

**ADDITIONAL MATERIALS FOR
AGENDA ITEM 7.3.
REGULAR MEETING
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, APRIL 4, 2018 at 6:30 P.M.**

Existing agenda item:

7.3. Discussion, consideration and direction including possible approval of potential changes to construction plans for the Camp Verde Sports Complex's.
[Staff Resources: Russ Martin]

ADDED SUPPORT MATERIALS:

Agenda Request Form/Staff Report

Sports Complex Exhibits Re-channel

AZ Cypress line visual for Sports Complex/Vegetation



Agenda Item Submission Form – Section I

Meeting Date: April 4, 2018

- Consent Agenda Decision Agenda Executive Session Requested
 Presentation Only Action/Presentation Special Session

Requesting Department: Administration

Staff Resource/Contact Person: Russ Martin

Agenda Title (be exact): Discussion, consideration and direction including possible approval of potential changes to construction plans for the Camp Verde Sports Complex.

List Attached Documents:

1. Simple Drawings of proposed changes.

Estimated Presentation Time: 10 Minutes

Estimated Discussion Time: 15 Minutes

Reviews Completed by: Town Manager Russ Martin

Department Head: Town Manager, Russ Martin

Town Attorney: Attorney will be available as necessary and has reviewed this situation/option.

Finance Review: Budgeted Unbudgeted N/A

Fiscal Impact: N/A

Comments:

Background Information:

During the first week in February staff cleared a path and parking area of vegetation in the park in anticipation of the pre-bid meeting that took place Wednesday, February 14th. It was expected that this would provide potential bidders with the opportunity to see and inspect the Park Sports Complex site in order to give them a better understanding of the scope of the project as well as more accurate bids. In preparation for the bidders' inspection, Town staff cut vegetation near the property boundaries (approximately 15+ feet from) which caused some concern among the neighboring properties due to the public's expectation that there would be no development within 100 feet of the neighbors' property.

Staff was approached by a couple of the neighbors who were upset about the proximity of the path. It appears that the neighbors were unaware that this path was for preconstruction activities only, but did not represent a final area of construction for the park. Staff has spent time going through the plans and attempting to address their concerns.

Some Council have been contacted with requests for information and staff will be on hand to address any questions arising from the initial construction phase of the Sports Complex land.

Since then Mayor Charles German was named in his Official Capacity in a law suit. However, the Town was not named as a Party. Despite not naming the Town, the Wischmeyers moved for an injunction which would have had the effect of prohibiting the Town's construction of the Sports Complex. After a brief evidentiary hearing, the Court denied the Wischmeyers' request for injunctive relief. However, as part of his comments to both parties, the Court strongly suggested that the parties should work on an amicable solution, rather than continue to litigate. In light of these comments from the Court, and in the Town's continued attempt work cooperatively with all of its citizens, Town Staff has met with the Wischmeyers 3 times in an attempt to determine a potentially better outcome.

Staff met as late as Monday, April 2nd with hopes not to further delay the project and its construction including the necessary drainage improvements. The attachment(s) show the approximate location of a buried culvert sized adequately per engineers to take the flow in this area to a point where new flows from the property will be coming in a storm event which alleviates the open channel the Wischmeyers were opposed to in addition to our alleged encroachment into the 100-foot buffer. The buried culvert would start just off of the 100-foot buffer but cross as far as possible from the Wischmeyer's property line, but still within the 100-foot buffer. They appeared satisfied with this and understand that additional revegetation will be necessary because of this construction.

Additionally, the Wischmeyers along with the neighbors are requesting a line of Arizona Cypress trees be placed at approximately 65 feet from their property line, on their property side, with enough clearance from the buried culvert to limit issues with root systems. This line would begin with approximately 5 gallon trees (estimated by them at approximately \$35/tree) placed at 15 foot on center along the Wischmeyers and Lizottes. Also part of the request is to do the same along Carol German's vacant property to the east/park side but would be along the trail side of the open channel (not culverted) and alignment would be placed as close to the trail as possible with only space for row of Arizona Cypress similarly to the above request. Estimated cost for all the above is about \$1000 in trees.

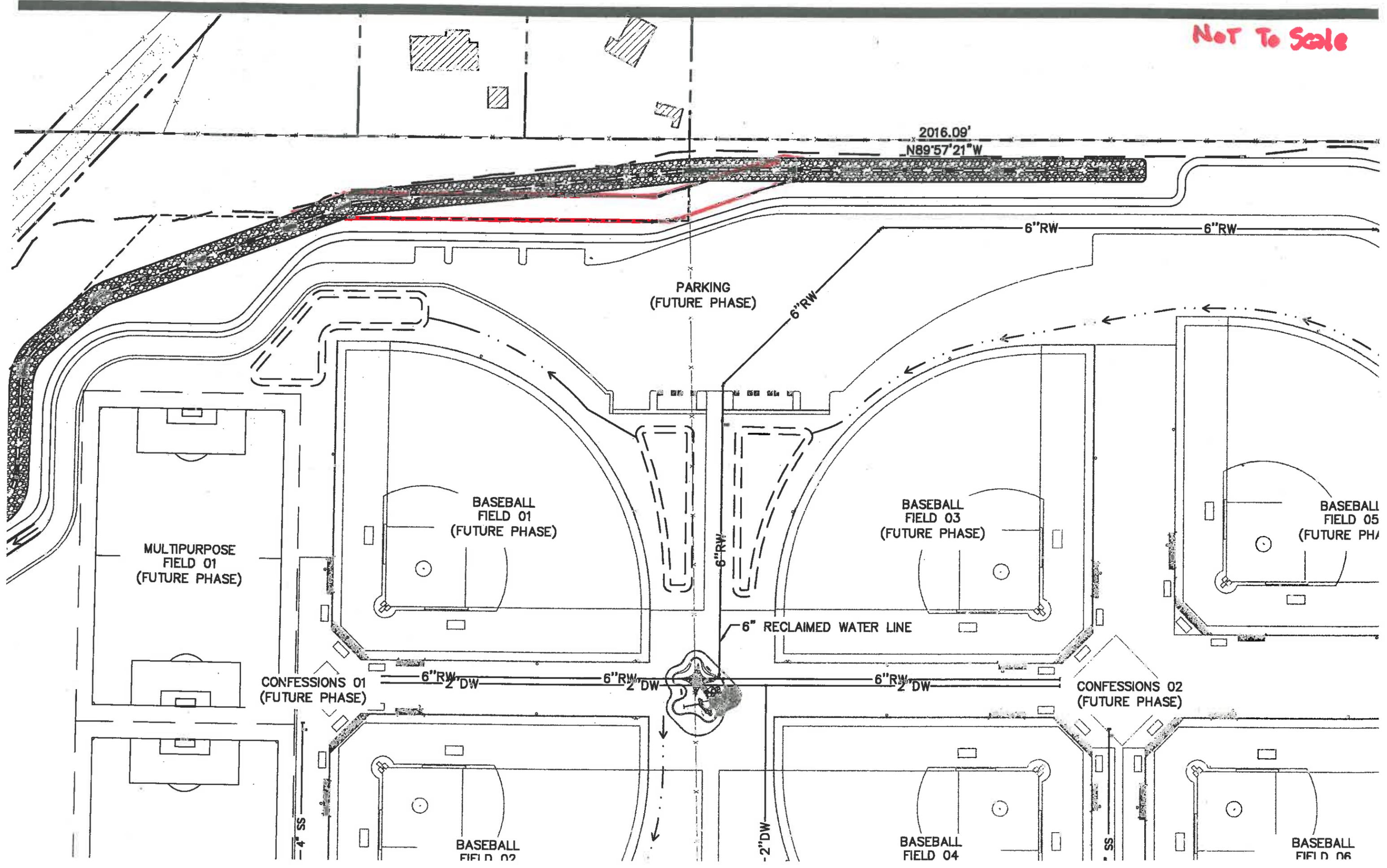
Finally, this cost is approximately \$5000 more using current bid pricing, so using staff to do this section will be necessary to avoid additional Town expense as has been done from the beginning of this project. This will avoid any additional costs going further into this solution that both parties want to see go into other needs in the park.

Council is being asked to consider approving this understanding that will allow for the Wischmeyers to dismiss the lawsuit immediately, with prejudice (assuming if we don't follow this agreement the court/they could), and construction to be altered accordingly in preparation for pending mobilization.

Recommended Action (Motion):

Move to approve the changes as presented to the construction at the Camp Verde Sports Complex in agreement with the Wischmeyers.

NOT TO SCALE



2016.09'
N89°57'21"W

PARKING
(FUTURE PHASE)

MULTIPURPOSE
FIELD 01
(FUTURE PHASE)

BASEBALL
FIELD 01
(FUTURE PHASE)

BASEBALL
FIELD 03
(FUTURE PHASE)

BASEBALL
FIELD 05
(FUTURE PHASE)

CONFESSIONS 01
(FUTURE PHASE)

CONFESSIONS 02
(FUTURE PHASE)

6" RECLAIMED WATER LINE

4" SS

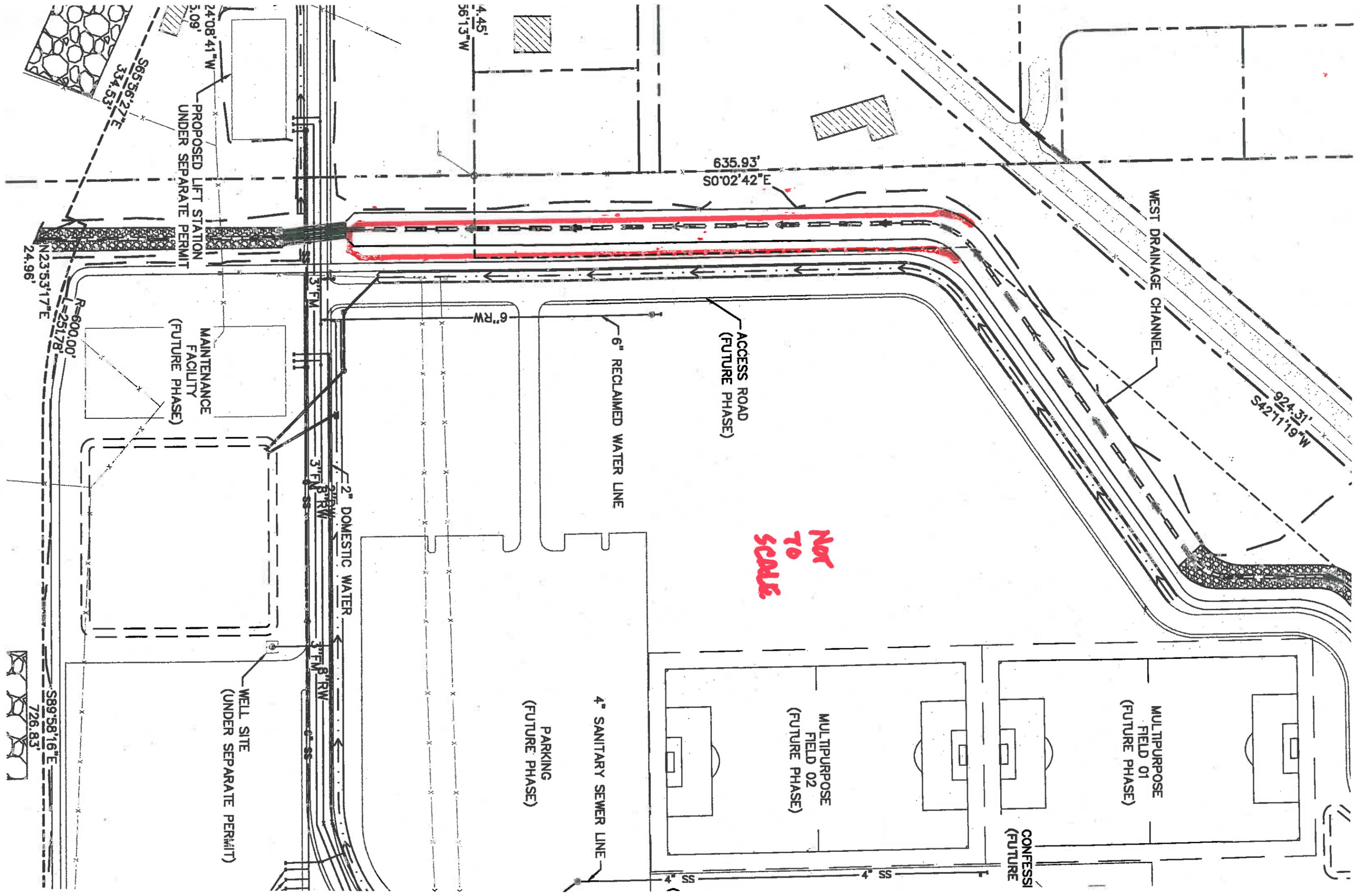
BASEBALL
FIELD 02

2" DW

BASEBALL
FIELD 04

2" DW

BASEBALL
FIELD 06



NOT
TO
SCALE

WEST DRAINAGE CHANNEL

924.31'
S42°11'19"W

635.93'
S0°02'42"E

ACCESS ROAD
(FUTURE PHASE)

6" RECLAIMED WATER LINE

4" SANITARY SEWER LINE
PARKING
(FUTURE PHASE)

MULTIPURPOSE
FIELD 02
(FUTURE PHASE)

MULTIPURPOSE
FIELD 01
(FUTURE PHASE)

CONFESSI
(FUTURE)

PROPOSED LIFT STATION
UNDER SEPARATE PERMIT

MAINTENANCE
FACILITY
(FUTURE PHASE)

WELL SITE
(UNDER SEPARATE PERMIT)

N23°53'17"E
24.96'

R=600.00'
L=251.78'

S89°58'16"E
726.83'

S65°56'27"E
334.53'

24°08'41"W
3.09'

4.45'
56°13"W

