town Code addresses stray animals, but not wild animals. She suggested that if necessary, a requirement to keep Guinea fowl enclosed, should apply in the city proper only.

Jim Charles, long time resident retired from 20+ years in law enforcement, said wild game have roamed everywhere in Camp Verde, including Guineas, for as long as he can remember. Use common sense and dismiss this case. Jordan Meadows has over 100 residents, and all agree with keeping them except for two people.

Joann Sawyer said a Bugle article stated that the Mayor was unaware of the issues. She asked how this was possible when it has been in the Bugle and Journal for the past month, and in the news on channels 3 and 5. She asked for a decision to be made publically and not behind closed doors.

The Mayor responded that he was aware of the Guinea fowl issue and that the Town Council meeting was an open meeting and public forum. He asked the public to understand he was also taking care of 27 homes that were flooded around the same time.

Mike Jacobson said the resident who complained about the Guinea hens also complains about hating Camp Verde. Town Codes should be cohesive and lead to uniform understanding and interaction. This is a case where 150 residents are being run over by two people. You cannot blame the residents for being upset. Residents should not have this kind of access to Town government, and we cannot have a system where one person jumps in and acts like the enforcement agency.

Steve Goetting said he has access to 20,000 government emails through the Freedom of Information Act, and has found that many of them show selective enforcement. He found an email referencing his business and the "Olive Fox" solution, which he found offensive. He said what he is finding in the emails is disappointing and he may publish them for the public.

Olive Fox, resident of Camp Verde since 2002 and landowner since 2004, said she was surprised to learn that her name was invoked in such a manner. There are more important matters of business such as poor drainage, economic development, and job creation; and the Town needs better oversight of the Town Manager, and better usage of Camp Verde's small tax resources.

Walter Miller said we need government departments' decisions to be respected and not subverted. Either train Staff properly to make good decisions or get rid of them. Do not spend money on investigations, which only shows the lack of ability to have civil discourse. The Council needs to take a leadership role and get the departments under control or we will have a fiefdom.

Brenda Hauser said Camp Verde has javelina, humming birds, and all kinds of nuisance animals and she did not know she could complain and have them removed. Take the first decision by the CVMO and move on. The Guinea hens will not be around forever.

Tom Pitts said that all over the world, Guinea hens are sought after and appreciated for being a sustainable, chemical-free form of pest control that we do not have to feed or clean. Maybe we are going in the wrong direction and we need to get some more!

Discussion

Mayor German thanked everyone for participating in the democratic process, for which he is proud to say, he fought to defend. Baker agreed with the simple solution stated in the CVMO's May 21, 2015 report, based on good research and the Town prosecutor at the time. She has been here 30 years, helped incorporate the town, and has served on Council for many years. She has heard all along, "keep Camp Verde a rural western community." The issue was solved by a competent department, and this needs to be

resolved tonight. Council can address the matter of clarifying the Town Code at a later date. She asked for a copy of the anonymous complaint that reopened this investigation.

Town Manager Russ Martin apologized to anyone offended by the process he took that resulted in the issue coming before Council. He tried to work with the neighbor, the Town has not cited anyone and does not plan to. He would like to wait for a new code to address the matter more specifically.

Gordon said that anything that cannot be pinned down should not be called "poultry." The Town Code should specify "chickens and turkeys," but anything else is not poultry.

Councilor German said she brought this presentation forward to educate Council and to try for a decision. She said the Mayor stated that there would be no vote on the matter at this meeting, but that he cannot make that decision for everyone.

Mayor German clarified that he meant he was not sure how the Council would vote, and that he did not think they would vote on changing the Town Code at this meeting.

Whatley asked the Town Clerk if Council could vote on the Guinea fowl issue, according to the wording of the agenda item. Virginia Jones explained that a motion is not necessary, but that Council could direct staff if they wished.

Whatley said she empathized with the residents, but that they should not have turned the discussion into a "bash-our-manager party." She suggested that the complainant build a fence to keep out the Guinea fowl, but a resident clarified that they fly to tree tops and cannot be kept out.

Baker said she spoke to the Town attorney, and confirmed that the wording of the agenda item does not preclude a motion. Whatley said that Baker should have shared that information with the rest of Council. Baker explained that Council has made motions many times on agenda items with the exact same wording.

Mayor German called a 10-minute recess at 8:23 p.m. Mayor German called the meeting to order at 8:33 p.m.

9. **Discussion and update regarding the construction of new Camp Verde Community Library.** Staff Resource: Ron Long and Kathy Hellman

Ron Long reported that the contractors would pour the concrete foundation on September 3rd, and that on the 8th, the masons would build the retaining wall. The elevator shaft will take two weeks to build, the steel will go up starting the week of the 28th, and we are right on schedule. Kathy Hellman showed a slide show presentation of the construction progress. The presentation will become part of the public record.

Hellman distributed a copy of the Yavapai Library Network's annual report, and shared study results which found that for every $1 of tax dollars received, $8 worth of services are returned to the public. The new library website is up, though they are still working out the bugs.

10. **Update by Public Works Director regarding previous flooding in the Verde Lakes area, and Notice of Grant and agreement award from Natural Resources Conservation Services in the amount of $200,000.** Staff Resource: Ron Long

Town Council and Staff thanked the Moody family for granting the easement to the Town for flood mitigation. Vice Mayor George read an email from a resident thanking the Town and Staff for all their work in clearing flood debris, making trash containers available, and investing in preventive measures for the future.

Public Works Deputy Director Troy Odell gave a slide show presentation showing the effects of the flood,

timeline of staff actions, and the results of grants funds applied toward flood control. 27 homes were flooded in the Bull Pen Wash area on July 17th due to banks that were compromised over time from recreational vehicles and erosion. Staff arrived on site the day of the flood and began working, called for emergency services, and applied for a $150,000 Emergency Watershed Protection Program grant. The grant was awarded on August 6th and funded on the 7th. The Town supplied $50,000 in matching funds, work commenced on the August10th, and was completed on the 21st. Two local contractors cleared 2400 feet of channel, built 450 feet of scour wall, reestablished the berm with the 19,000 cubic yards of sediment removed from the stream bed, and seeded the berm—all of which can now accommodate an 80 feet width flow. $25,000 of leftover grants funds are being used to plant 70 trees indigenous to Bull Pen Wash. Plans include working toward a permanent easement to access the area for regular maintenance and to build a scenic walkway. Staff also intends to recommend ordinances for the Town Code and post signs, which will restrict recreational vehicle usage in water courses, in order to protect the investment. The presentation will become part of the public record.

Mayor German heard allegations that water coming off of the gypsum mine contributed to the flood. The Mayor and officials walked the property to evaluate the possibility of the allegation, and found that the property could have had no impact. Troy Odell further confirmed that the water came from further upstream of the mine.

Vice Mayor George commented that this was a great example of working together, quick work, and success. Mayor German commended Public Works and their Streets Department for their accomplishments. He said Camp Verde has six areas that need help with flooding, but he is confident that they know the process now and can resolve issues quickly.

11. **Discussion, consideration and possible approval of Budget amendment to allocate approximately $30,000 of unallocated expenses in CIP fund to put in 3 hydrants and fund eCivis Grant software.** Staff Resource: Russ Martin.

On a motion by Robin Whatley, seconded by Brad Gordon, Council voted unanimously to approve the Budget amendment to allocate approximately $30,000 of unallocated expenses in CIP fund to put in 3 hydrants and fund eCivis Grant software.

Whatley said Council discussed this issue in the Work Session. German asked how effective the eCivis software has been in increasing our number of grants. George replied that we have $300,000 pending in possible grants. Martin replied that we can pay $15,000 for eCivis this year or pay more for the next 30 years; it is cheapest to take advantage of this opportunity now.

12. **Update by Council Member Jackie Baker as the Town representative, and elected member of Arizona Municipal Risk Retention Pool (AMRRP) regarding the 2015 Election Ballot to the Board of Trustees and the Annual Members' Meeting.**

Baker reported that three people won reelection to the Board of Trustees: Jackie Walker from Kingman, Kelly Udal from Sahuarita, and Fred Carpenter from Payson. Whatley expressed preference for the Sedona candidate to be elected to represent the Verde Valley. Town Clerk Virginia Jones explained that they received the elections ballots one day and had to mail them back the following day due to a short timeline, so there was no chance to bring the decision before Council. Since Jackie Baker serves on the Board, they decided to go with her recommendations, but normally, there would be a discussion with Council first.

13. **Call to the Public for items not on the agenda.**
Debra Moody, representing Donna Moody, thanked Council for their flood control work in Verde Lakes and offered complete cooperation for further needs concerning the easement.

Patricia George, in reference to the anonymous complaint about the Jordan Meadows Guinea fowl, suggested that Council write a Town ordinance stating that anonymous complaints will not be followed up on. As it is now, if there is an anonymous complaint, it must be followed up on. Personal attacks over the matter are not necessary on Council. Guinea Fowl are by definition, "poultry," and they do carry diseases, but she supports allowing them to exist in Town limits.

Olive Fox thanked Ron Long for Public Works' response on her property. A small runoff from three years ago has eroded the property so much, it has opened up like the mouth of a bank, on the north side of 2555 Arena Del Loma.

14. **Council Informational Reports.** These reports are relative to the committee meetings that Council members attend. The Committees are Camp Verde Fire District, 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.

German attended the League of Cities and Towns Annual Conference, Yavapai College Board meeting, and Intergovernmental meeting.

Baker attended the NACOG regional council meeting. She asked the public to support the new dress shop in Wingfield plaza, announcing that the whole plaza is filled up with businesses now.

Whatley attended the League conference. She went on Clarkdale Mayor Doug Von Gausig's tour down the Verde River and learned about its history as well as the challenges to keeping it flowing.

Gordon attended the League conference, and commented that the Bull Pen wash is a dynamic system that needs maintaining up and downstream on a continual basis.

George attended the Verde River Valley Nature Organization meeting, and commented that he found visitcampverde.com to be a good website.

Mayor German attended the Intergovernmental meeting hosted by the Yavapai Apache tribe, and commented that he supports the need for a Fossil Creek conservation plan.

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 announced OLLI at 10:00 a.m. tomorrow in the Town Gym.

16. **Adjournment**

Mayor German adjourned the meeting at 9:40pm.

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Charles German, Mayor

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Saepyol Choe, 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 September 2, 2015. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2015.

_____

Virginia Jones, Town Clerk