

**MINUTES
TOWN OF CAMP VERDE
REGULAR SESSION
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, APRIL 17, 2019 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

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

- 2. Roll Call.** Council Members Buck Buchanan, Joe Butner, Bill LeBeau, Jessie Murdock, Robin Whatley; Vice Mayor Dee Jenkins; and Mayor Charles German were present.

Also Present

Town Manager Russ Martin, Town Clerk Judy Morgan and Recording Secretary Jennifer Reed.

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 Work Session – March 27, 2019
- 2) Regular Session – April 3, 2019

b) Set Next Meeting, Date and Time:

- 1) Wednesday, April 24, 2019 at 6:30 p.m. – Council Hears P&Z Matters
- 2) Wednesday, May 1, 2019 at 6:30 p.m. – Regular Session
- 3) Wednesday, May 8, 2019 at 5:30 p.m. – Special “Budget” Work Session
- 4) Wednesday, May 15, 2019 at 6:30 p.m. – Regular Session

c) Approval of an Agreement (3 years initially with an option for an additional 3 years) with Carrie A. Montavon, P.L.L.C., Attorney at Law for prosecutorial services

Mayor German noted a correction on the April 3, 2019 meeting, which was conveyed to the Town Clerk and corrected (agenda item #9). Town Clerk Judy Morgan also let the Councilors know at this time there is nothing agendaized for the April 24, 2019 Council Hears Planning and Zoning Matters meeting.

Motion was made by Councilor LeBeau to approve the consent agenda with the corrections as noted. Second was made by Councilor Buchanan. **Motion** carried unanimously with Mayor German, Vice Mayor Jenkins, Councilors Murdock, Whatley, LeBeau, Butner and Buchanan approving.

5. Special Announcements and presentations.

5.1. National Telecommunicators’ Week (April 14th to the 20th) Proclamation

Mayor German read the proclamation and so proclaimed it.

5.2. Camp Verde's Arbor/Earth Day Celebration 2019 (April 13th) Proclamation.

Mayor German read the proclamation and so proclaimed it.

Mayor German took a Point of Personal Privilege and asked the public to bring in requests for proclamations at least three weeks in advance to get on the agenda.

5.3. 2019 Firewise efforts and New Fire Mitigation Protocol Arizona Public Service (APS) will follow going into Fire Season. [Presenter: APS NW Division Manager Mackenzie Rodgers]

APS NW Division Manager Mackenzie Rodgers gave a PowerPoint presentation on the New Fire Mitigation Protocols and Firewise efforts that APS is putting into place for the upcoming fire season. These include: 1) APS will be working with property owners to keep rights-of-way clear, and keep the defensible space around poles clear of debris, 2) Pole by pole inspections and 3) They have hired a full-time Fire Mitigation Specialist to oversee the programs. APS has programs available for customers online at aps.com. Customers can also download the APS app, to report power outages etc. Ms. Rodgers also gave tips on what to do during a power outage.

5.4. A presentation by Verde Disconnect group. [Presenter: Diane Scantlebury]

Mayor German took a Point of Personal Privilege to announce the recipient of the Arizona State Citizen Forester Award, Diane Scantlebury.

Zack Wolfe a resident and the owner of the Plowing Ahead Ranch who opposes the Verde Connect Project gave the presentation. He stated they have collected 300+ signatures of those who oppose the project. Mr. Wolf gave a history of his experience in Middle Verde and stated that his property is one of those that could be affected by one of the proposed routes. He stated that Middle Verde is an agricultural hub, which identifies with the General Plan. Livelihoods will be at stake. Road planning needs due diligence and this plan does not make sense. They are proposing a major roadway. Mr. Wolf stated that this road will not be built with free funding but will be more of a "coupon". Mr. Wolfe stated that the citizens of Middle Verde are not poor and downtrodden and are not against development but are against thoughtless development. The Verde Connect Group was irresponsible to apply for a grant without having done more research and planning. They do not know what is best for the town.

Robert Kovacovich gave an analogy of the project being like a piñata, blindfolded, spun around and then trying to hit a moving object. His family's 100-year history in Middle Verde. Three meetings were held on this proposal back in 2015 with only 45 people in attendance. They currently have 300+ signatures to get it stopped. He hopes Council will take a strong stand and oppose the project.

Mayor German commends the group of residents for presenting their opinions to the Council and would like to have the written material the Mr. Wolfe presented as part of the minutes.

Mayor German would like to have a Joint Session with the Yavapai Apache Nation, and directed the Town Manager to set a future date to discuss all the information received. Mayor German stated that the information that was presented was top quality; and added

that we (Council) are not the enemy. He respects those who are stepping up to the plate. Zack Wolfe stated that he respects the Council's decision and is looking to them for guidance.

Mayor German would like signage put up regarding any plans for future roads, and then meet to decide if the new road is needed and necessary.

Eric Eberhard (who spoke at April 3rd meeting on this subject) offered to take Council Members around Middle Verde and show them the properties that are in the proposed areas.

Mayor German stated that they will not be taking any Public Comments (Blue Cards submitted on this agenda item) tonight, as this item was to give a presentation to the Council. There will be another meeting to speak when Council present their opinion.

6. Call to the Public for items not on the Agenda. (Pursuant to ARS §38-431.01(H))

Carol German, Yavapai College Committee, wanted to thank the members of Council who attended the Open Meeting with the new president of Yavapai College. Ms. German will be leaving a booklet written by Bob Oliphant, with information about what is going on with Yavapai College with the Town Clerk. She invited Council Members to attend the next Yavapai College Board Meeting, on the Verde Campus, April 23rd in room M137 at 1pm. They will be discussing a Career and Technology Center in the Verde Valley.

Mayor German directed Council Members to let the Town Clerk know if they plan to attend.

7. Business. Legal action can be taken.

7.1 Discussion, consideration and possible approval of contract with Paul Schlegel for Presiding Town Magistrate Services for the Town of Camp Verde, Arizona. [Staff Resource: Judge Paul Schlegel]

Magistrate Judge Paul Schlegel was present and came to the lectern.

Motion was made by Councilor Butner to approve the contract as presented with Paul Schlegel as presiding Town Magistrate Services for the Town of Camp Verde, Arizona. Second was made by Councilor Buchanan.

Town Manager Russ Martin stated that the wage and term could be addressed if Council wanted to amend the motion.

Mayor German passed out information he had put together as ideas for salary increases (COLA and merit). He stated that Judge Schlegel had not seen these suggestions yet.

Councilor Butner **amended his Motion** to eliminate the Cost of Living Adjustment (COLA) Increase but incorporate a merit step increase of 2.2%. Second was made by Vice Mayor Jenkins.

Town Clerk Judy Morgan clarified the complete motion on the floor now reads, **Motion** made by Councilor Butner to approve the contract with Paul Schlegel as presiding Town Magistrate Services for the Town of Camp Verde, Arizona eliminating the Cost of Living Adjustment Increase but incorporate a merit step increase of 2.2%. Second was made by Vice Mayor Jenkins.

Town Manager Russ Martin wanted to clarify that the 2.2% increase would be from the

existing salary. Councilors will also need to decide the term of the contract.

Councilor Butner wanted to clarify his motion includes a 2-year contract with a 2.2% percent merit increase.

Councilor Whatley asked if Mayor German is suggesting the he gets the COLA and the merit step.

Mayor German stated this is just a starting point. This is usually negotiated with the Mayor and brought back to Council to review.

Town Manager Russ Martin stated that if he wants to approach Council with something specific he can. This would be a good opportunity to hear him, then Council can amend the motion if necessary.

Judge Schlegel stated that he is requested this be a four-year term contract. This would provide him a sense of security and show his commitment to the town. Regarding the salary, he is not looking for a huge increase, he did review the prosecutor contract and would like something similar. He said a COLA each year, would be fine.

Councilor LeBeau asked if they are under any time restraint to do this tonight? Mr. Martin said no Council can take the time to negotiate if they needed to.

Vice Mayor Jenkins said there was some discussion about maybe building into the contract a COLA that could be approved for employees, but she stated that Council could not approve a COLA for employees. She cautioned building in a COLA Clause.

Councilor Whatley requested to speak to Judge Schlegel to clarify his expectations and desires for this contract, specifically term and wage increase (merit and/or COLA). Mr. Schlegel indicated he would prefer a COLA increase over a merit increase but if no COLA given then he would like a merit increase; he would like a four-year contract.

Town Manager Russ Martin clarified it could be tied to the COLA index for this purpose.

Councilor Whatley spoke in support of getting this increase decided at this meeting rather than having annual discussions regarding his contract.

Councilor LeBeau asked the Judge if he had negotiated his contract yet. Judge Schlegel stated he had not. Councilor LeBeau would be in favor of postponing or tabling this item to give the Judge time to negotiate the contract.

Judge Schlegel stated he is looking for a contract that is reasonable and fair. He would like a four-year contract, similar to the Prosecutor's Contract, where there is a guaranteed COLA each year.

Mayor German asked Councilor Butner if he wanted to withdraw his motion.

Councilor Butner replied, "no", he might amend it to a four-year contract, but he does not want a COLA in there.

Councilor supported offering something consistent to the prosecuting attorney's contract.

Mayor German asked if Councilor Butner would consider amending his motion to a four-year contract. Councilor Butner said yes a four-year contact but without a COLA.

Councilor Murdock asked Councilor Butner for clarity, is the 2.2% increase upon the

review of the Manager and Town Council or would it be automatic.

Councilor Butner stated that it is not automatic, it is a merit step increase in this contract. Councilor Murdock said he would get 2.2% every year for four years. Councilor Butner stated that wasn't his understanding, it would be a one-time occurrence in addition to what he is making currently, for 1 year.

Councilor Murdock asked Town Clerk to restate the motion as it is to be read and approved.

Town Clerk Judy Morgan stated the current motion reads, approving the contract with a two-year term and including a 2.2% merit step increase.

Councilor Butner amend his motion to approve the contract with a four-year term, with one merit step increase of 2.2%. Second was made by Vice Mayor Jenkins.

Councilor LeBeau asked if this was agreeable to the other party in the contract.

Judge Schlegel said for clarification, he understands the four-year contract, but asked if the 2.2% merit increase is a one-time thing? Councilors said yes.

Mayor German explained Council can approve another merit increase each year of the contract for budgeting purposes. Mr. Martin stated the contract could be amended in the future for just that purpose.

Councilor Whatley stated she would like establish this at this time. She would like a four-year term with a COLA increase annually.

Vice Mayor Jenkins would like to review the contract (regarding increases) on a yearly basis, and if the funds are available then Council could increase then. She is opposed to automatic increases without knowing what the funding is within the Town's budget in future years. This should be written into the contract.

Mayor German agrees with that suggestion since the Town doesn't have a property tax.

Mr. Martin stated Councilor Butner could easily amend the motion to include reviewing it annually.

Councilor Whatley asked if the Prosecutor's Contract will be reviewed annually as well. Mayor German said no because her COLA is tied in.

Councilor Butner moved to amend his **Motion**, to approve the contract with a four-year term, with one merit step increase of 2.2% and allow for an annual review of the merit increase on the anniversary date on the signing of the contract for further merit increases. Second made by Councilor Jenkins.

Motion carried 6-1. Mayor German, Vice Mayor Jenkins, Councilors Murdock, LeBeau, Butner and Buchanan in favor. Councilor Whatley opposed.

7.2. Discussion, consideration and possible authorization for the Wastewater Division to purchase a 2000-gallon water truck to better utilize our larger vacuum/jetter truck by keeping it in the field instead of returning to the nearest fill hydrant or wastewater plant to refill every 1000 gallons. [Staff Resource: Jerry Tinagero]

Jerry Tinagero stated that this has been brought before council because they have been using fire hydrants, which is expensive. They have money allocated for vehicles they can

use for this along with money brought in with the hauler station. He stated he can use the supply truck for the arena, if needed. Mr. Tinagero explained they picked a small truck because a CDL is not required. It would also have an automatic transmission. With this vehicle they could increase their current operations to 4 days a week. He is asking for \$50,000 plus tax and license and delivery.

Councilor Buchanan stated that with it getting into fire season, this type of truck will be gone fast and they should jump on this purchase fast.

Motion was made by Councilor Murdock to approve and authorize the purchase of the preferred 2000 gallon 2014 International Durastar 4300 water truck or similar for the purchase price of \$49,900 + applicable tax, license, delivery and fees. Second was made by Vice Mayor Jenkins.

Councilor Butner would like to add that it would be useable by the Rodeo Arena without interference of the operation at the sewage treatment plant.

Mr. Martin stated this is already in the agreement.

Motion carried unanimously with Mayor German, Vice Mayor Jenkins, Councilors Whatley, Murdock, LeBeau, Butner and Buchanan approving.

7.3. Discussion, consideration and possible approval of updated “Town of Camp Verde Citizen Complaint Form” and new document, “Town of Camp Verde Complaint Form Instructions”. [Staff Resource: Russ Martin]

Councilor Jenkins stated a “clean” draft copy was forwarded to Council Members without all of blue lines, for readability. She also added that included in packet was a document “Form Instructions”. The complaint form and instructions were incorporated into one document; therefore, this document is no longer relevant.

Councilor Whatley asked if this was reviewed by the County Attorney. This form was reviewed by the Town Attorney and Risk Manager, Carol Brown.

Vice Mayor Jenkins thanked Councilors Buchanan and Butner for the help in modifying this form.

Mayor German asked the exclusion of appointed officials in this procedure. He said they have dealt with personal complaints against Commissioners, and suggested waiting until after training to tweak the document to include Commissioners.

Vice Mayor Jenkins stated there is a procedure in Policies and Procedures on complaints for appointed officials. She didn’t see a place for a formal complaint similar to this. She agrees that this could be addressed later. Vice Mayor Jenkins said early on in the process they requested how many formal complaints were ever given. Carol Brown told her there were only (6).

Councilor Whatley said that concerned citizens have the recourse of a recall or voting out of office elected officials. She is afraid of frivolous complaints.

A Motion was made by Councilor LeBeau to approve Town of Camp Verde Citizen Complaint Form as revised. Second was made by Councilor Whatley. **Motion** carried unanimously with Mayor German, Vice Mayor Jenkins, Councilors Whatley, Murdock, LeBeau, Butner and Buchanan approving.

7.4. Discussion, consideration/update and possible direction to staff relative to proposed legislation by the 54th State Legislature. [Staff Resource: Russ Martin]

Town Manager Russ Martin:

1- HURF Funds- Staff has put together a response for the League, showing numbers on deferred maintenance and project lists.

2- Wayfair Conversation (added to packet)-free internet purchasing a thing of the past. The Use Tax Discount is hurting the community. Estimated revenue increase is \$200,000 if approved.

8. Call to the Public for items not on the agenda. (Please complete Request to Speak Card and turn in to the Clerk.)

No public to comment.

9. 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.

Councilor Whaley- attended a Jazz Concert at the Phillip England Center. They are trying to develop a season ticket packet. She also attended the Library Volunteer Lunch, Mike Dumas's Retirement Celebration, and the Earth Day Celebration. She stated that April 27th is the March for Meals Fundraiser for the Meals on Wheels Program.

Councilor LeBeau- attended the Arena Ground Breaking Ceremony.

Councilor Murdock- attended the Welcome Home Vietnam Veterans, and the Arena Ground Breaking Ceremony.

Mayor German- was the Guest Ringmaster at the circus.

Vice Mayor Jenkins- attended the Library Volunteer Luncheon, Arena Ground Breaking Ceremony, and was a Guest Ringmaster for the Circus. She will be attending a Workforce Development Board NACOG Meeting.

Councilor Buchanan- hopes that members can attend the Yavapai College Governing Board Meeting next Tuesday, April 23, 2019 at 1pm.

Councilor Butner- attended the Arena Ground Breaking Ceremony. He would like to agendize a Work Session concerning the Verde Connect Project and invite the Yavapai Apache Nation to discuss a possible resolution and preservation of Middle Verde. He would also like to agendize the Camp Verde Water Company Certificate of Convenience at the earliest possible date. Councilor Butner would like the correspondence from the Mayor, put into record, "How to Conduct Ourselves at Meetings".

10. 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.

Town Manager Russ Martin:

- 1,046 tickets sold or used for the Circus. Community members were very respectful. He gives credit to the protestors with the weather concerns. He appreciates staff at all levels.

Councilor LeBeau asked about a news article stating that protestors were corralled behind barriers. Mr. Martin stated he had worked with the Commander on this and it was for their protection.

10.1 Update on Verde Lakes road closures and long-term solutions.

Town Manager Russ Martin stated that next week staff will be meeting with the Army Corps of Engineers to look at the road & wash. The hope is to work with them to the clearing of that and reestablish some of the locations where that water was flowing, to get more of a normal flow. The second part is to decide what to do to improve the road. He would also like to work with property neighbors to establish better access. They will also be meeting with the Forest Service about drainage.

11. Adjournment

Mayor adjourned the meeting at 8:17 p.m.



Mayor Charles German

Attest:


Judy Morgan, CMC, Town Clerk

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 Council Meeting of the Town Council of Camp Verde, Arizona, held on April 17, 2019. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 2nd day of May, 2019.



Judy Morgan, CMC, Town Clerk