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**MINUTES
TOWN OF CAMP VERDE
REGULAR SESSION
MAYOR AND COUNCIL
473 S. MAIN STREET, SUITE 106
WEDNESDAY, APRIL 4, 2018 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 6:33 p.m.

- 2. Roll Call.** Council Members Jackie Baker, Buck Buchanan, Dee Jenkins, Brad Gordon, Robin Whatley; Vice Mayor Jessie Murdock; and Mayor Charles German were present.

Also Present: Town Manager Russ Martin, Town Clerk Judy Morgan, Commander Brian Armstrong, Risk Manager Carol Brown, Economic Development Director Steve Ayers, Recording Secretary Marie Moore.

3. Pledge of Allegiance

The Mayor 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) Regular Session – March 21, 2018

b) Set Next Meeting, Date and Time:

- 1) Wednesday, April 11, 2018 at 5:30 p.m. – Work Session
2) Friday, April 13, 2018 at 8:00 a.m. – Day 1 of Council Budget Presentations
3) Wednesday, April 18, 2018 at 6:30 p.m. – Regular Session
4) Friday, April 20, 2018 at 8:00 a.m. – Day 2 of Council Budget Presentations
5) Wednesday, April 25, 2018 at 6:30 p.m. – Council Hears P&Z Matters
6) Wednesday, May 2, 2018 at 6:30 p.m. - Regular Session

- c) Acceptance of Town Manager Performance Review (given at the January 31, 2018 Special Executive Session) and approval of the goals and objectives.**
[Staff Resource: Barbie Bridge]

- d) Discussion, consideration and possible authorization to grant an easement for the installation and maintenance of a new underground APS main service line to our Wastewater Treatment Plant, and to some future Community Park service appurtenances along and beyond the existing entrance road to the Wastewater Treatment Plant.** [Staff Resource: Troy Odell]

On a motion by Councilor Gordon, seconded by Councilor Buchanan, Council unanimously passed the Consent Agenda.

5. Special Announcements and presentations.

5.1. Proclamation to declare the first Wednesday of April each year to be “Start by Believing” Day, which is an awareness campaign focused on the public response to sexual assault. [Staff Resource: Brian Armstrong]

Commander Armstrong read the proclamation for the Start by Believing Day. Yavapai College Police representative Oscar Berrelez spoke with Council regarding the purpose of the proclamation and thanking the town for their support.

Matthew Kelly, Verde Valley Sanctuary Executive Director spoke of the services the sanctuary has to offer including housing, free legal support, counseling support services, thrift stores and more available to the community and the purpose of the proclamation being to respect each other as human beings.

On a motion by Councilor Gordon, seconded by Councilor Baker, Council unanimously proclaimed the first Wednesday of April of each year to be “Start by Believing” Day.

5.2. Proclamation declaring April as Fair Housing Month. [Staff Resource: Judy Morgan, Virginia Jones]

Town Clerk Judy Morgan explained that as a requirement of CDBG, the town must declare a “Fair Housing Month” on a yearly basis.

Town Manager Russ Martin indicated that the Town is ready to start the survey for the new CBDG project and at least a 75% return rate of the survey is required in order to receive the funding for the sidewalk project on Hollamon and 7th streets. Martin encouraged citizens to participate in the survey so the project may move forward.

Mayor German proclaimed April has Fair Housing Month.

5.3. First Quarter 2018 Report (January – March 2018) from the Planning & Zoning Commission. [Report given by Chairman BJ Davis; Staff Resource: Melinda Lee]

Planning & Zoning Commission Chairman Davis spoke before Council giving report for the Commission’s first quarter. Davis indicated that 2 meetings were held in the first quarter. New officers were elected and Davis remained Chairman. Recommendations were made to Council regarding roadways, word usage for manufactured homes, fencing, and the dark skies ordinance. A zoning map change recommendation was made during 2nd meeting.

Councilor Baker questioned abandonment of Hualapai road and dedication of Dickison Circle. Davis indicated that it is the change of a right-of-way to allow two roads to become one. The street Dickison still remains a private road.

5.4. First Quarter 2018 Report (January – March 2018) from the Board of Adjustment and Appeals. [Staff Resource: Melinda Lee]

Board of Adjustment and Appeals BJ Davis spoke to Council and gave a first quarter report. New officers were elected in January and current rules were reviewed. No other meetings have been held since that date.

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

Doug Roach expressed his grievance toward early start times for construction in residential areas explaining how disruptive it is.

Marie DeClue from Meals on Wheels thanked the Town for their participation in the fundraiser walk that recently took place. The organization raised approximately \$1500.00.

7. Business. Legal action can be taken.

7.1. Discussion, consideration and possible direction to staff regarding a request to abandon Town property at the corner of Nichols Street and Fain Street and an alleyway connecting Fain Street with Tres Rios Road. [Staff Resource: Steve Ayers]

Economic Development Director Steve Ayers explained that he has been working on a project for a small housing community with developer Dave Meier. When Dave Meier purchased the property in the area for the construction it was determined that the Town has owned an alleyway separating two pieces of property. It is requested that the Town abandon the irregular alleyway to create a contiguous parcel for the development of a small house subdivision. The abandonment of the parcel would facilitate on street parking for both public and visitors of the subdivision. The abandonment is supported by the Public Works, Community Development and Economic Development Departments.

Councilor Gordon indicated his concern that the road is not up to standard and would not want to restrict further improvement to streets because of that. Gordon also indicated that any utility easements would need to be addressed immediately. Mr. Ayers explained that the developer would maintain the utilities easement and the road would be built to spec and parking would make up for the required footage.

On a motion by Councilor Baker, seconded by Councilor Gordon, the motion was approved unanimously to direct staff to work with the owners of the adjacent properties to facilitate an abandonment of the proposed property at the corner of Fain Street and Nichols Street along with the alleyway connecting Tres Rios Rd with Fain Street.

7.2. For Council Discussion and possible direction for staff to initiate a response to Representative Descheenie's request for funding of Certified Chemical Lab for Northern Arizona and/or correspondence from the Town supporting in principle the establishment of the Lab. [Resource: Mayor German]

It is the Consensus of Council for the Mayor to create correspondence for support toward the establishment of the lab.

After a brief discussion, Mayor German explained that he needed direction from Council regarding correspondence for support toward the establishment of a certified chemical lab located in Chinle, Arizona. The lab will be available to Northern Arizona University (NAU), other agencies and the private sector for use and not limited to tribal members.

Councilor Gordon indicated that he wanted to make sure that the letter clearly states the Town is not designating funds toward the lab's establishment. Mayor German concurred.

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]

Town Manager Russ Martin indicated that he is looking for direction from Council for staff to proceed with the negotiations with adjacent neighbors to the Sports Complex and the current lawsuit regarding the buffer. The Court recommended a solution resolved outside of Court. The Mayor has recused himself from meetings that have taken place, even though it has been determined there is no conflict in his participation. During discussions, it was not intended for the negotiations to cost any more than the Town has already anticipated for the project. The current contractor is set to begin the project on Monday, April 9, 2018. The Wischmeyers have objected to the open drainage swale and have requested a buried culvert that would run approximately 400 linear feet. The culvert would cost an estimated additional \$5000.00. The Wischmeyers have also expressed a privacy concern and have asked for a linear tree line for privacy fencing of Arizona Cypress be installed. Neighbor Carol German has requested an additional 200 feet of tree line be added to the east side between the trail and drainage. The town is not obligated to make any of these changes. Due to the fact that this matter is under current litigation, Mr. Martin expressed that he feels he has represented the Town has tried to come to a solution, but the Plaintiff feels the only way for the Town to follow through with any agreement is to keep the lawsuit intact. At this time, it is the Manager's understanding that there is no intention (on the Plaintiff's part) to resolve the lawsuit and therefore, the Town is going to continue to incur substantial costs of litigation when they return to Court on May 7, 2018. The Manager's recommendation to the Council is that if any changes are made, it is done so only with the agreement that the lawsuit will be dropped.

Councilor Baker expressed her understanding of the buffer zone and the open swale, which would accommodate drainage and require minimal maintenance. Baker expressed her concern and disappointment that the Town was in the current disagreement and questioned the potential outcome of having a partially buried culvert for drainage during a flood situation. The manager indicated that the Engineers did not like the possible changes, culverts are hard to maintain and clean out. The expense of maintenance will not necessarily be extra, but the transportation of the flood water is a concern. The manager also explained that the cost of a redesign of the plans will be substantial for the town to accommodate the now buried culvert in one area.

Councilmember (CM) Whatley stated that the Town has upheld every agreement made in regards to the Rezzonico Park, never spoke of any drainage ditch during the planning, but she is appreciative that it is there to prevent flooding. Whatley expressed her concern about flooding issues with a buried culvert and stated she did not support the change. Whatley questioned why Arizona Cypress trees were requested when originally the Plaintiffs was upset because natural landscape was disturbed. CM Whatley suggested Mesquite trees be planted instead of Cypress.

The manager explained that the Arizona Cypress tree was chosen because of its year-round evergreen state which provides the cover requested. CM Whatley indicated that she would like assurance that the Town will not continually receive complaints during the construction process so the project can move forward.

Councilor Gordon expressed that the Town included a 100-foot buffer zone, informed the neighboring property owners of the buffer zone and that is what is being provided. Underground culverts are not necessary and the Town cannot change its plans for every citizen that disagrees. He expressed that he does not support any of the proposed changes.

Risk Manager Carol Brown advised the Council that it would be financially prudent for an agreement to be made between the parties. Councilor Baker questioned if Carol Brown had spoken with the Attorney representing the Town regarding the extra expenses the Town would face if this matter was pursued further and an agreement was not met. Carol Brown indicated that they did speak and a mutually beneficial solution is the most prudent option for the Town, rather than litigation, which will potentially cost the Town of Camp Verde and its citizens a substantial amount in legal fees.

Councilor Whatley indicated that the next court hearing scheduled on May 7, 2018 is for the Wischmeyers to bring evidence to the Court regarding the filed suit and doubts that this matter will escalate to a trial.

Carol Brown explained that if either party in the matter chooses to pursue a trial, the litigation costs could be so extreme it would potentially delay construction and funding of the park.

Mayor German opened the meeting up for Public Comment.

Francel Lizotte stated she wished to give her 3 minutes of speaking time to Kevin Torrey.

Kevin Torrey stated he feels it is unfortunate that the citizens have to file a suit to have the Town honor a promise that it made. Torrey expressed his concerns of the Mayors continued involvement with the matter even after he indicated his recusal in making decisions.

Vice Mayor Murdock called a Point of Order and expressed her concern regarding the appearance of a personal attack on the Mayor.

Torrey continued with his statement and indicated that if the Town is already planning to water multiple ball fields, water lines for additional trees should not be an issue, the buried culverts can be dealt with appropriately regarding infrastructure issues and the options brought forth to Council are reasonable.

Councilor Baker expressed her concern toward potential flooding issues with buried culverts as well as additional maintenance necessary. Baker questioned if a different resolution could be considered if the areas of concern were dealt with through additional landscaping, for light and sound screening. Torrey explained that he could only speak for himself and the Lizottes and that the 100-foot buffer zone was to originally be left in a natural state and untouched. At this point, rather than an open swale, they are requesting a buried culvert so they do not have to see the drainage. Torrey also stated that the Wischmeyers are concerned for the

safety and protection of their animals. Torrey indicated that the Town Manager has worked well with the parties in an attempt to find a solution and requested that the Council walk the area in question as it would be helpful to come up with solutions. Councilor Baker indicated that if nothing would have been put on the 100-foot buffer than nothing would be stopping anyone from walking up to someone's back yard. Torrey expressed that the homeowners do not want to look at the drainage and request it be buried.

Cheryl Wischmeyer indicated that she truly believes that there is a solution to this problem. She informed Council that they were asked to come up with landscaping options by the Town Manager and after research has opted for the Arizona Cypress. Wischmeyer explained that the issue remains in trust and they are asking to take a big step in trusting the Town, when they already feel the Town has not kept to the original agreement from 10 years ago. Wischmeyer expressed that they are asking for assurances that the Town will follow through with any agreement made.

Vice Mayor Murdock questioned if Cheryl Wischmeyer was in agreement as to how the Town Manager expressed the meetings took place. Wischmeyer stated that regarding the culverts and landscaping, yes she agreed. Wischmeyer expressed that the evergreen Arizona Cypress tree was chosen to help block light and sound and was simply a suggestion but they are open to other options. As far as the open drainage, the town faces a liability with children running up and down it. Vice Mayor Murdock requested clarification as to where the desired landscaping would be located at. Wischmeyer indicated she preferred it on their side of the open ditch and the Lizottes preferred it on the other side of the open ditch.

Mayor German clarified he was recused from a previous meeting because he had not yet received direction from his attorney at that time. Subsequent to that time and today, he is here as the Mayor of the Town and per his attorney and the Judge, there is no conflict in his presence or vote on the subject. Mayor German also clarified that 10 years ago, when meetings first started taking place regarding the park construction in his home, he was only a citizen of the Town, not the Mayor. He also expressed that he is the largest landowner facing the park. The Mayor expressed that he supports the Sports Complex because it has been a request from the community for several years. The Council followed public policy and got a professional advice on how to develop the property. The buffer zone, left in a natural state could be a liability (fire and flooding) to the neighboring properties and the Town would be responsible for such a disaster. The Mayor expressed that being the Mayor, he has been excluded from making decisions regarding the park, but not once has his wife been included in any meetings held by the neighboring property owners. The Mayor expressed that he recommends that the 100-foot buffer zone remain as planned and the Town rely on the professionals to move forward with the project.

Councilor Whatley expressed her support to the Mayors recommendation.

Councilor Jenkins expressed that she was not opposed to a compromise and questioned why the Town Manager recommended the changes. Russ Martin explained that the recommendation is made only if the lawsuit is dropped without prejudice, but at this time, it is his understanding that the Wischmeyers are not

willing to do so.

Councilor Buchanan expressed his desire to have the park built and if it comes down to having to go to court, then the town will do so and will not listen to a small amount of citizens who dictate what needs to be done.

Joe Butner expressed that he wished the park was going to have an equestrian center included with the construction and planning. He indicated that the town should put any agreement in writing so that clarity is achieved, as everyone has a different recollection to an agreement. Butner explained the difference between dismissing a case with or without prejudice and recommended that the Town pursue a settlement in the matter to decrease litigation costs. Butner expressed his concern regarding the underground culvert and the liability of it clogging.

Mayor German indicated that he will support the recommendation from the Town Manager, as long as there is agreement to dismiss the lawsuit.

John Wischmeyer explained with they agreed to dismiss the case with prejudice if the conditions set forth are met. John Wischmeyer indicated that there is no injunction to stop construction of the park.

Councilor Whatley expressed her concerns that there will be continued issues with the Plaintiffs even after an agreement has been made. She expressed she does not agree to a buried culvert and does not agree to the purchase of the Arizona Cypress trees.

BJ Davis shared his desire for the park to be built and recommended a written document be made between parties. Davis suggested a release be signed regarding the buried culvert to release the Town from any liability. Davis also shared that when he purchased his property 7 years ago he had 70 Arizona Cypress trees on his property that had a constant water source. To date, he now has 10 trees. They are not a native species and he doesn't recommend them for this use.

Councilor Gordon expressed that he doesn't feel that there is an agreement to be made, he will not consider a culvert be buried and cannot support any decision made from this discussion.

Councilor Whatley moved to continue the discussion of potential changes to the plans for the Camp Verde Sports Complex without a culvert and include native vegetation. The motion is seconded by Councilor Baker. Motion passed by a 6-1 vote in favor, Councilor Gordon opposed.

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

None

9. Council Informational Reports.

Councilor Jenkins attended Coffee with a Cop and the Vietnam Veterans Celebration on Saturday. She commended the Fort for the event "well done" and thanked all of the volunteers.

Mayor German will be attending upcoming Yavapai College meeting.

Vice Mayor Murdock attended the March a Mile event for Meals on Wheels and expressed her appreciation for their effort to support the community.

Councilor Gordon attended Coffee with a Cop, the Veterans Celebration and toured the new Sports Complex with Public Works Director Ron Long.

Councilor Baker thanked everyone including Sheila Stubler for their efforts in making the Vietnam Veterans Celebration successful.

10. Manager/Staff Report

Town Manager Russ Martin indicated that the Town is in the process of switching the phone system over so to please be patient with the process. Martin encouraged the community to update their phone books and use the correct phone numbers for Town Departments, because the old phone numbers will eventually not work. The first budget presentation will be next Friday and will be brief, the next budget meeting on April 20th, will be longer and more detailed.

11. Adjournment

The meeting adjourned at 8:55 pm.



Mayor Charles German

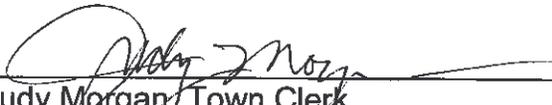


Attest: Town Clerk Judy Morgan

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 Council Meeting of the Town Council of Camp Verde, Arizona, held on April 4, 2018. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 23rd day of April, 2018.



Judy Morgan, Town Clerk