

4a-1

**MINUTES
COUNCIL HEARS PLANNING & ZONING MATTERS
MAYOR AND COUNCIL
COUNCIL CHAMBERS
WEDNESDAY, SEPTEMBER 22, 2010
6:30 P.M.**

**Minutes are a summary of the actions taken. They are not verbatim.
Public input is placed after Council motions to facilitate future research.
Public input, where appropriate, is heard prior to the motion**

1. Call to Order

The meeting was called to order at 6:30 p.m.

2. Roll Call

Mayor Burnside, Vice Mayor Kovacovich, Councilors Garrison, Baker, Roulette, and German were present; Councilor Whatley was absent.

Also Present: Town Manager Russ Martin, Public Works Director Ron Long, Acting Community Development Director Mike Jenkins, Asst. Planner Jenna Owens, Town Clerk Debbie Barber, and Recording Secretary Margaret.

3. Pledge of Allegiance

The Pledge was led by Roulette.

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) There are no minutes for approval

b) Set Next Meeting, Date and Time:

- 1) October 6, 2010 at 6:30 p.m. – Regular Session
- 2) October 20, 2010 at 6:30 p.m. – Regular Session
- 3) October 27, 2010 at 6:30 p.m. – Council Hears Planning & Zoning Matters

On a motion by Kovacovich, seconded by Garrison, the Consent Agenda was unanimously approved as presented.

5. Special Announcements & Presentations

There were no special announcements or presentations.

6. Council Informational Reports.

German reported on her attendance at the Chamber Board meeting and outlined information regarding an increase in activity at the Visitors Center this year, and the invitation for the Visitors Center/Chamber of Commerce to attend the Arizona State Fair "Celebrate Arizona Day" on Saturday, October 30, the only Verde Valley Chamber to receive an invitation. They have also been invited to the "Discover Arizona" Trade Show scheduled for November 13 in Mesa. German reminded everyone about the showing of "The Kingdom of the Spiders" on September 27 at the Soccer Field. The Destination Driver conference hosted by Cliff Castle Casino was a success; Jerome State Park is opening October 14; Montezuma Castle will be celebrating its 50-year Anniversary on September 27 and Barry Goldwater, Jr. will be the guest speaker. His father, Senator Barry Goldwater, was the speaker when it opened 50 years ago. Tuzigoot Museum is being renovated. German noted that she attended the second Superintendents meeting, another good and lively one, and reviewed the activities planned for the upcoming Homecoming Week for the high school.

Baker said that, together with Ron Long, she attended the Verde Valley Transportation meeting, and noted the reduction in transportation budget funding reported by the County. Baker commented on the van being obtained for transportation in the Beaver Creek area, as well as the transportation facilities provided by the Clarkdale and Cornville areas. Baker said she hoped that Camp Verde would get to the point where

transportation can somehow be provided for its citizens as well.

Burnside reported that he attended an intergovernmental meeting with the Town Manager; it was very interesting, listening to other community representatives presenting their ideas. Burnside said that Russ Martin needs someone to accompany him to make a presentation this Saturday to County representatives on "Why We Need to Keep Our State Parks open," including not only Camp Verde, but all the State Parks in Arizona.

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

(Comments from the following individual are summarized.)

Howard Parrish noted that the Camp Verde Cavalry was also at the dedication of Montezuma Castle 50 years ago and had even been invited by Barry Goldwater to ride down Pennsylvania Avenue if he were elected President; which unfortunately did not happen. Parrish said the Cavalry would be pleased to participate in the September 27 Anniversary event. (*German will follow up on that suggestion.*)

Parrish reviewed the 50-year history of annually selecting a Colonel's Daughter, and urged everyone to come out and cheer on the contestants this coming Sunday at 2:00 p.m. at the Fort.

There was no further public input.

8. **Discussion, consideration, and possible selection of the firm to provide Professional Auditing Services and approval of the agreement to include authorization for the Mayor to execute contract documents.** This is a budgeted item in the General Fund. Staff Resource: Lisa Elliott

On a motion by Baker, seconded by German, the Council unanimously accepted the bid from Colby & Powell, PLC to conduct the subject audit.

Martin referred to the presentation that the Council heard earlier this evening, noting that both bids were under the budgeted amount. On a per-hour basis the first was cheaper than the second; Martin said he did not feel comfortable making a recommendation. If Council preferred, staff could go back to the bidders for further information. During the Council discussion there was some concern expressed regarding whether the one firm had included the single audit, and agreement that the price per hour would compensate for that.

9. **Public Hearing, discussion, consideration, and possible approval of Resolution 2010-816; a Resolution of the Common Council of the Town of Camp Verde, Arizona, approving Use Permit 2010-01, amending Use Permit 2007-733 for parcels 403-17-001M, 403-17-001L, & 403-17-001K to allow for the continued operation of a Ranch Style Community for 170 adults with developmental disabilities with the following additional uses: the 1986 Hyde Park Manufactured Home to remain on the property as a "Health Clinic", to allow an equestrian center to be placed on parcel 403-17-001K, to allow for a charter school to be located in existing buildings, all of the current and proposed uses to continue with no time limit. Any changes to these uses must come before the Planning and Zoning Commission and the Town Council for approval. Rainbow Acres is located at 2120 W. Reservation Loop Road.**

On a motion by Garrison, seconded by Roulette, the Council unanimously approved Resolution 2010-816, a Use Permit 2010-01, for the operation of a ranch style community for 170 adults with developmental disabilities with the following uses: The 1986 Hyde Park manufactured home to remain on the property as a "Health Clinic"; to allow an Equestrian Center to be placed on parcel 403-170001K, and to allow for a Charter School to be located in existing buildings; buildings must meet any current building code requirements; all of the current and proposed uses to continue with no time limit; any future additional or change in uses must come before the Planning & Zoning Commission and Town Council for approval.

STAFF PRESENTATION

Asst. Planner Owens reviewed in detail the background information and history of the manufactured home identified as the "Health Clinic" that is being requested to be allowed to remain permanently; Owens noted that the main concern is that the manufactured home is not built to commercial standards. The current permit allowing the structure to remain in place will expire this year, and Rainbow Acres is requesting that it be allowed to remain permanently. Owens also detailed the additional uses requested to allow construction of an equestrian center and corrals in connection with creating a Total Equine Training program for the ranch residents ("Ranchers"), with construction to be accomplished in two phases. Owens described the planned Charter School for ages 14 to 22 to complete grades 9 through 12, the special emphasis of which will be to enable youth with developmental disabilities in the Verde Valley to complete Arizona secondary educational requirements and explore vocational opportunities, with special emphasis to empower the Ranchers to live to their fullest potential with dignity and purpose. An application for the Charter School will be submitted to the Arizona Charter School Board on July 1, 2011. The earliest classes would open in August 2012, and would include students from off campus.

Two neighbors attended the required meeting held on July 15, 2010, and neither had any questions. No responses have been received following the letters sent to adjacent property owners within 300 feet of the subject parcels. The only agency responses received consisted of the Building Official's requirement that any change of use or expansion of the existing manufactured home or new structures will require building permits and would need to meet current building codes at the time of such change of use. Yavapai County Environmental Services commented on the possible need for a form of sanitary sewage disposal, if restrooms are planned for the new barn, or new buildings constructed as part of the charter school.

The Planning & Zoning Commission has recommended approval of Use Permit 2010-01 as requested, and with no time limit. Owens noted that in the last 15 years, the applicant has had no reports or complaints regarding the property since the first Use Permit was granted.

PUBLIC HEARING OPEN**Applicant's Statement**

Steve Ricci pointed out that the Health Clinic building has been used in its current capacity for some time, is in a great location, and the large front deck is used as a gathering place for the people. Along with the applicant's statement, Owens projected onto a screen a photograph of the structure.

COMMENT FROM OTHER PERSONS

There were no comments from other persons.

APPLICANT'S REBUTTAL

No rebuttal was necessary

PUBLIC HEARING CLOSED**Council Discussion**

The Council briefly discussed with Owens the difference between residential and commercial construction standards. Mr. Ricci confirmed the planned continued use of the subject manufactured home as an administrative and medical records office. Based on the history of working with Rainbow Acres, staff believes that should the manufactured home need to be replaced, the facility would be more than willing to do so with a site-built unit. Under the Use Permit, the Town would continue to have jurisdiction over any such removal or replacement. The Council also discussed with Mr. Ricci, with input from Mr. Kowalski, the necessity and requirements for approval from the State Charter School Board for the planned Charter School; they expressed confidence that the Board would approve the Rainbow Acres application.

10. **Discussion, consideration, and possible approval and authorization for the Mayor to sign a Letter of Agreement that allows for an annual extension of time to acquire entitlements for a Use Permit for**

the R.V. Park developed by owner Dugan L. McDonald, Cherry Creek Trail, LLC, appearance standards and all building permits under Phase One of the Ringo Rio Project as originally approved by the Council in a Development and Grading Agreement on September 24, 2008 (Effective Date). The original agreement was entered into pursuant to Resolution 2008-755. Staff Resource: Mike Jenkins

On a motion by German, seconded by Baker, the Council unanimously approved an annual (One Year) extension of time, that will begin on September 24, 2010 and expire on September 24, 2011, as requested by Dugan McDonald (Owner of Cherry Creek Trail, LLC) through a LETTER OF AGREEMENT to acquire the entitlements, including but not limited to receiving approvals for a Use Permit for the R.V. Park, Appearance Standards and all Building Permits, during Phase One of the Ringo Rio Project as allowed under the original Development and Grading Agreement by and between the Town of Camp Verde and Mr. McDonald with the following conditions to be included in the LETTER OF AGREEMENT:

- That Mr. McDonald is financially responsible to pay for all Town Attorney and Staff review costs to accomplish the annual (One Year) extension of time to acquire entitlements;
- That the Engineer for the Developer (Engineer of Record) shall prepare a revised Engineer's Cost Estimate for the remediation of the project as based on the current conditions that would consider the method of excavation being utilized at this time. This Cost Estimate is to be reviewed and approved by the Town Engineer in writing prior to the Town accepting any revised or additional bonds from the developer.
- That if any extensions of time are requested by the Developer for the current grading permit for the Ringo Rio Project, those extensions will duplicate the expiration dates of the Council approved annual extensions of time for the Developer to acquire his entitlements to include but not be limited to the approval of a Use Permit for the R.V. Park, Appearance Standards Approval and all Building permits.

Acting Community Development Director Mike Jenkins reviewed the purpose and background information regarding the subject project and the listed entitlements, including a Use Permit for the R.V. Park, that were to be acquired by the Developer by the end of the two-year period pursuant to the original agreement. On August 25, 2010 the Developer submitted to staff the Use Permit application, which is being reviewed by staff to insure that a complete submittal has been presented. The expiration of the two-year period occurs on September 24, 2010, and the Developer is requesting an annual Extension of Time to acquire the subject entitlements. The Town Engineer and Community Development Director have been making regular inspections of the progress of the rough grading, and have determined that the project is proceeding within a reasonable rate of performance under the requirement of the Development and Grading Agreement. The Development Agreement provides for annual extensions of the two-year estimated period of time for the rough grading to be completed at the sole discretion of the Council, the general terms of which Jenkins reviewed in further detail.

Dugan McDonald, Developer, acknowledged that there are issues with the Development Agreement in question, but that it was important not to lose sight of the project and get caught up in small details that can be worked out.

Commencing the Council discussion, Town Engineer Long said he had nothing further to add; Martin said if the Council wants to go through the options in the agreement at some point to let him know. The members discussed in detail with Long and Mr. McDonald the progress of the grading plan submitted in connection with the project. Long confirmed that the grading plan is being adhered to throughout the operations.

Garrison commented that she had been one of two sitting on Council at the time of approval of the project in 2008, and a main concern was that the Developer would be functioning in accordance with the Town Codes. **Garrison requested for the record** that Mr. McDonald again assure the Council that the R.V. Park (as he originally promised to Council in 2008, with the plan illustrated in color, a copy of which Garrison displayed)

would really happen as presented. Mr. McDonald reiterated that it would happen; funding has been dedicated and progress is being made. German said she was concerned about the possibility of succeeding extensions of time being requested; Jenkins said that once this extension is granted, the Developer will be dealing with staff for the following year, although it may be necessary to request one additional extension; however, it will not be continued ad infinitum. German also questioned the sufficiency of the existing \$30,000 bond. Mr. McDonald and Long both expressed confidence that based on the grading operations to date, the Developer initially runs a risk for greater harm than for the Town, and for that reason it was believed that the surety was sufficient at this time. McDonald also confirmed that the entity he is working with on the grading also has financial liability in connection with the operation. Long pointed out that the numbers reported for the grading material being moved appear to be in agreement between the Developer and the Town, and the Developer has been fully cooperative with the Town throughout the progress to date.

Burnside strongly recommended to McDonald that an amendment to the original agreement be made to properly address the issue of a Certificate of Completion; under the existing terms of the agreement it would not be possible to obtain a Temporary Certificate of Occupancy while another phase of the project is still under construction. Burnside also expressed disappointment and objection to not having been provided with certain documentation in connection with the project and the request for the extension which would include the grading permit, the entitlements and the SEC requirements. Burnside suggested that a motion extend the time for 90 days to allow the Developer and staff to collect and organize the necessary documents. After further discussion, with input from McDonald and Jenkins, the Council was advised that all of the documents have been provided and available for review throughout. McDonald acknowledged that there are conflicts existing in the agreement language, but commented that the intent of the development agreement is clear and has been adhered to. Burnside requested that in the future, staff provide more information or a complete checklist for Council to review in connection with this type of request.

McDonald requested clarification of the issues discussed, such as an amendment to the Development Agreement and continuing the grading project. It was confirmed that only the extension of the grading permit is at issue, and it was only a recommendation that the Developer work with the Town Manager on the Agreement at a later time.

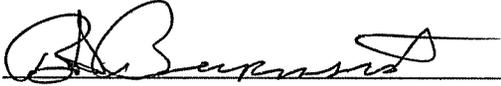
Prior to making her motion, German commented that the Council trusts staff to do the work; staff is doing a fine job and they have the situation well in hand, and would inform the Council of anything that is out of line.

During a discussion of the motion, Burnside suggested an amendment to the motion based on concern regarding a possible lack of provision for an extension of time for the Developer's grading permit. Jenkins said he has received confirmation from the Permit Technician that with the Town Engineer continuing to provide periodic inspection reports to the Permit Technician, the grading permit will be automatically extended for a one-year period in compliance with the Building Code. Burnside then withdrew his request for an amendment.

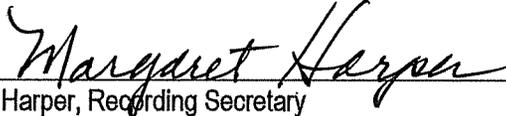
11. **Call to the Public for Items not on the Agenda.**
There was no public input.
12. **Advanced Approvals of Town Expenditures.**
There were no advanced approvals.
13. **Manager/Staff Report**
Martin referred to the proposed presentation to the County this coming Saturday regarding the State Parks; Councilor Roulette volunteered to accompany him for that event.

14. **Adjournment**

On a motion by Garrison, seconded by Baker, the meeting was adjourned at 7:56 p.m.



Bob Burnside, Mayor

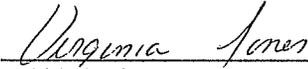


Margaret Harper, Recording Secretary

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 the 22nd day of September 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 21st day of Oct, 2010:



Debbie Barber, Town Clerk

Virginia JONES, Deputy Clerk