



Support your local merchants

**AGENDA
TOWN OF CAMP VERDE
REGULAR SESSION
MAYOR AND COUNCIL
473 S. MAIN STREET, SUITE 106
WEDNESDAY, FEBRUARY 15, 2023 at 6:30 P.M.**

ZOOM MEETING LINK:

<https://us02web.zoom.us/j/81225868008?pwd=aUl5aUgzaXhVdTJJiYU3MElrbjBJQT09>

One Tap Mobile: 1-253-215-8782 or 1-346-248-7799

Meeting ID: 812 2586 8008

Passcode: 854703

Note: Council member(s) may attend Council Sessions either in person, by telephone, or internet/video conferencing.

1. **Call to Order**
2. **Roll Call.** Council Members: Jackie Baker, Wendy Escoffier, Robin Godwin, Cris McPhail, Jessie Murdock, Vice Mayor Marie Moore, and Mayor Dee Jenkins.
3. **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) Work Session – January 25, 2023 Page 5
 - 2) Regular Session – February 1, 2023 Page 9
 - b) **Set Next Meeting, Date and Time:**
 - 1) Work Session – Wednesday, February 22, 2023 at 5:30 p.m.
 - 2) Regular Session – Wednesday, March 1, 2023 at 6:30 p.m.
 - 3) Work Session – Wednesday, March 8, 2023 at 5:30 p.m.
5. **Call to the Public or items not on the Agenda. (Please complete Request to Speak Card and turn in to the Clerk.)** Residents are encouraged to comment about any matter NOT included on the agenda. State law prevents the Council from taking any action on items not on the agenda. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and

legal action. (Pursuant to ARS §38-431.01(H))

6. Special Announcements and Presentations:

- **None**

7. Council Informational Reports. These reports are relative to the committee meetings that Council members attend. The Committees are: Copper Canyon Fire & Medical District, Yavapai College Governing Board, Yavapai-Apache Nation, Intergovernmental Association, NACOG Regional Council, Verde Valley Regional Economic Organization (VVREO), League Resolutions Committee, Arizona Municipal Risk Retention Pool, Verde Valley Transportation Org, Verde Valley Transit Committee, Verde Valley Water Users, Verde Valley Homeless Coalition, Verde Front, Verde Valley Steering Committee of MAT Force, Public Safety Personnel Retirement Board, Phillip England Center for the Performing Arts Foundation. 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.

8. 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.

9. Discussion, Consideration and Possible Appointment of the (7) seven members to the Parks and Recreation Commission. Staff Resource: Gayle Mabery

10. DISCUSSION, CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION 2023-1103, A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, APPROVING USE PERMIT 20220782 FOR THE PUPOSE OF DEVELOPING A POWER UTILITY SUBSTATION, LOCATED ON PARCEL 403-23-006y COMPRISING APPROXIMATELY 5.98 ACRES, SITUATED IN A C-3 (COMMERCIAL: HEAVY COMMERCIAL) DISTRICT, ON N. COMMONWEALTH DRIVE, CAMP VERDE, YAVAPAI COUNTY, ARIZONA. Staff Resource: John Knight Page 29

11. DISCUSSION, CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION 2023-1104, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE TOWN OF CAMP VERDE (“TOWN”) TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (“IGA”) (TOWN CONTRACT NO. 2023-141-IGA-1-10140) WITH THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT (“DISTRICT”) FOR FINANCIAL CONTRIBUTIONS FROM THE DISTRICT TO THE TOWN FOR FISCAL YEAR 2022-2023; AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE. Staff Resource: Jeff Low Page 65

12. Call to the Public for items not on the Agenda. (Please complete Request to Speak Card and turn in to the Clerk.) Residents are encouraged to comment about any matter NOT included on the agenda. State law prevents the Council from taking any action on items not on the agenda. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. (Pursuant to A.R.S. §38-431.01(H))

13. DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE TOWN ATTORNEY REGARDING EXECUTIVE SESSION REQUIREMENTS. NOTE COUNCIL MAY, BY MAJORITY VOTE, RECESS THE MEETING, HOLD AN EXECUTIVE SESSION WITH STAFF AND THEN RECONVENE FOR DISCUSSION AND POSSIBLE ACTION ON THIS ITEM AS COVERED UNDER A.R.S. 38-431.03 (A)(3) Staff Resource: Attorney Trish Stuhan

- **RECESS INTO AND HOLD EXECUTIVE SESSION PURSUANT TO A.R.S. §38.431.03 (A)(3).**

- **RECONVENE OPEN SESSION**

14. Adjournment

Note: Upon a public majority vote of a quorum of the Town Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the purpose of discussion or consultation for legal advice with the Town Attorney as permitted by A.R.S. § 38-431.03(A)(3). Any other executive sessions will be separately included on the agenda above if an executive session will be held at the meeting.

Pursuant to A.R.S. §38-431.01 Meetings shall be open to the public - All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting. The Town of Camp Verde Council Chambers is accessible to persons with disabilities. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk at 928-554-0021.

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the Town of Camp Verde and Bashes on 02-09-2023 at 5:00 p.m. in accordance with the statement filed by the Camp Verde Town Council with the Town Clerk

Cindy Pemberton

Cindy Pemberton, Town Clerk

[Page intentionally left blank]



**DRAFT MINUTES
TOWN OF CAMP VERDE
WORK SESSION
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, JANUARY 25, 2023 AT 5:30 P.M.**

ZOOM MEETING LINK:

<https://us02web.zoom.us/j/85468692891?pwd=aXJmRG82T21kVkVQR0VYV3UyeFN3Zz09>

One Tap Mobile: 1-669-444-9171 or 1-669-900-9128

Meeting ID: 854 6869 2891

Passcode: 768996

Note: Council member(s) may attend Council Sessions either in person or by telephone, video, or internet conferencing.

1. **Call to Order** Mayor Dee Jenkins called the meeting to order at 5:30 p.m.
2. **Roll Call.** Council Members Jackie Baker, Wendy Escoffier, Robin Godwin, Cris McPhail, Jessie Murdock, Vice Mayor Marie Moore (Absent), and Mayor Dee Jenkins

Also Present. Finance Director Mike Showers, Interim Town Manager Gail Mabery, Town Marshal Cory Rowley, Risk Management Director Heather Vinson, Town Clerk Cindy Pemberton

3. **Pledge of Allegiance** Councilor Baker led the pledge of allegiance.

4. **Strategic Planning for FY24 Budget session.** Staff Resource: Mike Showers

Interim Town Manager, Gayle Mabery said Council should anticipate in the budget a line item for some facilitative strategic planning. It has been a while since Camp Verde has done facilitative strategic planning. Mayor Jenkins thanked her.

Mayor Jenkins thanked Council for allowing Vice Mayor Moore to take over for her at the last meeting when she lost her voice. She gave Mr. Showers the floor.

Mr. Showers said the reason for what they're doing tonight is that they are trying to focus Council on direction and big picture. They aren't focusing on projects. They are trying to obtain a better overall budget document. They are working to analyze what they want to become. This gets attention off of budget numbers and onto town direction. They are creating a guidance framework for decisions, not a to-do list.

He said they will be developing a foundational framework of who and what the town is and determine the critical issues that will help get the town where they want to go.

He said that he hopes what they will accomplish tonight will be that staff will be able to put together a CIP plan and departmental budget that better lines up with Council's desired outcomes.

Council was given a worksheet to complete ahead of time. This worksheet was to help Council focus on specific segments of the town. The four main segments were 1. Quality of life, 2. Infrastructure 3. Economy, and 4. Town Government. Within each segment are multiple categories for Council members to reflect on as they determine individually what the major issue is within that category. The desire is to keep Council focused on overriding issue, not their specific solution. Once the issue is determined, its level of importance is assigned with a value as follows: 4-critical/imperative, 3-necessary/needed, 2-secondary/desire, and 1-consider/review. Finally, each issue is determined to be a Strength, a Weakness, an Opportunity, or a Threat. These sheets are turned in ahead of time and summarized by staff, with similar topics combined into one issue. Council members received the summarized version tonight. They spent 30 minutes discussing and rating the remaining issues. Once completed, the forms were given to Mr. Showers to be entered onto the completed segment sheet where all levels for each line time/issue were averaged together. From the averages, the top priorities rise to the top and are reviewed with Council to make sure the majority agrees with end results.

Once these exercises are completed, Council utilizes the top results established in each exercise to propose and validate a list of short term (1-2 years) and long term (3+ years) goals to help guide the development of the upcoming budget and overall direction for use of town resources.

Council and Mr. Showers worked to put together these goals. They each shared what they felt was most dire.

Meeting Recessed at 7:57 PM.
Meeting Resumed at 8:05 PM.

The consensus amongst the Council was the following goals and outcome statements:

1. Promote methods for encouraging investment into affordable housing.
2. Explore opportunities to expand healthcare access in the community.
3. Create and support policies that attract retail and entertainment businesses.
4. Develop a comprehensive economic and revitalization plan for Historic Main Street.
5. Develop a strategic planning model for facilities, operations, infrastructure, CIP, and land use.
6. Fund a strategic plan for marketing and tourism.
7. Identify and create policy to preserve and protect historic resources in the community.
8. Create an environment that encourages business growth, retention, revitalizations, and employment opportunities.

Mr. Showers said these outcome statements will give staff and community members understanding as to what Council is looking to see accomplished.

5. Adjournment Mayor Jenkins adjourned the meeting at 8:47p.m.

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the Town of Camp Verde and Bashes on 01-19-2023 at 4:00 p.m.

Cindy Pemberton
Cindy Pemberton, Town Clerk

Mayor Dee Jenkins

Attest: Town Clerk Cindy Pemberton

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 January 25, 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2023.

Cindy Pemberton, Town Clerk

Note: Pursuant to A.R.S. §38-431.03. (A)(1); (A)(2) and (A)(3), the Council may hold an Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

Pursuant to A.R.S. §38-431.01 Meetings shall be open to the public - All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting. The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk at 928-554-0021

[Page intentionally left blank]

DRAFT MINUTES
TOWN OF CAMP VERDE
REGULAR SESSION
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, FEBRUARY 1, 2023 at 6:30 P.M.

Note: Council member(s) may attend Council Sessions either in person, by telephone, or internet/video conferencing.

1. **Call to Order** – The meeting was called to order by Mayor Jenkins at 6:30.
2. **Roll Call.** Council Members: Jackie Baker, Wendy Escoffier, Robin Godwin, Cris McPhail, Jessie Murdock, Vice Mayor Marie Moore, and Mayor Dee Jenkins.

Also Present; Town Clerk Cindy Pemberton, Administrative Clerk Jadie Edwards, Public Works Director Ken Krebs, Economic Director Steve Ayers and Molly Spangler, Interim Town Manager Gayle Mabery, Town Attorney Trish Stuhan, Transcriptionist, Dana Donahue.

3. **Pledge of Allegiance-** The Pledge of Allegiance was led by Councilor Godwin.
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. Work Session – January 11, 2023
 2. Regular Session – January 18, 2023
 - b) **Set Next Meeting, Date and Time:**
 1. Work Session – Wednesday, February 8, 2023 at 5:30 p.m.
 2. Work Session – Tuesday, February 14, 2023 at 5:30 p.m.
 3. Regular Session – Wednesday, February 15, 2023 at 6:30 p.m.

Mayor Jenkins notified Council that the work session scheduled for Feb 8 and 14, 2023 are cancelled, and moved to March 8th and 14th 2023.

Motion by Vice Mayor Moore to approve the Consent Agenda with the stated changes, cancelling the February 8 and 14, 2023 work sessions and moving them to March 8 and 15, 2023. **Second** by Councilor Baker.

Vote;

Councilor Godwin-aye
Councilor McPhail-aye
Councilor Murdock-aye
Councilor Escoffier-aye
Councilor Baker-aye
Vice Mayor Moore-aye
Mayor Jenkins-aye

Motion passes 7-0

5. **Call to the Public or items not on the Agenda. (Please complete Request to Speak Card and turn in to the Clerk.)** Residents are encouraged to comment about any matter NOT included on the agenda. State law prevents the Council from taking any action on items not on the agenda. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. (Pursuant to ARS §38-431.01(H))

None

6. **Special Announcements and Presentations:**

- **Presentation from Strategic Government Resources for Town Manager Recruitment-**

Overview-

The Town is considering three companies for the recruitment of a new Town Manager.

Debra Stapleton was present (in person) representing Strategic Government Resources (SGR).

JJ Peters, also representing SGR, spoke via Zoom. She outlined the credentials of SGR, stating it is the nation's leading recruiter for Government positions. The firm is comprised of former and local government employees. They have a large network of employees and contacts.

Debra Stapleton told Council she would be the main recruiter should SGR be hired by the Town. She gave a brief resume of her qualifications and what the Town Manager

recruitment processes would look like.

Councilor Murdock asked if Ms. Stapleton is local to Arizona. Ms. Stapleton replied yes, she is a resident of Gilbert.

Councilor Baker inquired if Ms. Stapleton found a big difference between large town recruitment applicants vs. small towns.

Ms. Stapleton replied that large towns, over 250K in population, may attract a larger pool of applicants. However, small towns are more intimate and allow a candidate to interact with the community at a more personal level.

- **Presentation from Raftelis for Town Manager Recruitment**

Heather Gantz spoke representing Raftelis. She outlined the companies' qualifications and reputation. She went on to describe how Raftelis would approach the Town Manager recruitment.

Councilor Escoffier asked about the Goals Driven Work Plan in the packet provided by Raftelis. Ms. Gantz described the goals Raftelis would use to recruit a qualified candidate.

- PRESENTATION FROM RALPH ANDERSEN & ASSOCIATES FOR TOWN MANAGER RECRUITMENT

NOT ABLE TO ATTEND

7. **Council Informational Reports.** These reports are relative to the committee meetings that Council members attend. The Committees are: Copper Canyon Fire & Medical District, Yavapai College Governing Board, Yavapai-Apache Nation, Intergovernmental Association, NACOG Regional Council, Verde Valley Regional Economic Organization (VVREO), League Resolutions Committee, Arizona Municipal Risk Retention Pool, Verde Valley Transportation Org, Verde Valley Transit Committee, Verde Valley Water Users, Verde Valley Homeless Coalition, Verde Front, Verde Valley Steering Committee of MAT Force, Public Safety Personnel Retirement Board, Phillip England Center for the Performing Arts Foundation. 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 McPhail attended Team Game night at the library. She attended the initial tutor training. The library is going to provide tutoring for third graders in the near future. She attended the Parks and Rec Commission Manager interviews. She is on the Earth Day Committee. She also told Council about the upcoming event at the Phillip England Center Feb 5th at 3:00 p.m. She attended a meeting at Yavapai College and toured their

Technical Education Center.

Vice Mayor Moore-Nothing to report

Councilor Baker also attended the meeting concerning the Parks and Rec Commission. She attended a meeting at Verde Lakes about the park proposals. She will attend the Vietnam Memorial Wall meeting. There is a great need for volunteers for the event. Please contact Parks and Rec if you want to volunteer.

Councilor Escoffier stated she toured the Town's 300 building remodel. She toured the Surprise Community Park, which includes a park, fire station and police substation. She toured the Camp Verde Equestrian Center and Homestead Park to review the park progress. She also attended the Parks and Rec Commission Managers meeting. She attended a retirement party at the Marshals office. She has referred several people to the Arizona Department of Water Resources so they can file adjudication claims.

Councilor Murdock-othing to report

Mayor Dee Jenkins stated she attended various Mayor meetings. She and Town Manager Mabery traveled to the State Capital for a meeting with Senator Bennett. The meeting was very beneficial.

- 8. 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.

Interim Town Manager Gayle Mabery introduced Deputy Zeid and his drug detection K-9 Gunner. Deputy Zeid described his interaction and training with Gunner.

Ms. Mabery stated she and Mayor Jenkins traveled to Phoenix for a meeting with Senator Bennet. There has been a change in State Legislation relating to the use of Improvement Districts to fund CIP improvements for Cities and Towns. This is important because of the wastewater infrastructure projects on Highway 260 in Camp Verde. They hope to get legislation to rework this change next year. Town staff will continue to examine other funding sources for Infrastructure.

Currently there is pressure by the legislation to change how taxes work in cities and towns such as; changes to corporate income taxes, taxes on residential rentals and taxes on food. This will negatively impact the Town's General fund by \$410k per year. An information packet with a spread sheet of these impacts was presented to Senator Bennet, who expressed his concern and support.

She attended the retirement for Debbie Hughes, a dispatcher in the Marshals office.

Ms. Mabrey stated Economic Development Director, Steve Ayers will be retiring this Friday after 10 years of service. Mr. Ayers has been a tremendous asset to the Town.

Mr. Ayers spoke, expressing his gratitude to the Town for the 10 years of his employment. He stated his appreciation to the Council for their support to himself and his staff.

Mr. Ayers introduced new Economic Director Molly Spangler. Ms. Spangler gave thanks to the Town for their support of Economic Development.

9. **Discussion, Consideration and Possible Approval of the Finance Director to make a budget adjustment labeled BAFY22-04 for the FY22 budget year moving the budgeted \$3.5 million expense and revenue for paying down the PSPRS unfunded balance from the Debt Service Fund to the General Fund.** Staff Resource: Mike Showers

Finance Director Mike Showers stated this is a clerical item.

Mayor Jenkins identified this as a clerical effort, moving money from one account to another.

Motion made by Councilor Escoffier for Approval of the Finance Director to make a budget adjustment labeled BAFY22-04 for the FY22 budget year moving the budgeted \$3.5 million expense and revenue for paying down the PSPRS unfunded balance from the Debt Service Fund to the General Fund.

Second by Councilor Baker.

Vote

Councilor Godwin-aye

Councilor McPhail-aye

Councilor Murdock-aye

Councilor Escoffier-aye

Councilor Baker-aye

Vice Mayor Moore-aye

Mayor Jenkins-aye

Motion passes 7-0

10. **Consideration, Discussion and Possible Approval to accept the Arizona State Library, Archives and Public Records States Grants-in-Aid Construction 2022 REVISED grant to build the canopy for the automated library branch in the amount of \$50,000.00 and allocating \$50,000.00 in matching funds from the general fund.** Staff Resource: Kathy Hellman

Overview

This item is in relation to the Automated Library Branch in Verde Lakes and is part of the ongoing project. Library Director Kathy Hellman explained the costs concerning this project, outlining that the \$180,025 on the second page of the agenda item, is not the total, rather it is the subtotal. The remainder of the figures are future expenditures. The total is \$230,575 for the project. This particular project will be included in the CIP projects

for review. Figures for the Broadband are not currently available

Councilor McPhail asked about Grant Funding for this project.

Ms. Hellman replied, yes, the library will look for Grant funding.

Mayor Jenkins commented on the need for Broadband for the entire community as well as for this project.

Councilor Godwin clarified that this agenda item is about the site location for the Verde Lakes Park. The property discussed is under Town control.

Councilor Murdock asked about the subtotal listed. Is the \$180k for the subtotal and the Town is \$50k match? There would be ongoing cost related to this project? Is that correct?

Ms. Hellman replied yes.

Mayor Jenkins asked if the \$230k included the broadband connection to the location.

Ms. Hellman replied, no, that would need additional funding.

Councilor Escoffier asked about a Master Plan for the Verde Lakes Park, in relation to where the canopy is going to be placed. Ms. Hellman was not aware of a Master Plan.

Councilor McPhail replied to the question, stating the land is currently leased by the Town. There have been several meetings to make this happen. The piece of property on Hilltop Street is leased for 25 years. There is not a completed Master plan because the lease needs to be renegotiated and there are some engineering requirements for the ponds that must be addressed.

Councilor Escoffier asked about the completion date of June 20th, 2024. Ms. Hellman stated that date is only for the completion of the canopy.

Vice Mayor Moore asked about the feasibility of the project. She would like to have more information about the equipment itself such as how long does it last, what are the realistic maintenance requirements etc. Ms. Hellman replied that information has not been brought before Council. This could be done during the CIP process. The building of the canopy is an inference that the project will go forward, which is why she included all the costs related to the project. She would be glad to answer any questions during the CIP process.

Ms. Mabery explained to the Council and public about the rules of the Grant. The terms of the Grant allowed Town to extend the Grant one more year. This will allow staff more time to gather additional information regarding the costs and feasibility of the project and to be brought, in its entirety, to the CIP process.

Councilor Murdock reviewed the agenda item and asked if this project was being pushed into 2024-25. Ms. Mabery replied the canopy project funded by the Grant would have to be completed by June 30th, 2024. When it was discovered, the Town may not be able to adhere to the terms of the Grant due to time, the Grant was offered to be returned to the State Libraries, which at that time told staff they would extend the Grant another year.

The CIP process taking place next month would be the time to discuss the project in its entirety and decide.

Councilor Escoffier agrees to accept the Grant due to the State Archives volunteering to extend the Grant another year.

Councilor McPhail reviewed that last year during the GDBG process, the two top were the extension of the sidewalk on 7th street and the second was Verde Lakes Pond. There may be additional opportunities for funding that come along.

Mayor Jenkins reviewed the agenda item, stating that if Council moves forward with the agenda item tonight, a more complete picture of the project and its ensuing costs, would

be available during the CIP process. Ms. Hellman stated that that was the goal.

Public Comment-

Glenda Duncan, representing the Verde Lakes Recreation Corporation, is in support of this item.

Donna Moody, a Verde Lakes resident, is in support of this item.

Town Clerk Cindy Pemberton read aloud two letters in support of this item from Deb Moody and Marley Brinkerhoff.

Bill Decker spoke concerning the location of the Library on Aspen Way. He also wanted information regarding the location of a proposed traffic light.

Motion by Councilor McPhail to accept the Arizona State Library, Archives and Public Records States Grants-in-Aid Construction 2022 REVISED grant to build the canopy for the automated library branch in the amount of \$50,000.00 and allocating \$50,000.00 in matching funds from the general fund.

Second by Councilor Godwin.

Councilor Escoffier stated the word “revised” needs to be recognized. Councilor McPhail stated “revised”. Councilor Godwin second.

Vote;

Councilor Godwin-aye

Councilor McPhail-aye

Councilor Murdock-nay

Councilor Escoffier-aye

Councilor Baker-aye

Vice Mayor Moore-aye

Mayor Jenkins-nay

Motion passes 5-2

11. **Discussion, Consideration and Possible Adoption of Ordinance 2023-A476 an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending the Town of Camp Verde Planning & Zoning Ordinance, with minor text amendments within Section 301, Exemptions to Yard and Height Requirements.** Staff Resource: BJ Ratlief

Overview-

Section 301 of the Towns Planning and Zoning Ordinance deal with exceptions to yard and height requirements. There are minor text amendments for each of the three subsections. Staff recommended these amendments in order to clarify sections as well as to update and improve the effectiveness of the Ordinance

Community Development Planner BJ Ratlief spoke regarding this item. She outlined the three major areas being addressed.

There are three sections needing amendments.

1. **Section 301.A-** Setbacks for Nonconforming Parcels-add clarification to provide administrative authority to adjust setback requirements for legal non-conforming parcels. *Setback standards for the nearest zoning district which most closely applies to the actual lot size will be used as the allowable setbacks.*

Ms. Ratlief explained the need for this amendment to allow for more reasonable setbacks for non-conforming parcels.

Councilor Escoffier asked the Town Attorney to identify a legal Non-Conforming use parcel for the public.

Town Attorney Trish Stuhan explained that Cities and Towns, as they adopt zoning requirements, must “grandfather” certain non-conforming parcels into the amended zoning. This is due to parcels existing in their current form prior to the zoning changes. This allows flexibility for property owners.

2. **Section 301.B.** Utility and Marijuana Fencing Exemption (Yard and Height Requirement’s) The current height limit for fencing on commercial property is eight (8) feet. The amendment would create an exception in two specific circumstances; Utility companies and Marijuana grow facilities. State law requires a minimum of ten feet for Marijuana grow facilities.

- There is an additional exception relating to retaining walls. *Six feet of additional fencing can be built upon a retaining wall (see page 89 of the packet).*

3. **Section 301.C.** Perimeter Fencing. The current ordinance prohibits vacant/undeveloped lots or parcels less than two acres from being fenced. Staff recommends dropping this prohibition to allow **non-opaque (open)** fencing to be permitted on vacant properties prior to building or installing a primary use structure such as a home or office.

Council expressed concerns regarding this amendment’s **non-opaque** language that include “government overreach”, owner rights use of property, privacy and fairness.

Council asked about how enforcement would be managed, and if there were past practices. Ms. Ratlief explained that the ordinances are designed to protect property values.

Community Development Director John Knight explained that from a security or code enforcement point of view, the requirement of opaque fencing makes it easier to enforce, especially if it is caught early. One of the largest problems regarding code enforcement is in Verde Lakes, where the Town owns several lots. Mr. Knight would like to see these lots fenced (non-opaque) to protect the property and the creek.

Several Council members agreed that the least amount of government intrusion into property rights is appropriate.

Ms. Ratlief explained the various codes regarding fencing in the Town.

Councilor McPhail clarified the language on the document; *Additionally, if the parcel or lot is vacant, then all perimeter fencing shall be non-opaque in order that the parcel may be clearly seen/observed.* Are we striking this last sentence and passing the remainder of the item as it stands?

Councilor Escoffier asked for clarification from the Town Attorney on how this would be done legally.

Ms. Stuthan replied that could be done with little impact by making a motion striking out the parts of the amendments that are unwanted.

Mr. Knight clarified where the language was located. Stating that the ordinance starts on page 91. The language to be clarified is on Page 98, Section 301 subsection 4C.

Motion by Councilor Escoffier Adoption of Ordinance 2023-A476 an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending the Town of Camp Verde Planning & Zoning Ordinance, with minor text amendments within Section 301, Exemptions to Yard and Height Requirements with a change on Section 301 4C1, **the last paragraph to be deleted**; *Additionally, if the parcel or lot is vacant, then all perimeter fencing shall be non-opaque in order that the parcel may be clearly seen/observed.*

Second by Councilor Baker.

Vote

Councilor Godwin-aye
Councilor McPhail-aye
Councilor Murdock-aye
Councilor Escoffier-aye
Councilor Baker-aye
Vice Mayor Moore-aye
Mayor Jenkins-aye

Motion passes 7-0

**Mayor Jenkins called a break at 8:10.
Council reconvened at 8:15.**

- 12. Discussion, Consideration and Possible Approval of Change Orders # CO-13, CO-14, CO-15, CO-16, CO-17, CO-18, in the total amount of \$285,691.52 to the Town's contract with Tierra Verde Builders to finish completion of electrical work and lighting, top dressing and grading of sod areas of soccer fields, delivery unloading and installation of donated scoreboards, and removal of line items in contract.** Staff Resource: Ken Krebbs

Overview-

The electrical and lighting costs outlined in CO #13, CO #14, and CO #15 (totaling \$188,020.49) have been delayed due to supply chain issues and price increases. These three change orders are eligible costs under the Town's LWCF Grant. Town will bill Arizona State Parks for 50% of the total (which is \$94,010.24).

Change orders #16 and #17 are for the installation of the light poles, for top dressing and grading of the multi-use field and scoreboard installation. CO # 18 is a deductive change order in the amount of -\$9,420, which will remove line items from the original contract therefore reducing costs of the original contract.

In total, the Change Orders amount to \$285,691.52. Of that total, \$94,010.25 is eligible for grand reimbursement, and the remaining \$191,681.27 will be funded out of the Town's loan proceeds for this project.

In conversations with the Arizona State Parks, staff has confirmed that the Town will be eligible for additional grant funds up to \$500,000, as part of the State's provisions for projects impacted by COVID and related supply chain issues.

Public Works Director Ken Krebbs explained the change orders listed in this agenda item, beginning with change order number 13. The Town requested this change. It is not on the plans. The electrical was originally to be at the concession stand and was changed to the south end of the ball field, hence the extra cost.

Councilor Baker asked about the "bonding at 2.5%" which is on every invoice. She understands this to be Tierra Verdes' expense, why is it submitted to the Town for payment?

Mr. Krebbs explained the bonding is paid by the Town.

Mayor Jenkins explained the bond costs and how they are passed onto the town. This is now standard practice in construction. Contractors itemize their bond costs as part of the bid.

Councilor Baker expressed her concerns about insurance requirements for the contractor and the itemization of the invoices.

Councilor Murdock stated the contractor should answer questions regarding bonding.

Mr. Krebs explained that the costs for bonding and insurance have escalated, which may be why they are being listed on the invoice.

Councilor McPhail explained the insurance requirements on construction projects and how they are paid and used. These include payment bonds and performance bonds. When a contractor bids a project, the Town does not see these costs. Because the project was delayed for two years, and the costs have gone up, the contractor has to provide more insurance. The contractor is listing the bonds because of the cost increase.

Councilor Godwin requested any change orders be presented to Council by the contractor requesting them.

Mr. Krebs stated he has spoken to the Contractor requesting the change orders and was assured these were the last change orders except for one, that being the water system for running the water sprinklers.

Councilor Escoffier asked if the Town Attorney or Manager had anything to add.

Ms. Stuhan explained issues that are common to change orders. There are certain rules for contractors that as a municipality, must be honored. It is not typical if there has been a long delay that the bond is increased, and the cost pushed onto the Town.

Mr. Krebs requested to pull change order #14 because the figures are not correct. He went on to explain change order #15 which involves the Musco lighting for the pickleball courts. It appears Pur Solar put up the lights without permission because equipment was available at the time to do it. On the bid, it specifically states the bid did not include electrical to the poles, only to put up the lights and poles. There will be an additional change order to put in the electrical to the poles.

Councilor Escoffier asked for clarification of the bid/construction.

Mr. Krebs explained the details of the bid and subsequent construction and the construction phases. The light installation is in Phase 1B and not included in the Grant.

Vice Mayor Moore expressed her concerns about the many change orders.

Mr. Krebs reiterated there will be a change order to run electrical to the lights.

Councilor Escoffier stated the lights are already installed.

Mr. Krebs replied yes, they are. When the electrical is put to the lights near the ball field, they can also run electrical to the lights at the pickleball courts. It would be cheaper to do all that at the same time.

Councilor Murdock asked if the Town has plans for the pickleball courts.

Mr. Krebs stated he wanted to finish the existing Grant projects (multi use field etc..) before moving onto others. Currently, there is no money for the pickleball courts.

Council expressed their continuing concerns about the increasing costs, multiple change orders and lack of planning regarding the project.

Councilor Murdock reviewed her concerns about the continuing costs of the project

caused by the numerous delays.

Mr. Krebs reminded Council that construction costs have increased substantially. He would like to finish what is currently planned, then move onto the concession stand and pickleball courts.

Mayor Jenkins expressed her concerns about the contractor doing work that is not authorized and bill us for it. This should not be happening.

Councilor Escoffier thanked Mr. Krebs for his work on this project.

Councilor Godwin asked if Tierra Verde would be building the concession stand. Mr. Krebs replied it has not been put out to bid.

Vice Mayor Moore asked for clarification on change order #14. She noticed the amount of wire (32,000 feet) that got missed.

Mr. Krebs explained that this was an issue with the Contractor Kimberly Horn. He does not have a solid answer at this time. He is gathering more information before he brings it before Council.

Mr. Krebs spoke about change order #16 and the issues there are with drainage on the top dressing of the multi-use field. The fields sitting for two years exasperated the problem. Councilor Baker asked about the mistakes on all these issues, and who made them. Mr. Krebs reviewed how this occurred. Fields need to be maintained and because of the delay, the fields settled, causing an uneven surface. The Town did not have the equipment to maintain the field and the contractor was not going to do it.

Councilor Baker wanted to know the overall mistakes that were made and who made them.

Councilor Murdock asked if the Town could purchase the equipment and do some of the work in house.

Mr. Krebs replied yes, if the Town had the equipment, which would cost about \$60k. Town could use the equipment on all of the parks.

Council discussed the possibility of doing some of this work in house or rebid it. Or sharing equipment and items with the school district. Or we could pay the contractor to do the work outlined in change order #16. It appears purchasing the equipment and maintaining the fields and parks in house, would be better in the long term.

Mr. Krebs reminded Council that several of the Town's maintenance people had been sent to Phoenix for certification on the care of sod fields.

Councilor Moore requested pulling change order #16 from the agenda.

Councilor Escoffier asked about the sales tax on the change orders and the sales tax included on the subcontractor's invoice.

Mr. Krebs explained the difference. The subcontractors do not pay sales tax, it is added into the main bid.

Mr. Krebs moved onto change order 17. This order addresses the scoreboard

installation. The contractor, Tierra Verde Builders, donated four scoreboards for a total of \$50k, however, installation was not included. Line item 80 shows the unit cost. Line item 85 was for an additional scoreboard. The bid did not include installation. Installation is \$44k.

Council discussed the scoreboards and the subsequent installation costs, clarifying that any line item that includes installation of the scoreboards is zero from the Tierra Verde Contract. Scoreboards are \$12.5k each. Installation is \$7,500 per scoreboard, plus the electrical. Council discussed who would install the scoreboards and if it needs to go out to bid, or pay the existing contractor, who donated the scoreboards, to install them.

Council asked for an explanation of the subcontractor bid, chiefly what is not included, such as permits, concrete work, trenching etc.. Will there be additional change orders to cover that work?

Councilor Murdock clarified that Pur Solar is only doing the electrical work.

Mr. Krebs stated Pur Solar will do the concrete and put in the beam posts, auger the holes etc. Most of the language in the contract is standard.

Ms. Stuhan stated most contractors won't do permitting. Her general advice is that if the contractor wants to put in standard terms, fine, as long as it doesn't conflict with the remainder of the contract. If Town disagrees with an item, strike it out to avoid any confusion.

Mr. Krebs explained change order #18 which addresses water lines and sewer lines. He would like to strike this order because at this time the location for the concession stand has not been determined. From a construction perspective, installation of those lines should not be handled under the Tierra Verde Contract, but instead should be included at a later date under the concession stand bid.

Mayor Jenkins clarified the change orders and the subcontractors that performed the work. Tierra Verde is not doing any of the work. If that is the case, why did Town not deal with the contractors directly and save money.

Mr. Krebs clarified that change order #14 has been completed, the remaining change orders have not.

Ms. Stuhan explained some of the processes with change orders and the legalities and policies that need to be followed. There are legal and practical applications for change orders. If work has been completed without authorization, the Town may be under obligation to pay for it. If some portion of the project is completely new and perhaps unexpected, it can go out to bid or Town can execute a change order.

Council continued discussion about the bids and subsequent contracts regarding the park as the project moved forward through planning and construction. A project manager would be beneficial for future projects.

Mr. Krebs told Council that in reviewing past emails, it was discovered that fencing for the park will be under the Grant. Another email chain revealed that the sod has been okayed even though it was not in the Grant.

Council discussed the problems associated with suspension of construction on the park for two years due to COVID and Grant deadlines and requirements. Council should examine hiring a project manager for future projects.

Councilor McPhail reviewed the proposal;

- Pull change order #14 for further review.
- Pull change order #16 for further review.
- Pass all other changer orders previously discussed.

Interim Town Manager Gayle Mabery explained to Council that if change orders #14 and #16 were struck from the agenda item, the total cost of the remaining change orders would be \$109,552.80.

Mayor Jenkins clarified that Council would be voting on change orders #13, #15, #17 and #18.

Ms. Stuhan advised Council that in the Motion, authorized revisions to the standard terms and conditions and clean them up as Council proceeds forward.

Motion by Vice Mayor Moore to approve change order CO #13, CO #15, CO #17, CO #18 in the total amount of \$109,552.80, to the Town's contract with Tierra Verde Builders for the completion of the lighting, electrical, (*top dressing in oral verbiage* struck by Council) and leveling of the Soccer Fields, installation of the scoreboards and removal of line items 21, 22, 23, 24, 25, 26 and 27 from the contract for the Camp Verde Sports Complex and authorizing the Mayor to revise the standard terms of provisions of the change orders.

Second by Councilor Baker.

Vote;

Councilor Godwin-aye
Councilor McPhail-aye
Councilor Murdock-aye
Councilor Escoffier-aye
Councilor Baker-aye
Vice Mayor Moore-aye
Mayor Jenkins-aye

Motion passes 7-0

13. **Discussion, Consideration and Possible Approval to put recruitment efforts for the Part-Time Town Attorney position on hold indefinitely.** Staff Resource: Julia Kaiser

Overview

The Town has been actively recruiting for a Part-Time Town Attorney since June of 2022. There were several applicants and subsequent interviews. Council directed staff to post the position as “continuous” with no closing date and a new salary range description to state “depending on experience”. The Town has since entered into an agreement with Peirce Coleman legal firm for this transitional period. At this time, staff recommends suspending the Part-Time Attorney posting to allow both the staff and the Council to work with Pierce Coleman and determine what, if any supplemental legal support would be necessary.

Human Resource Manager Julia Kaiser explained the necessity of this agenda item. Vice Mayor Moore explained she thought this was a temporary hold. Ms. Mabery explained the hold and how it affects the position.

Ms. Stuhan assured Council that her agency was happy with the current arrangement.

Motion by Councilor Godwin for Approval to halting recruitment efforts for the Part-Time Town Attorney position indefinitely.

Second by Councilor McPhail.

Vote

Councilor Godwin-aye
Councilor McPhail-aye
Councilor Murdock-aye
Councilor Escoffier-aye
Councilor Baker-aye
Vice Mayor Moore-aye
Mayor Jenkins-aye

Motion passes 7-0

14. **Call to the Public for items not on the Agenda. (Please complete Request to Speak Card and turn in to the Clerk.)** Residents are encouraged to comment about any matter NOT included on the agenda. State law prevents the Council from taking any action on items not on the agenda. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. (Pursuant to A.R.S. §38-431.01(H))

None.

15. **DISCUSSION AND/OR ACTION REGARDING A POSSIBLE SELECTION OF AN EXECUTIVE RECRUITMENT FIRM FOR THE TOWN MANAGER POSITION. NOTE COUNCIL MAY, BY MAJORITY VOTE, RECESS THE MEETING, HOLD AN EXECUTIVE SESSION WITH STAFF AND THEN RECONVENE FOR DISCUSSION AND POSSIBLE ACTION ON THIS ITEM AS COVERED UNDER A.R.S. 38-431.03 (A)(3) AND (A)(4).** Staff Resource: Julia Kaiser

- **RECESS INTO AND HOLD EXECUTIVE SESSION PURSUANT TO A.R.S. §38.431.03 (A)(3) AND (A)(4).**

Human Resource Director Julia Kaiser recommended Council move into Executive Session.

Councilor Moore asked about the amount of time required for the Executive Session. Ms. Stuhan replied Council can go into Executive Session, come back out and go back in as many times as necessary on one agenda item.

Motion to move into Executive Session by Councilor McPhail
Second by Councilor Godwin.

Vote

Councilor Godwin-aye
Councilor McPhail-aye
Councilor Murdock-aye
Councilor Escoffier-aye
Councilor Baker-aye
Vice Mayor Moore-aye
Mayor Jenkins-aye

Motion passes 7-0

Council convened into Executive Session at 9:25.

- **RECONVENE OPEN SESSION**

On a **motion** by Vice-Mayor Moore seconded by Councilor McPhail, Council voted to enter into an agreement with Strategic Government Resources for Town Manager Recruitment

Vote

Councilor Godwin-aye

Councilor McPhail-aye
Councilor Murdock-aye
Councilor Escoffier-aye
Councilor Baker-aye
Vice Mayor Moore-aye
Mayor Jenkins-aye

Motion Passes 7-0

16. Adjournment

Without objection Mayor Jenkins adjourned the meeting.

Mayor Dee Jenkins

Attest: Town Clerk Cindy Pemberton

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 February 1, 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2023.

Cindy Pemberton, Town Clerk

[Page intentionally left blank]



Agenda Item Submission Form – Section I

Meeting Date:

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

Requesting Department: *Town Manager and Town Clerks office*

Staff Resource/Contact Person: *Gayle Mabery and Cindy Pemberton*

Agenda Title (be exact): *Discussion, consideration and possible appointment of the (7) seven members to the Parks and Recreation Commission.*

List Attached Documents: *None*

Estimated Presentation Time: *5 Minutes*

Estimated Discussion Time: *5 Minutes*

Reviews and comments Completed by:

- Town Manager: Gayle Mabery Department Head: Cindy Pemberton
- Town Attorney Comments: _____
- Risk Management: _____
- Finance Department
Fiscal Impact:
Budget Code: _____ Amount Remaining: _____
Comments: _____

Background Information: *The Parks and Recreation Commission was created by the adoption of Resolution 2022-1099 in November 2022. The appointments contemplated tonight will be the appointments to this newly created Commission. To advertise the opportunity to apply for a seat on the Commission, the Clerk’s Office ran a display ad for two weeks in the Verde Independent, and placed the ad on the Town’s website and Facebook. Letters of Interest were accepted by the Clerk’s Office until December 23, 2022 and then re-opened until filled.*

Ultimately, the Clerk’s Office received twelve (12) applications from: Candra Faulkner, Rebecca Wilborn, Nancy Harrison, Dennis Harrison, Jeffrey Noonan, Dave Grondin, Jerry Morris, Sheri Flowers, Karen Lea Wade, Mary Hughes, Sandy Boaz and Glenda Duncan.

The Town Manager's Subcommittee for Board and Commission Appointments interviewed Parks and Recreation Commission applicants on January 24th and 30th, 2023. Members of the Subcommittee included Councilors Baker, Escoffier and McPhail, Town Clerk Pemberton and Parks & Recreation Manager Marshall.

On completion of the interviews, the Subcommittee agreed to recommend the following applicants for appointment to the seven vacant seats on the Commission:

**Glenda Duncan
Candra Faulkner
Dave Grondin
Mary Hughes
Jerry Morris
Jeffrey Noonan
Karen Wade**

Please note that the Resolution that created the Commission states the following:

"Upon first appointment of the Parks and Recreation Commission of the Town, they shall, at their first meeting, divide themselves into three (3) classes, three (3) members to serve one (1) year, two (2) members to serve two (2) years, and two (2) members to serve three (3) years."

Should the Council elect to follow the recommendation of the Town Manager's Subcommittee, the recommended action is listed below.

Recommended Action (Motion):

Move to Appoint Glenda Duncan, Candra Faulkner, Dave Grondin, Mary Hughes, Jerry Morris, Jeffrey Noonan and Karen Wade to the Parks and Recreation Commission.

Instructions to the Clerk: None



Agenda Item Submission Form – Section I

Meeting Date: Town Council: Wednesday February 15, 2023

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation Pre-Session Agenda

Requesting Department: Community Development

Staff Resource/Contact Person: Cory Mulcaire, Planner

Agenda Title: Discussion, consideration and possible approval of Resolution 2023- 1103, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, approving Use Permit 20220782 for the purpose of developing a power utility substation, located on parcel 403-23-006Y comprising approximately 5.98 acres, situated in a C-3 (Commercial: Heavy Commercial) District, on N. Commonwealth Drive, Camp Verde, Yavapai County, Arizona.

List Attached Documents:

- A. Resolution No. 2023-1103
- B. Letter of Intent from APS (Applicant)
- C. Site Plan
- D. Relevant Zoning Ordinance Sections
- E. Current GIS
- F. Application with Affidavit of Neighborhood Meeting
- G. Planning and Zoning Commission Draft Minutes Excerpt

Estimated Presentation Time: 5 minutes

Estimated Discussion Time: 10 minutes

Reviews Completed by:

X Department Head: John Knight

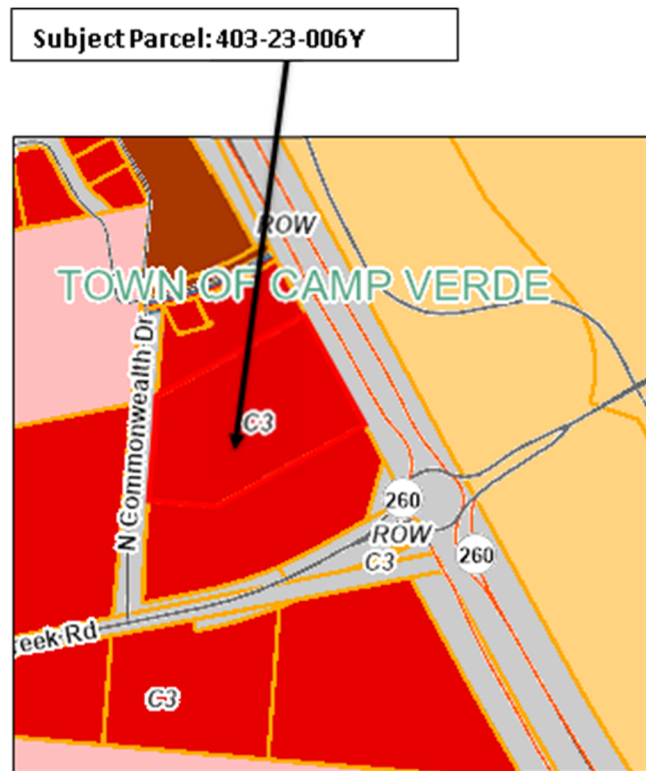
X Town Attorney Comments: Trish Stuhan, January 30, 2023, via email

Finance Department N/A
Fiscal Impact: None
Budget Code: _____ **Amount Remaining:** _____
Comments:

Recommendation from Planning and Zoning Commission: On Thursday, January 19, 2023, the Town of Camp Verde Planning and Zoning Commission unanimously recommended approval to the Mayor and Common Council of a Use Permit for a power utility substation for an indefinite period of time on the subject parcel.

Executive Summary: APS has submitted an application for a Use Permit to build a new substation in order to provide enhanced electrical power service the Town of Camp Verde and surrounding areas. Section 203.H. of the Zoning Ordinance requires a Use Permit for “Government facilities and facilities required for the provision of utilities and public services.” (see Attachment D).

This new substation is being designed to provide power to our growing community. It is anticipated this new substation will be completed late 2024 or early 2025. The current APS infrastructure is at its maximum capacity. Until this substation is completed, any new business or development is being provided a “Will Serve” letter which limits their available power to 400 amps.



Background Information: The Cherry Creek Substation is a project by Arizona Public Service (APS) to construct a new energy facility and its associated site improvements. The substation build-out will provide load and power supply for current and new development in the Town of Camp Verde, the Yavapai Apache Nation (YAN) and surrounding areas.

The subject parcel was recently created and sold to APS by Purple Acorn, LLC (commonly known as FrameTec) and is zoned C3. The substation yard occupies an

area that is approximately 350' x 350'. Access to the site will be through two (2) 25-foot-wide driveways off N. Commonwealth Drive.

For security purposes, a 10' tall precast- concrete wall will surround the facility. Please note that our current ordinances would only allow an eight-foot-high fence. However, there is an ordinance amendment in process that would allow a fence height exemption up to ten feet for a public utility. While we received no concerns for this amendment at the Planning Commission, and we anticipate that the amendment will be approved by the Council, if it is not, then the existing ordinance will be applied.

Storm drainage will be contained in an on-site detention basin.

There will be no offices, restroom facilities or staff at the site. The facility will primarily be a remote operated and monitored substation. APS staff will come and go as needed to provide necessary maintenance.

Discussion: There are two sections with our current Planning and Zoning Ordinance which regulate these type of facilities;

- A. Section 203 - Use Districts, specifically subsection 203.H.3.a (C-3 Zoning Criteria), requires utility companies to obtain a Use Permit for their facilities (see Attachment D); and
- B. Section 601 – Zoning Decisions, specifically 601.C provides the guidance on the application and approval process for all Use Permits (see Attachment D).

The following have been completed by staff:

- Neighborhood meeting was held by applicant on September 28, 2022; no one attended.
- On December 13, 2022, the Town mailed notice of the proposed hearing to all parcels within 300' of this subject property.
- A public hearing notice was placed in the Verde Independent Newspaper on January 1, 2023, and January 4, 2023.
- A meeting agenda was posted at Town Hall and Bashas' on January 12, 2023.
- A Public Hearing was held at the Planning and Zoning Commission on January 19, 2023. (See Attachment G).
- Staff received email approval of Resolution 2023-1003 from Town Attorney on January 30, 2023.

Recommended Action (Motion): Motion to approve Resolution 2023-1103, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, approving Use Permit 20220782 for the purpose of developing a power utility substation, located on parcel 403-23-006Y comprising approximately 5.98 acres, situated in a C-3 (Commercial: Heavy Commercial) District, on N. Commonwealth Drive, Camp Verde, Yavapai County, Arizona.

ATTACHMENT A



RESOLUTION NO. 2023-1103

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, APPROVING USE PERMIT 20220782 FOR THE PURPOSE OF DEVELOPING A POWER UTILITY SUBSTATION, LOCATED ON PARCEL 403-23-006Y COMPRISING APPROXIMATELY 5.98 ACRES, SITUATED IN A C-3 (COMMERCIAL: HEAVY COMMERCIAL) DISTRICT, ON N. COMMONWEALTH DRIVE, CAMP VERDE, YAVAPAI COUNTY, ARIZONA.

WHEREAS, the Planning & Zoning Ordinance and Subdivision Regulations, provide criteria under Section 601.C, Zoning Decisions, Use Permit Approvals, for the orderly use of the land in conformity with the General Plan and Town standards; and

WHEREAS, a request for approval of Use Permit 20220782 was filed by Ryan Weed, who is the agent for Arizona Public Service Company (APS), owners of parcel 403-23-006Y; and

WHEREAS, the purpose of the Use Permit is to develop an APS Substation, which requires the approval of a Use Permit within a C-3 District, in accordance with Section 203.H.3.a, Use Districts, and subject to the criteria in Section 601.C, Zoning Decisions, Use Permit Approvals; and

WHEREAS, a neighborhood meeting was held by the applicant on September 28, 2022, that was advertised and posted according to state law; and

WHEREAS, the request was reviewed by the Planning and Zoning Commission in a Regular Session on January 19, 2023, in a public hearing that was advertised and posted according to state law, a 300-foot notice was mailed out to neighbors on December 13, 2022, a public hearing notice was posted in the Camp Verde Bugle on January 1 and 4, 2023; and the site was posted on January 4, 2023; and

WHEREAS, the Planning and Zoning Commission provided a recommendation to the Mayor and Common Council of approval to proceed with the Use Permit, with assurance of compliance with the General Plan and Planning and Zoning Ordinance, upon completion of the conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE:

- A. The Council finds that the use covered by the Use Permit, the manner of its conduct, and any structure which is involved, will not be detrimental to persons residing or working in vicinity to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in conformity with any conditions, requirements, or standards prescribed by the Town Code or Council.
- B. The Council finds that the Use Permit is valid and operable for an indefinite period for the use of a power utility substation, and that no use may be modified, changed, altered or increased in intensity, in any manner that conflicts with the Use Permit and/or required

conditions of approval, without approval of a new Use Permit.

- C. The proposed Use Permit is in conformity with the Town of Camp Verde General Plan and Planning and Zoning Ordinance and is hereby approved for an indefinite period of time and in accordance with the site plan shown in exhibit A.

PASSED AND APPROVED BY A MAJORITY OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA, ON THIS 15th DAY OF FEBRUARY 2023.

Dee Jenkins, Mayor

Attest:

Approved as to form:

Cindy Pemberton, Town Clerk

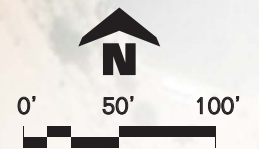
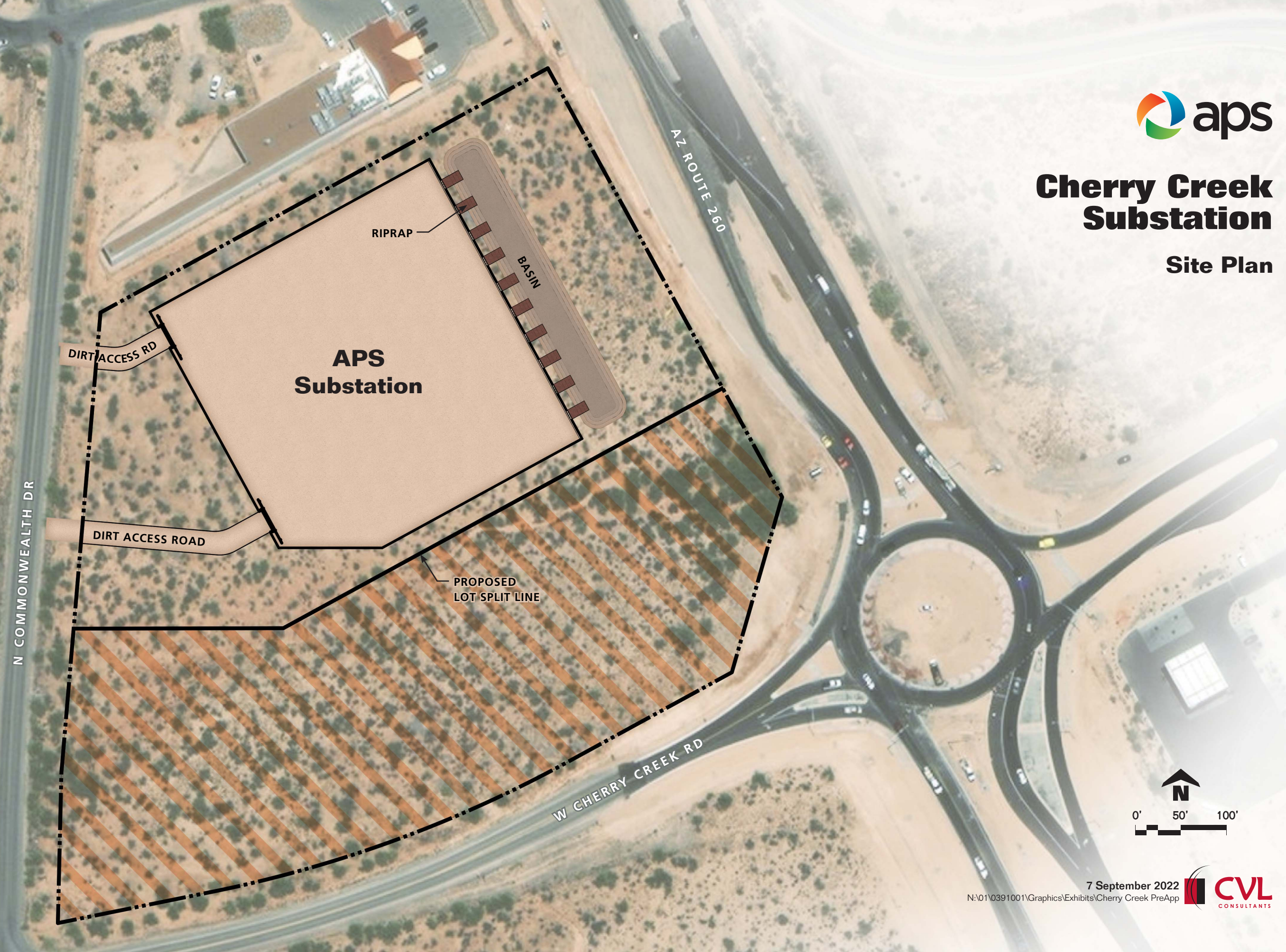
Trish Stuhan-Town Attorney

EXHIBIT A



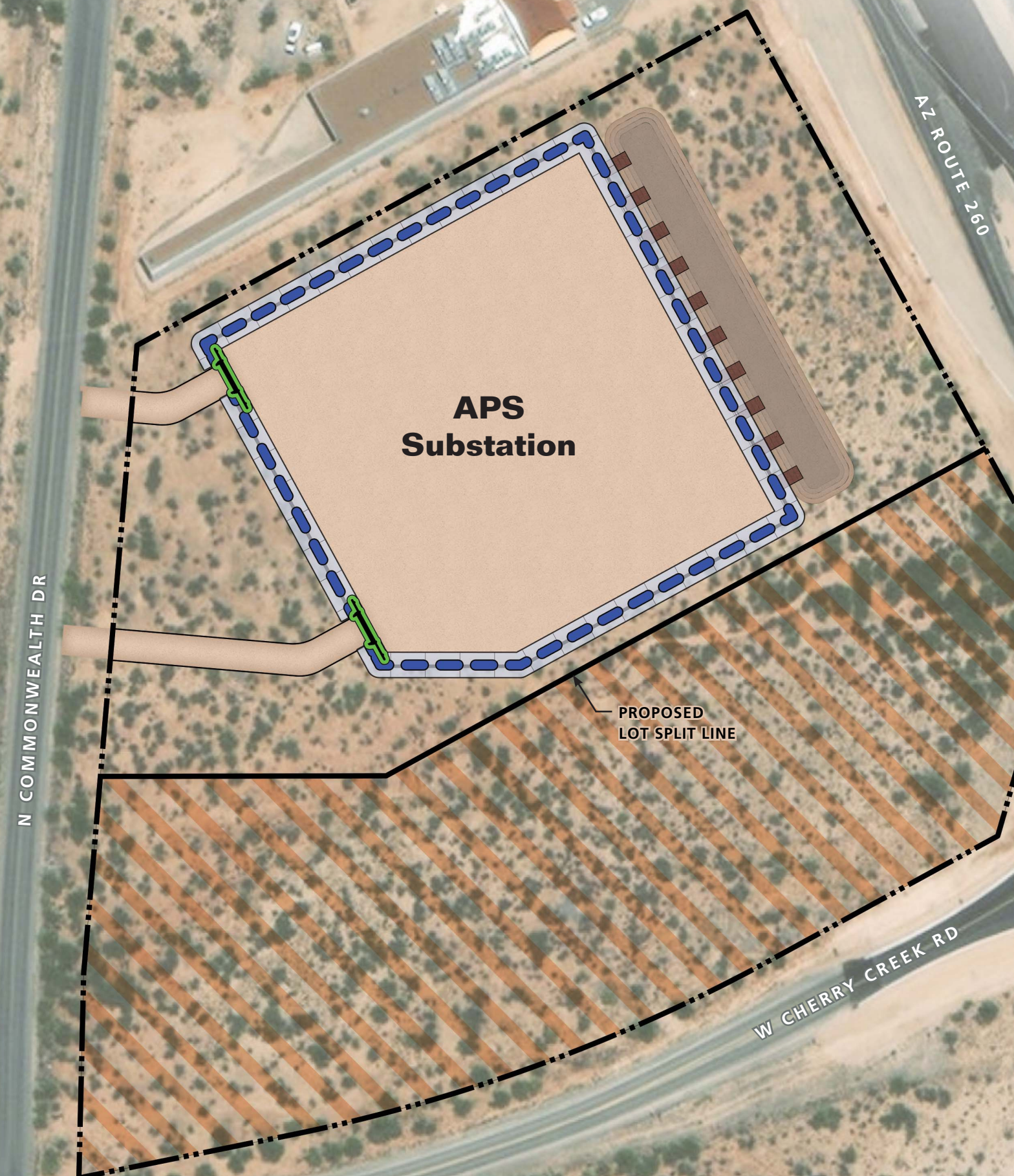
Cherry Creek Substation

Site Plan

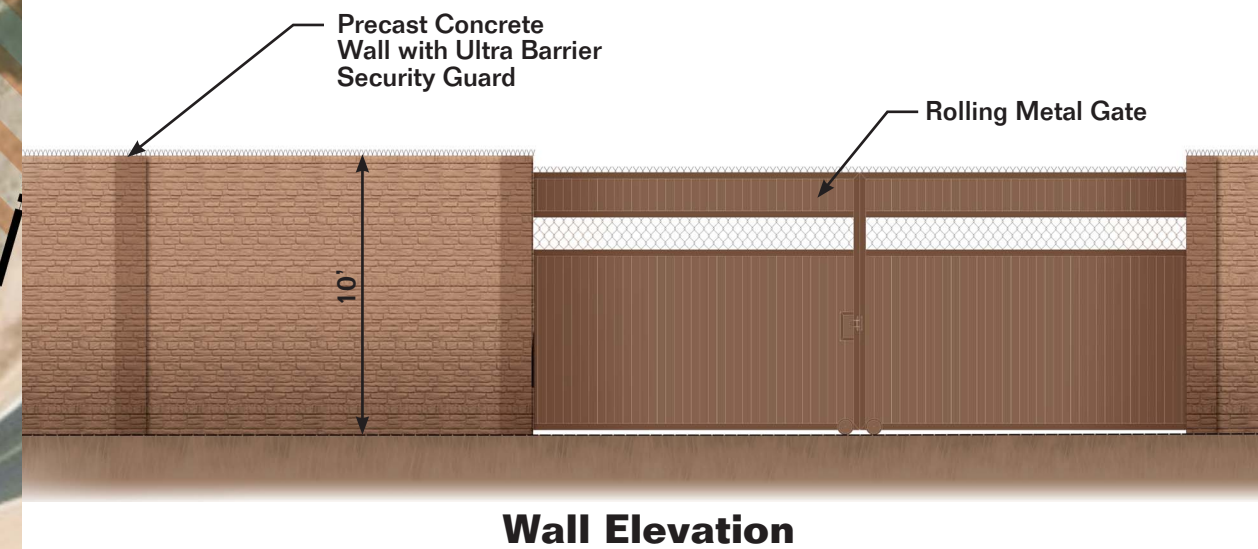


Cherry Creek Substation

Wall Plan



LEGEND	
	Wall
	Gate
	Retaining Wall



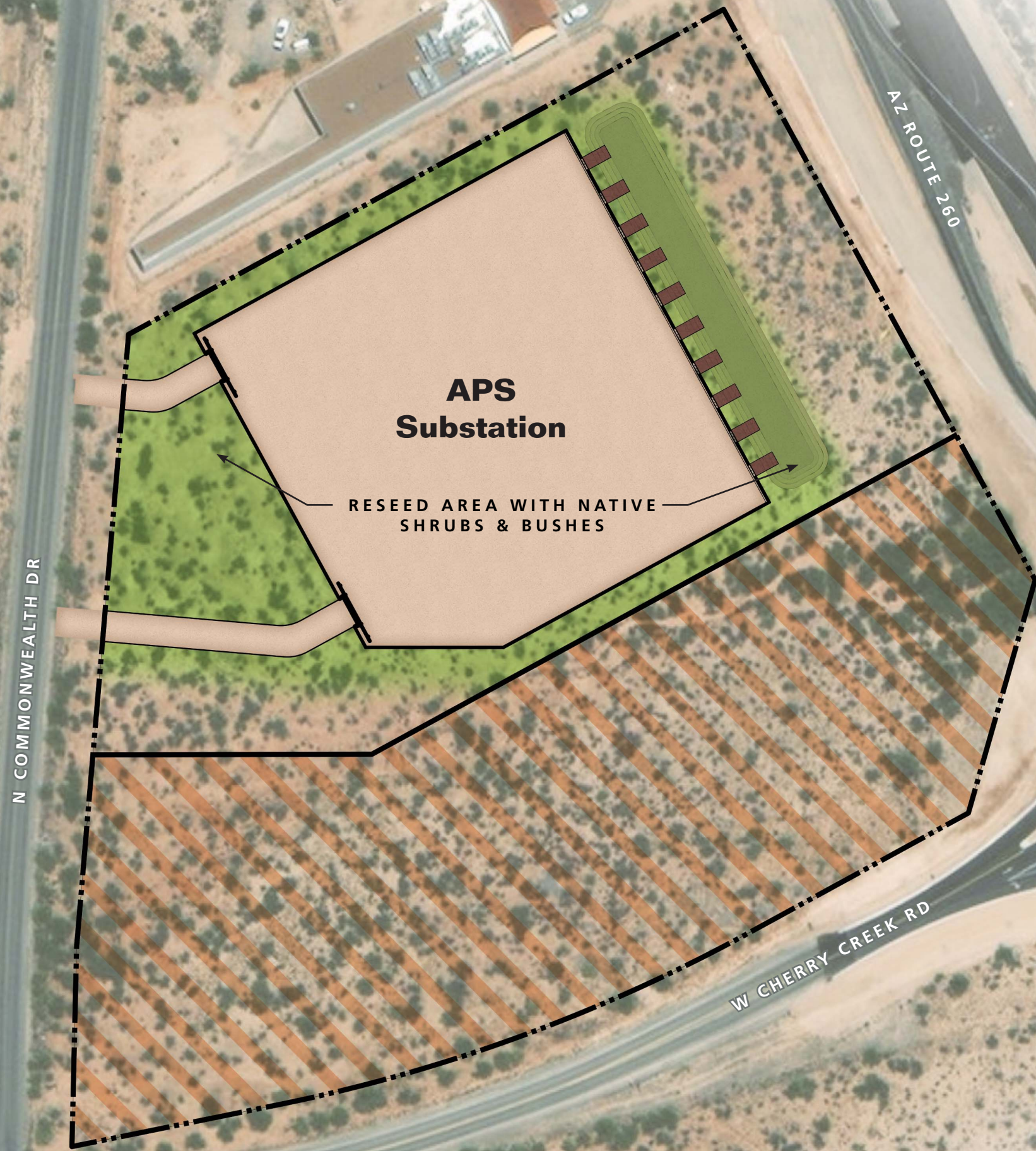
Wall Elevation





Cherry Creek Substation

Landscape Plan



ATTACHMENT B

NARRATIVE



January 9, 2023

To: Town of Camp Verde
Planning and Zoning
Department

Project Name: APS Cherry Creek Substation
Project Number: 1.01.0391001

From: Ryan Weed, P.E. - CVL

Re: Letter of Intent

Arizona Public Service Company (APS), has requested CVL begin the Site Plan and Construction Plan submittal process for the attached new substation project. The substation is physically located within the Town of Camp Verde. The access driveway enters from N. Commonwealth Drive. N. Commonwealth Drive is located within the Town of Camp Verde jurisdiction. We are submitting this project to the Town as a courtesy and for input on any roadway requirements for N. Commonwealth Drive. Ultimately we will submit the construction plans for the proposed driveways for DSD review, approval, and permits.

The Cherry Creek Substation is a project for Arizona Public Service (APS) to construct new energy facilities and associated site improvements. A new 10 foot tall (minimum) ballistic perimeter site wall will be designed and constructed to provide site security. The substation buildout will serve to provide load and power supply for new development surrounding the substation.

The new substation is proposed on a part of undeveloped land, parcel number 403-23-006T owned by Purple Acorn LLC and zoned C-3. The substation yard occupies approximately 350' x 350' area. There will be two 25-foot wide driveways proposed off N. Commonwealth Drive to access the substation.

The existing site slopes from northwest to southeast. The drainage patterns are proposed to remain. The retention is planned for 100yr/2hr storm on the east side of the proposed substation with the outfalls through openings in easterly perimeter wall.

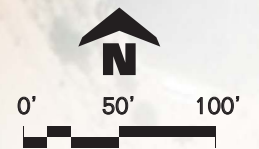
The approximate trip generation to the proposed substation will be equal to two trips per week and is not expected to increase, as the facility is remotely operated and monitored. Only occasion maintenance will be needed.

ATTACHMENT C



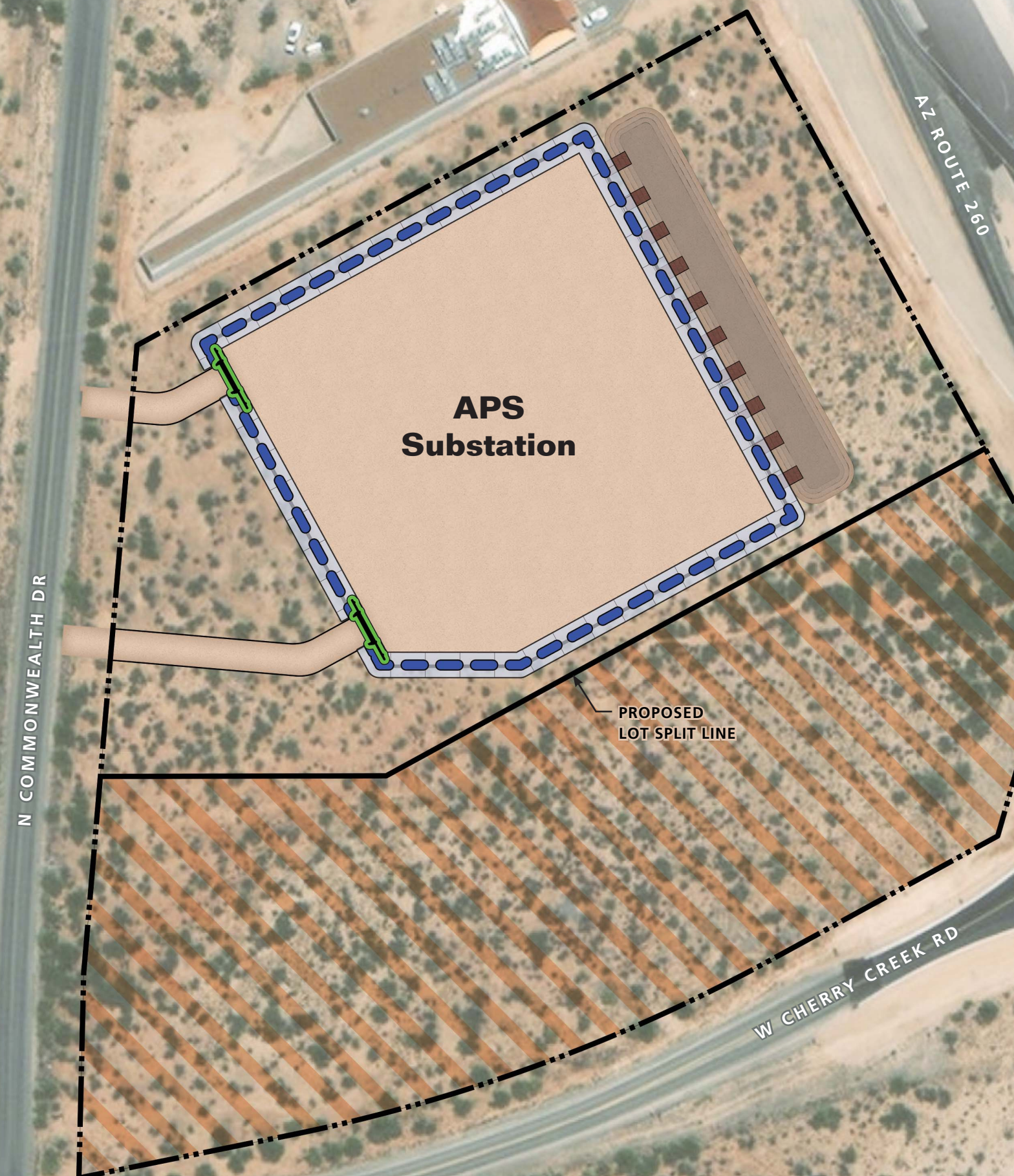
Cherry Creek Substation

Site Plan

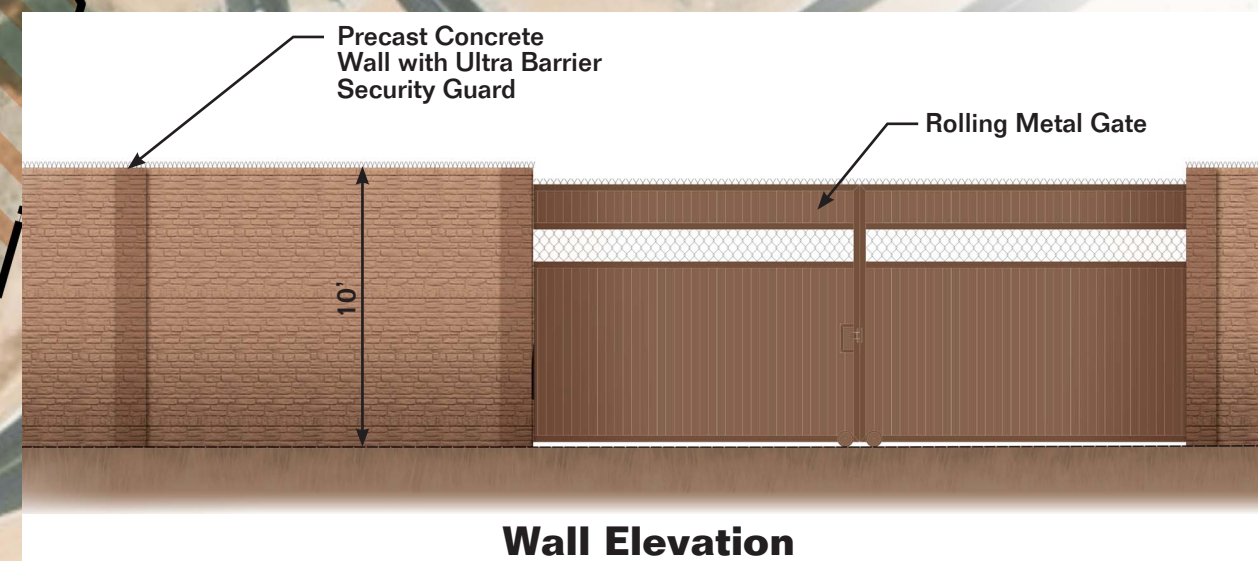


Cherry Creek Substation

Wall Plan



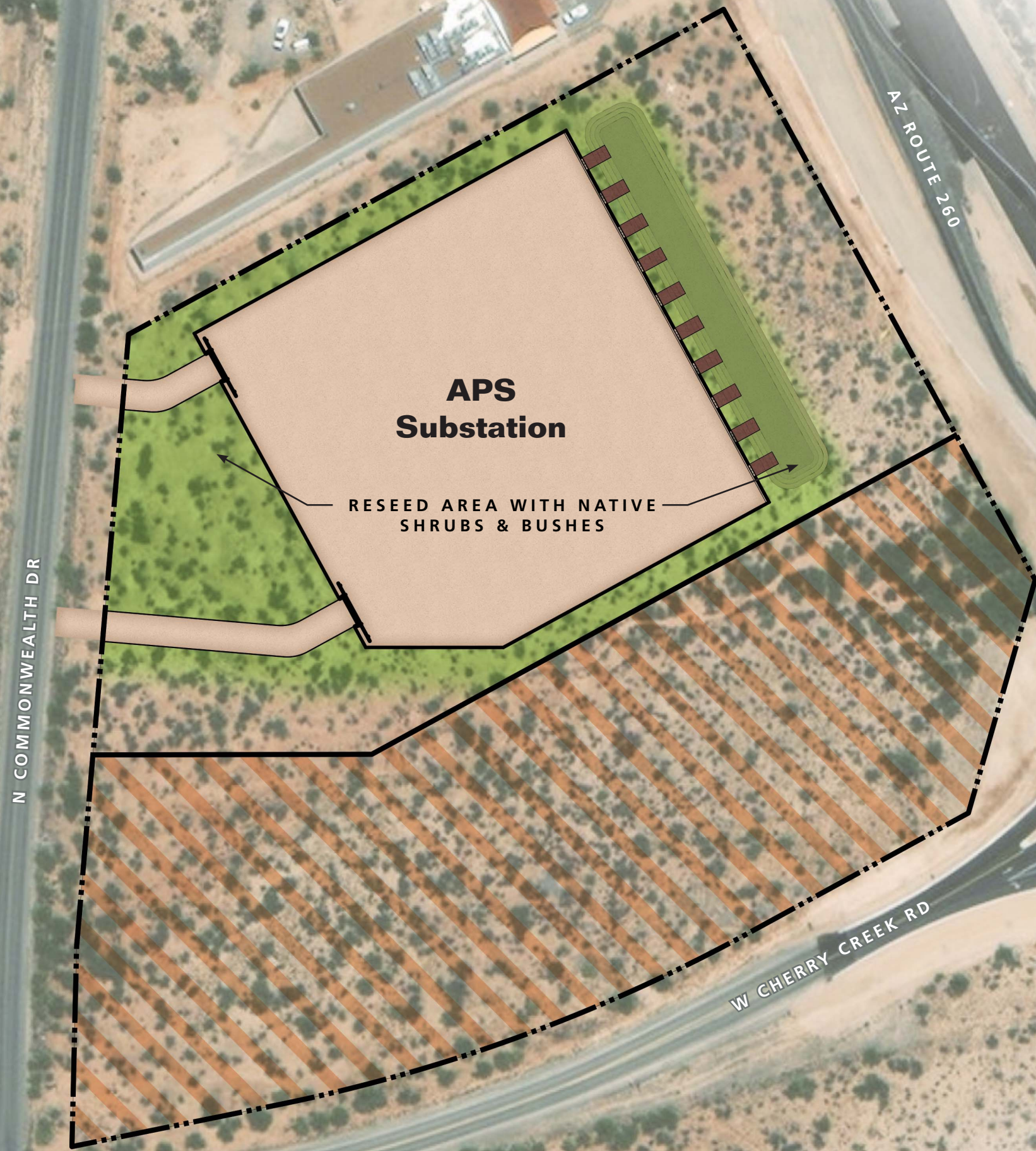
LEGEND	
	Wall
	Gate
	Retaining Wall





Cherry Creek Substation

Landscape Plan



ATTACHMENT D

C3 DISTRICT (Commercial: heavy commercial)

1. Purpose:

The C3 District is intended to accommodate a broad range of commercial sales and service uses, excluding certain activities and operations for which Industrial District zoning (PM, M1, M2) is required.

2. Permitted Uses and Structures:

- a. Agriculture and cultivation.
- b. Antique Sales.
- c. Assembly, construction and processing plants.
- d. Automobile & machinery sales. (See Section 309 for outside display requirements.)
- e. Automobile repair (heavy) (Ord 2015 A407).
- f. Automobile repair (light).
- g. Automotive service stations.
- h. Automobile Storage Yard.
- i. Baking and confection cooking for on-site sale only.
- j. Bars, tap rooms and nightclubs.
- k. Body and fender shops including a paint booth within closed building.
- l. Bottling plants confined to closed building.
- m. Bowling alleys and poolrooms.
- n. Business offices, banks and similar; including drive-through.
- o. Caretaker Living Quarters (Manufactured, Modular or Site Built.) Mobile Homes Prohibited (See Part 3 Section 306.B.1.b.3).
- p. Cleaning and dyeing plants within closed building.
- q. Commercial art galleries.
- r. Commercial ballrooms, arenas, gymnasiums, rinks, pools and indoor shooting galleries.
- s. Commercial bath and massage.
- t. Commercial parking facilities.
- u. Community parks, playgrounds or centers.
- v. Custom service and craft shops.
- w. Custom tire recapping.
- x. Custom warehouses within closed building and not including animals.

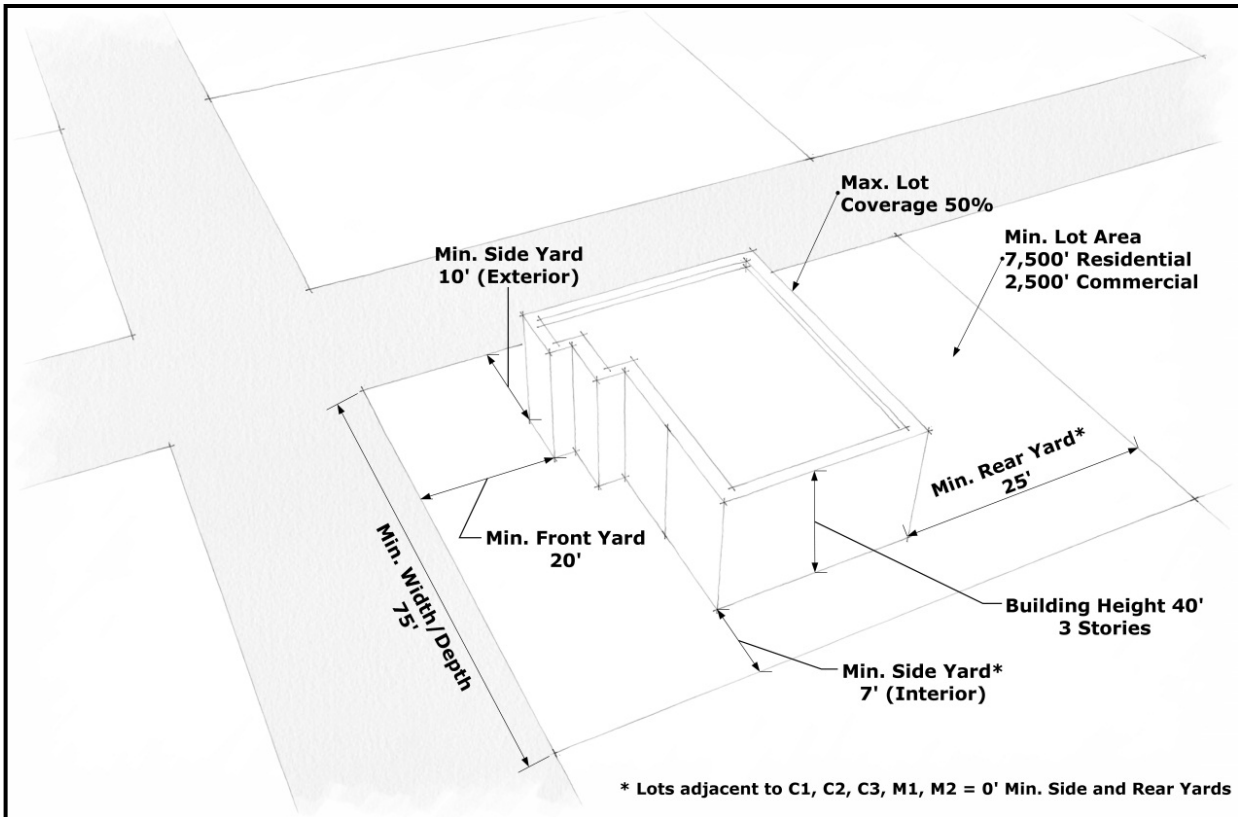
- y. Dancing, art, music, business and trade schools (including permission for public recitals, concerts and dances).
- z. Educational institutions (including private schools, provided they offer curriculum of general instruction comparable to similar public schools).
- aa. Flood control facilities.
- bb. Frozen food lockers
- cc. Golf courses with accessory uses such as pro shops, shelters, rest rooms.
- dd. Historical Landmarks.
- ee. Hospitals, clinics, sanitariums, nursing homes and assisted living care facilities (intermediate, extended and long-term) for the care of humans.
- ff. Hotels and motels with five or more guest rooms.
- gg. Keeping of farm animals, limited (See Section 305).
- hh. Launderettes (limited to machines not exceeding 25 pounds capacity according to manufacturer's rating).
- ii. Lumber yards (prohibiting sawmill operations).
- jj. Medical Marijuana Dispensary (See Part 3 Section 304), (Definition: See Part 1 Section 103)
- kk. Miniature golf establishment.
- ll. Mortuary.
- mm. Nursery schools; day care centers (child or adult).
- nn. Offices wherein only professional, clerical or sales services (such as real estate or insurance) are conducted.
- oo. Open land carnival and recreation facilities (religious & educational institutions).
- pp. Other accessory uses commonly associated with primary permitted use (See Section 301 C).
- qq. Personal services.
- rr. Pet shops within a closed building.
- ss. Private clubs and lodges operated solely for the benefit of bona fide members.
- tt. Public auction within closed building.
- uu. Religious institutions (in permanent buildings).
- vv. Restaurants and cafes, including drive-through.
- ww. Retail sales.
- xx. Sales (retail and wholesale) and rentals.
- yy. Storage Facility.
- zz. Theaters, auditoriums, banquet and dance halls.

- aaa. Transportation terminal and transfer facilities within closed building.
 - bbb. Veterinary services.
 - ccc. Water distillation and bottling for retail sales only.
 - ddd. Microbreweries or Wineries for the manufacture and processing of beer or wine respectively for onsite consumption or wholesale distribution with the following limitations:
 - 1. All such manufacturing and processing actively shall be conducted within a completely enclosed building along with all materials used for the manufacture – processing. Products ready for shipping must be stored within a closed building.
 - 2. A microbrewery in the C3 District may process and produce up to 300,000 U.S. Gallons of beer per year.
 - 3. A winery in the C3 District may process and produce up to 36,000 U.S. gallons of wine per year.
3. **Uses and Structures Subject to Use Permit**
- a. **Government facilities and facilities required for the provision of utilities and public services.**
 - b. Outdoor recreation or assembly facilities.
 - c. Mobile/manufactured home and recreational vehicle parks subject to the requirements of Section 306.
 - 1) Notwithstanding the foregoing, in the event a Planned Area Development (PAD) District is established per Section 203, this use may be included in any Development Plan thereunder and approved without being subject to a Use Permit application and hearing procedures set forth in Section 601.
 - d. Transmitter stations and towers for automatic transmitting.
 - e. Revival tents and similar temporary operations (See Section 601.D).
 - f. Temporary Use Permits, subject to administrative approval (See Section 601.C):
 - 1) Occupancy of temporary housing, including travel trailers, during the construction of a permanent dwelling is allowed during the 12-month period after issuance of a building permit.
 - 2) Model homes, temporary offices (construction and pre-construction sales offices/showrooms), construction sheds and yards incidental to a recorded residential development or other construction project (subject to District setbacks) for a period not to exceed 12 months.
 - g. Cemeteries for human or animal internment (See Section 308).
 - h. Public stables, livestock breeding, boarding and sales.

Table 2-8: C3 Dimensional Standards

Zoning District	"C3"
Minimum Lot Area (sq.ft.)	7,500' Res., 2,500' Com.
Minimum Area/Dwelling (sq.ft.)	1 Caretaker d.u. only
Minimum Width OR Depth (feet)	75'
Maximum Bldg Ht (stories)	3
Maximum Bldg Ht (feet)	40'
Maximum Lot Coverage (%)	50%
Minimum Front Yard (feet)	20'
Minimum Rear Yard (feet)	0' (25' adjacent to residential zones)
Minimum Side Yard Interior (feet)	0' (7' adjacent to residential zones)
Minimum Side Yard Exterior (feet)	10'

Figure 2-8: C3 Dimensional Standards



- b. The applicant or an appointed representative shall conduct a neighborhood meeting designed to inform adjoining residents and property owners about the proposed zone change, specific plan application or Use Permit.
 - c. At least 15 days prior to the scheduled neighborhood meeting, the applicant shall notify all property owners within 300 feet of the subject site by first class mail and post the actual property with meeting date and time. The notification shall include the date, time and place for the neighborhood meeting, as well as a description of the proposed land uses. The applicant shall provide an affidavit attesting to this notification being accomplished.
 - d. It is the responsibility of the applicant or their representative to conduct the meeting, provide an opportunity for a question and answer period by the audience, and identify a point of contact to the public for follow-up questions and comments.
 - e. The applicant shall prepare a written summary of the meeting by way of affidavit, including a list of attendees and the issues and concerns discussed and submit a copy of the summary, with a photo of the posting on the property and a copy of the meeting announcement letter, to the Planning Department within 15 days after the neighborhood meeting.
4. **Zoning Ordinance text amendments:** If the Town adopts any zone change or any amendment that imposes any regulation not previously imposed or that removes or modifies any such regulation previously imposed, it must comply with the citizen review process as set forth in ARS §9-462.03, as may be amended, and the public hearing notice procedures set forth in ARS 9-462.04.A as may be amended.

B. Site Plan Review and Development Standards

Key to obtaining compliance with the regulations of this ordinance and achieving the objectives of the Town's General Plan is the administrative review of Site Plans for new development as regulated in Part 4 Development Standards. The Site Plan entails preparation of drawings for proposed uses and buildings that conform to the Development Standards, depicting adequate grading/drainage and Appearance Compatibility (Section 402), landscape and screening (Section 402), parking and loading (Section 403), signs (Section 404) and outdoor lighting (Section 405) as required in these regulations.

The Site Plan Review process is administered by the Community Development Department in conjunction with other Town departments. The Community Development Director is authorized to approve minor modifications to strict adherence of zoning regulations due to physical constraints of the project site. Appeals may be scheduled for hearing by the Board of Adjustment and Appeals. Major development projects may also be referred to the Commission and Council for a hearing, review and approval, which hearing and review process is mandatory if so stipulated by prior Council action such as rezoning or PAD approval.

For non-residential and multi-family developments as described in Section 400B, additional review of Appearance Compatibility Drawings is required (Section 402 C). Appearance Compatibility Drawings are reviewed by Town staff simultaneously with the Site Plan Review process, in accordance with the process specified in Section 400C.

C. Use Permit Approvals

Use Permits are provided to ensure the orderly use of land in conformance with the General Plan and applicable Town standards where uses are proposed that may require special limitations or conditions to provide compatibility with other uses. The application for Use Permit approval is applicable to those uses that are specifically listed as "Uses and Structures Subject to Use Permit" in each Zoning Use District in Part Two Section 203.

1. Review and Approval

- a. Use Permits will be granted only upon a finding by the Council that the use covered by the permit, the manner of its conduct, and any structure which is involved, will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in conformity with any conditions, requirements, or standards prescribed by the Town Code or Council.
- b. Use Permits may contain specific limitations on the scope, nature and duration of the use, as deemed proper in accordance with the following criteria:
 - 1) Any significant increase in vehicular or pedestrian traffic;
 - 2) Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - 3) Contribution to the deterioration of the neighborhood or to the downgrading of property values which, is in conflict with goals, objectives or policies of the General Plan;
 - 4) Compatibility with existing surrounding structures and uses; and
 - 5) Adequate control of disruptive behavior both inside or outside the premises, which may create a nuisance to the surrounding area or general public.
- c. The burden of proof for satisfying the above requirements shall rest with the applicant. A refusal of a Use Permit shall not be interpreted as the denial of right, conditional or otherwise.
- d. Where an application involves a definite development scheme, the applicant must submit a layout and landscape plan, building elevations and other pertinent data as may be requested, and the Council may condition the Use Permit to fully carry out the provisions and intent of the Zoning Ordinance.
- e. The Use Permit is valid and operable only for the specific use as granted and subject to any specified time limit. No use may be modified, changed, altered or increased in intensity, in any manner that conflicts with the Use Permit and/or required conditions of approval, without approval of a new Use Permit.


Within 30 days of any change, permittees shall notify the Community Development Department of any changes.

2. Duration and Voiding of Use Permit

- a. To secure the objectives of this Zoning Ordinance, Use Permits may be for a fixed time period, and a Use Permit does not grant a vested right beyond the term of the permit.
- b. The permittee must obtain building permits within six months from the date the Use Permit was issued. Failure to obtain a building permit or begin the use shall void the permit unless a delay to start the construction has been granted or an extension has been applied for with the Community Development Director prior to the expiration of the six-month period. Additional extensions must go to Council.
- c. If the use or uses for which a Use Permit has been granted are discontinued for a continuous period of six months, the Use Permit is voided.
- d. Violation of the terms of the Use Permit or this Zoning Ordinance voids the Use Permit.
- e. Decisions by the Community Development Director, which result in the voiding of the Use Permit, may be appealed to the Board of Adjustment and Appeals; subject to an application for appeal being on file in the Community Development Department within 30 days of notification of the Use Permit being voided.

ATTACHMENT E

Yavapai County Print Parcel

	Parcel ID	Check Digit	
	403-23-006Y	4	
	Owner	Arizona Public Service Company	
	Owner's Mailing Address	PO Box 53933 Phoenix, AZ 85072-3933	
	Secondary Owner		
	Recorded Date	N/A	
	Last Transfer Doc Docket	Last Transfer Doc Page	
	N/A	N/A	
Physical Address	Incorporated Area		
3425 W State Route 260	Town of Camp Verde		

Assessor Acres	Subdivision	Subdivision Type
5.98	N/A	N/A
School District	Fire District	
Camp Verde Unified SD #28	Copper Canyon Fire And Medical	
Improvements (0)	Local Zoning	
No Improvements found.	Town Of Camp Verde C3	

Assessment
Starting with the 2015 tax year, the Limited Property Value is the only value considered for taxation purposes, the Full Cash Value is no longer used for taxation.

Tax Year	2023	2022
Assessed Value(ALV)	\$15,581	\$
Limited Value(LPV)	\$103,874	\$0
Full Cash(FCV)	\$324,861	\$0
Legal Class	Vacant or Other	Mixed
Assessment Ratio	15%	0%
Usage Code	0021 ?	N/A ?

Taxes	2022 Taxes Billed
Tax Area Code	
2877	\$

Recorded Documents & Sales (1)			
Date	Book/Page	Type	Cost
10/7/2022	2022-0060100	Special Warranty Deed	\$11,750,000

Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. Users should independently research, investigate and verify all information.

By using this website, the user knowingly assumes all risk of inaccuracy and waives any and all claims for damages against Yavapai County and its officers and employees that may arise from the use of this data and agrees to indemnify and hold harmless Yavapai County and its officers and employees to the fullest extent permitted by law. By using this website, the user also agrees that data and use of this website may not be used for commercial purposes.

ATTACHMENT F



Land Use Application Form

1. Application is made for:

- | | | |
|---|---------------------|----------------------|
| Zoning Map Change | Use Permit | Temporary Use Permit |
| Conceptual Plan Review | Preliminary Plat | Final Plat |
| PAD Final Site Plan Review | Variance | Appeal |
| Street Abandonment | Minor Land Division | Wireless Tower |
| Administrative Review | Lot Line Adjustment | Zoning Verification |
| Development Standards Review (Commercial) | Other: _____ | |

2. Project Name: APS - Cherry Creek Substation

3. Contact information: (a list of additional contacts may be attached)

Owner Name: <u>APS - Arizona Public Service</u>	Applicant Name: <u>Ryan Weed</u>
Address: <u>PO Box 53933, STA: 3016</u>	Address: <u>4550 N. 12th St.</u>
City: <u>Phoenix</u> State: <u>AZ</u> Zip: <u>85072</u>	City: <u>Phoenix</u> State: <u>AZ</u> Zip: <u>85014</u>
Phone: <u>602-371-5120</u>	Phone: <u>602-285-4730</u>
E-mail: <u>rafael.balderram@aps.com</u>	E-Mail: <u>rweed@cvlc.com</u>

4. Property Description: Parcel Number 403-23-006T Acres: 11.47

Address or Location: NW Corner of AZ Route 260 & W. Cherry Creek Rd. Intersection

Existing Zoning: C3 Existing Use: Commercial

Proposed Zoning: C3 Proposed Use: _____

5. Purpose: (describe intent of this application in 1-2 sentences)

The development of a new APS Substation to provide load and power supply for new development in the surrounding areas.

6. Certification:

I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action. I have also attached a completed Permission to Enter form for consent to access the property regarding this action.

Owner: [Signature] Date: 9/21/22

I certify that the information and attachments I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all materials and fees required by the Town of Camp Verde must be submitted prior to having this application processed.

Applicant: Ryan Weed Date: _____

Digitally signed by Ryan Weed
DN: cn=Ryan Weed, o=Coe & Van Loon, ou,
email=rweed@cvlc.com, c=US
Date: 2022.09.19 13:42:05 -0700

Affidavit

I, Ryan Weed, owner/agent of parcel 403-23-006T have notified the neighbors within 300' of above property, by sending letters on September 9, 2022 to notify them of the neighborhood meeting that I conducted on the 28th day of September 2022.

I posted my property with meeting the date, time, and place, on the 28th day of September 2022, and taken a photograph of such posting.

I, Ryan Weed, owner/agent of parcel 403-23-006T will provide a summary of neighborhood meeting I conducted to the Planning & Zoning Department of Camp Verde with the associated application submittal, attesting to the issues and concerns discussed at the above neighborhood meeting.

Summary

Statement: One neighbor, Leslie Freeland, called in to discuss the electrical service and appearance of the proposed substation. Ryan Weed mentioned that the wall colors are designed to blend with the existing terrain of the surrounding areas, and that APS expects the substation to power future projects for several years to come.

If Summary statement is too long, attach a copy.

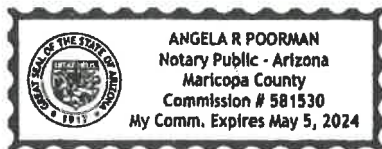
State of Arizona }

County of ~~Yavapai~~ Maricopa

[Signature]
Signature of Document Signer No. 1

Signature of Document Signer No. 2

Subscribed and sworn to (or affirmed) before me this 29th day of September 2022.



[Signature]
Signature of Notary

September 13, 2022



Ryan Weed
Coe & Van Loo Consultants, Inc.
4550 N. 12th Street
Phoenix, AZ 85014
602-285-4730

Re: APS – Cherry Creek Substation
±11.47-acres at 3425 W. State Route 260, Camp Verde, Arizona (APN #403-23-006T)

Dear Neighbor,

Coe & Van Loo Consultants, Inc. (CVL) is contracted by Arizona Public Service (APS) to provide engineering services in support of the new electric substation known as Cherry Creek Substation. The site is located in the jurisdiction of the Town of Camp Verde, Arizona and within Section 15, Township 14 North, Range 4 East of the Gila and Salt River Meridian. In addition, the site is located northwest of the AZ Route 260 and W. Cherry Creek Rd. intersection.

We recently met with Town of Camp Verde Planning staff to discuss a proposal for construction of an electrical substation on this 11.47-acre parcel. We will be requesting a USE PERMIT as part of this project. Staff directed me to notify all property owners within 300 feet of this property.

Arizona Public Service (APS) is planning this project to contribute to the Camp Verde residents by serving to meet the future needs for electrical energy. The project will provide future capability to import power into the Town of Camp Verde area along with improved reliability and continuity of services to the surrounding area. The substation will be a future 69 KV to 12 KV Distribution Substation on the indicated site. The future substation will be used to receive power from the incoming 69 KV lines and then distribute this power at 12 KV to the surrounding areas.

The Town of Camp Verde power needs have seen steady growth over a number of years. APS has built out the infrastructure for this growth by adding on to the existing system. The addition of this substation will allow APS to provide additional redundancy to the community as well as an important improvement for the infrastructure that supports the sustainable growth of the entire area. We believe these efforts are in alignment to the current Town of Camp Verde General Plan objectives.

As a part of this application, the attached Site Plan depicts the ultimate configuration of the substation. The substation yard occupies approximately 350'x350' area. There are two driveways proposed off N. Commonwealth Dr. to access the substation. The substation will be surrounded, for security and screening purposes, by a masonry wall. The wall will be designed to be compatible and aesthetically pleasing so as to blend into the surrounding landscape.

The proposed private access road entry to the project will be paved. Two connecting access drives will be provided to serve as access for the substation. The areas outside of the substation will be DG surface or a native grass seed mix to blend in with the surrounding conditions.

No exterior lighting is proposed as a part of this project. APS does require emergency lighting within the substation interior.

As required by the Town of Camp Verde Zoning Ordinance, we will be holding a virtual Neighborhood Community Meeting:

Sept 28th, 2022 at 6pm

Virtual Meeting Link: <https://meet.goto.com/437747053>

Conf Call 1 (872) 240-3412 Access code 437-747-053

We have attached a basic site plan of the project. If you cannot attend the meeting, please call me at 602-285-4730 or send your comments to me at rweed@cvlci.com.

If we decide to move forward with a formal application for a USE PERMIT, the project will become a case at a public hearing of the Planning and Zoning Commission. You will be notified of the date and time of the public hearing when we apply.

Sincerely,
Coe & Van Loo
Consultants, Inc.



Ryan Weed, PE
President, CEO



Town of Camp Verde

Proposal: Use Permit for the APS Cherry Creek Substation

Neighborhood Meeting:

September 28, 2022 at 6:00 pm

Virtual Meeting Link: <https://meet.goto.com/437747083>

Conf Call: 1 (872) 240-3412; Access code: 437-747-053

Applicant Name: CVL Consultants

Applicant Phone Number: 602-285-4730



Town of Camp Verde
Community Development Department
◆ 473 S. Main Street, Suite 108 ◆ Camp Verde, Arizona 86322 ◆
◆ Telephone: 928.554.0050 ◆
◆ www.campverde.az.gov ◆

December 13, 2022

Dear Landowner:

You are receiving this letter because a landowner within 300 feet of your parcel has applied for a Use Permit. Ryan Weed, on behalf of Arizona Public Service (APS) has filed an application for a Use Permit for APN 403-23-006Y.

This Use Permit will allow a new electric substation, known as Cherry Creek Substation, to be developed on this parcel. APS is planning for this project to contribute to the Camp Verde residents by serving to meet the present and future needs of electrical energy with the Town limits, as well as surrounding areas.

The Public Hearing for this application will be held by the Planning and Zoning Commission on Thursday, January 19, 2023, at 6:00pm in the Town Council Chambers.

Application Type: Use Permit; APS – Cherry Creek Substation
Parcel-Address: 403-23-006Y, Not yet addressed
Application Number: 20220782
Property Description: 11.47 acres, currently
Hearing Date & Time: Thursday, January 19, 2023, at 6:00pm
Hearing Location: Council Chambers, Suite 106, 473 S. Main Street, Camp Verde, AZ

ZOOM Link:

<https://us06web.zoom.us/j/86983794514?pwd=MnlSWS90a2RqWG8xeUE5dDNvZzZTUT09>

Meeting ID: 869 8379 4514 Passcode: 532318

The agenda with accompanying documentation will be available on the Town website approximately 1- week prior to the hearing. It may be found at: <https://www.campverde.az.gov/departments/boards-commissions/planning-zoning-commission>.

This is a public hearing which you may attend and be heard regarding this matter. Written comments received by Monday, January 9, 2023, will be included in the formal presentation packet.

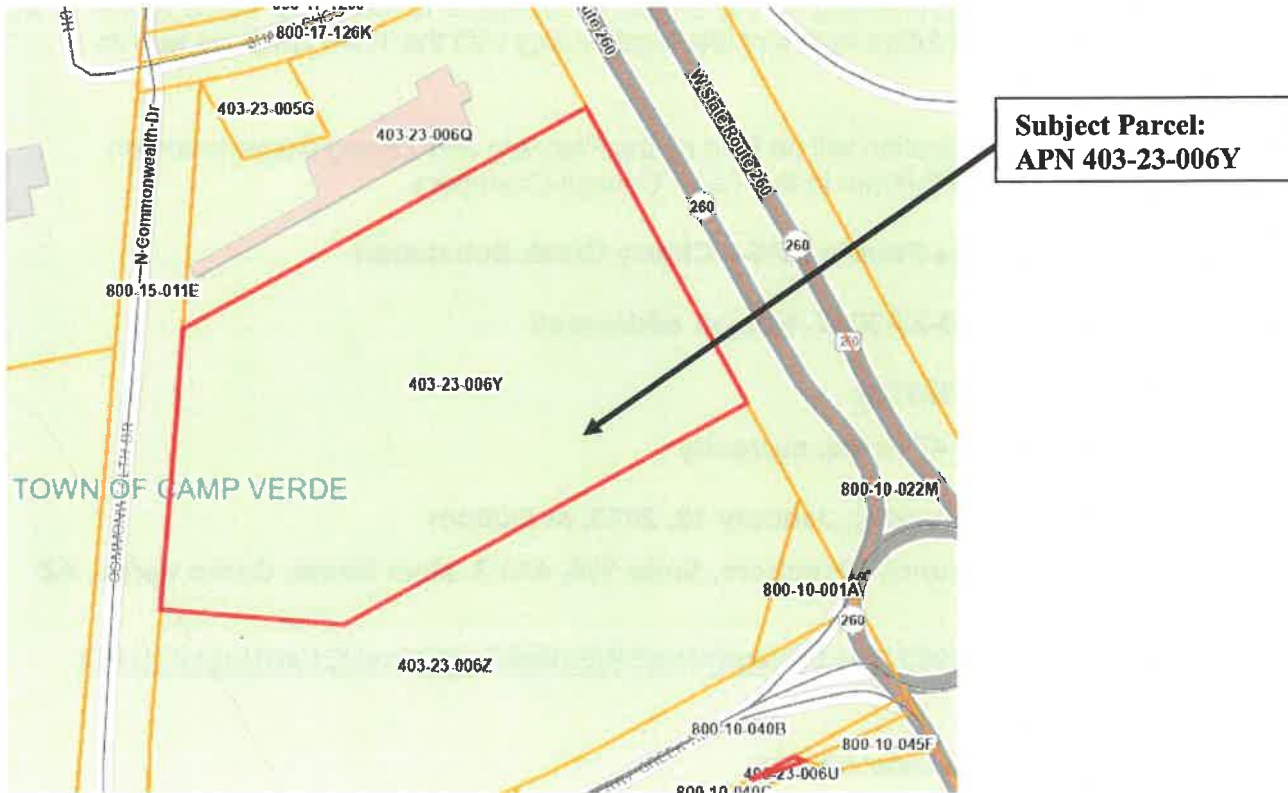
Additional information may be obtained by contacting the Community Development Department at (928) 554-0050, or by emailing cory.mulcaire@campverde.az.gov. Written comments may be dropped off at the Community Development Office, located at 473 S. Main Street, Suite 108, or may be mailed to the Department at 473 S. Main Street, Suite 108, Camp Verde, AZ 86322.

Respectfully,



John Knight, Director
Community Development, Town of Camp Verde
John.Knight@campverde.az.gov or (928) 554-0053

cc: Project File



ATTACHMENT G

DRAFT MINUTES
REGULAR SESSION
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE 473 S. MAIN STREET
CAMP VERDE, AZ. 86322
COUNCIL CHAMBERS STE. 106
THURSDAY, JANUARY 19, 2023
6:00 PM

7. Public Hearing: Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona for approval of a Use Permit Application for Arizona Public Service (APS) for a Utility Substation

located on parcel 403-23-006Y, Camp Verde, Yavapai County, Arizona. Staff Resource: Cory Mulcaire

Staff Comments

Town Planner Cory Mulcaire explained that APS has submitted an application for a Use Permit to build a new substation in order to provide enhanced electrical power service the Town of Camp Verde and surrounding areas. The Town of Camp Verde’s Planning and Zoning Ordinance requires a Use Permit for “*Government facilities and facilities required for the provision of utilities and public services.*” Ms. Mulcaire said that the applicant Mr. Weed is in audience if Commission has any questions for him.

Vice Chair Scantlebury asked if setbacks are to be observed by APS? Ms. Mulcaire said yes, because it is set up against a commercial property, they will have to meet the 0 rear and side yard setbacks and because it is a 5acre parcel the 10-20 setbacks shouldn’t be a problem for them.

Applicant Comment

Ryan Weed with Coe & Van Loo Consultants, Inc. who is contracted by APS, introduced himself and is available for questions.

Vice Chair Scantlebury asked if the substation would generate a giant hum or anything noticeable to the neighbors? Mr. Weed said there will be a little hum, but it will be very low. It would be hard to hear especially with the wall around it.

Public Hearing Open 6:15pm

No comments from the public.

Public Hearing Closed 6:16pm

Commission Discussion

None needed.

Motion was made by Commissioner Blue to recommend to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona for

approval of a Use Permit in perpetuity for a Utility Substation located on parcel 403-23-006Y. Second was made by Commissioner Foreman.

Roll Call:

Chairman Andrew Faiella: aye

Vice Chairman Todd Scantlebury: aye

Commissioner Greg Blue: aye

Commissioner Mike Hough: aye

Commissioner Bill Tippet: absent

Commissioner Ingrid Osses: aye

Commissioner Robert Foreman: aye

Motion passed unanimously 6-0.



Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date:

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

Requesting Department: Utilities Department

Staff Resource/Contact Person: Jeff Low

Agenda Title (be exact): DISCUSSION, CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION 2023-1104, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE TOWN OF CAMP VERDE (“TOWN”) TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (“IGA”) (TOWN CONTRACT NO. 2023-141-IGA-1-10140) WITH THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT (“DISTRICT”) FOR FINANCIAL CONTRIBUTIONS FROM THE DISTRICT TO THE TOWN FOR FISCAL YEAR 2022-2023; AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE. .

List Attached Documents: IGA and Town Resolution

Estimated Presentation Time:

Estimated Discussion Time:

Reviews Completed by:

- Department Head: Town Attorney Comments: N/A
- Finance Review:** Budgeted Unbudgeted N/A

Finance Director Comments/Fund:

Fiscal Impact: None

Budget Code: Funding from Yavapai County Flood Control District

Amount Remaining: \$0

Comments:

Background Information:

The Yavapai County Flood Control District provide annual funding to jurisdictions within the County that request flood control related projects. The Utilities Department has requested funding for new aerial topographic survey of the town with 1 foot contours and 6-inch resolution an a new 2-Dimensional flood model of the entire Town. The topography can be utilized by Town staff for internal use or future upcoming Capital Projects. The 2-dimensional flood models can also be utilized for future stormwater models or towards FEMA Grants to update floodplain boundaries throughout the Town.

..

Recommended Action (Motion): Move to approve Resolution 2023-1104, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE TOWN OF CAMP VERDE (“TOWN”) TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (“IGA”) (TOWN CONTRACT NO. 2023-141-IGA-1-10140) WITH THE YAVAPAI COUNTY FLOOD

CONTROL DISTRICT (“DISTRICT”) FOR FINANCIAL CONTRIBUTIONS FROM THE DISTRICT TO THE TOWN FOR FISCAL YEAR 2022-2023; AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE.

Instructions to the Clerk:

RESOLUTION NO. 2023-1104

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE TOWN OF CAMP VERDE (“TOWN”) TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (“IGA”) (TOWN CONTRACT NO. 2023-141-IGA-1-10140) WITH THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT (“DISTRICT”) FOR FINANCIAL CONTRIBUTIONS FROM THE DISTRICT TO THE TOWN FOR FISCAL YEAR 2022-2023; AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE.

RECITALS:

WHEREAS, the Town of Camp Verde (“Town”) and the Yavapai County Flood Control District (“District”) wish to enter into an intergovernmental agreement (“IGA”) (City Contract No. 2023-141-IGA-1-10140); and

WHEREAS, the District is proposing to allocate an amount not to exceed three hundred thousand forty dollars (\$340,000.00) to the Town for Fiscal Year 2022-2023 for flood mitigation work; and

WHEREAS, the CITY seeks to improve its storm water control, make drainage improvements, and/or mitigate flooding problems by constructing General Drainage Improvements within the Incorporated Town limits (hereinafter collectively referred to as the “Project”); and,

WHEREAS, the Town desires to receive District funds for the 2022-2023 fiscal year to be used for the Town’s Project; and,

WHEREAS, it is in the best interests of the Town to enter into this IGA with the District.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CAMP VERDE AS FOLLOWS:

Section 1. THAT the Town hereby approves entering into an IGA (Town of Camp Verde Contract No. 2023-141-IGA-1-10140 with the District.

Section 2. THAT the Mayor and Staff are hereby authorized to execute the IGA (Town Contract No. 2023-141-IGA-1-10140) between the Town and the District, and to take any and all steps deemed necessary to accomplish the above.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the Town of Camp

Verde this 15 day of February, 2023.

DEE JENKINS, Mayor

ATTEST:

APPROVED AS TO FORM:

CINDY PEMBERTON
Town Clerk

Trish Stuhan, Town
Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
County of Yavapai) ss.

I, the undersigned Cindy Pemberton, being the duly appointed, qualified Town Clerk of the Town of Camp Verde, Yavapai County, Arizona, certify that the foregoing Resolution No. 2023-1104 is a true, correct and accurate copy of Resolution No. 2022-1104 passed and adopted at a Voting Meeting of the Council of the Town of Camp Verde, Yavapai County, Arizona, held on the 15 day of February, 2023, at which a quorum was present and, by a _____ vote, _____ voted in favor of said resolution.

Given under my hand and sealed this _____ day of _____, 2023.

Seal

Cindy Pemberton Town Clerk

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT AND THE TOWN OF
CAMP VERDE
FOR THE FISCAL YEAR 2022-2023 FINANCIAL CONTRIBUTION
FROM THE DISTRICT TO THE TOWN FOR FLOOD CONTROL
IMPROVEMENTS

THIS INTERGOVERNMENTAL AGREEMENT BETWEEN THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT AND THE TOWN OF CAMP VERDE FOR THE FISCAL YEAR 2022-2023 FINANCIAL CONTRIBUTION TO THE TOWN FOR FLOOD CONTROL IMPROVEMENTS (the "Agreement") is entered into, effective this 15th day of March, 2023, between the Yavapai County Flood Control District, a political subdivision of the State of Arizona (the "DISTRICT"), and the Town of Camp Verde, Arizona, a municipal corporation of the State of Arizona (the "TOWN"). The District and the Town are sometimes collectively referred to as the "Parties" or individually as a "Party."

RECITALS

WHEREAS:

- A. The DISTRICT is a special taxing district legally created in the State of Arizona and organized by Yavapai County to include and govern its jurisdiction.
- B. The DISTRICT administers the Federal Emergency Management Agency ("FEMA") Regulations under the National Flood Insurance Program.
- C. The Yavapai County Board of Supervisors is the Board of Directors of the DISTRICT.
- D. The TOWN lies within the legal boundaries of the DISTRICT.
- E. The DISTRICT, the TOWN, and Yavapai County ("County") are separate and distinct political subdivisions, but each can provide for the benefit of the other(s), for the benefit of public health, safety, and welfare, and other public purposes.
- F. The DISTRICT and the TOWN have authority to enter into Intergovernmental Agreements pursuant to Arizona Revised Statutes ("A.R.S.") §§11-952, 48-3603, and 9-240, and TOWN's Code.
- G. Among other things, the DISTRICT receives tax proceeds as general funding for the planning, construction, and maintenance of flood control improvements.

- H. Under the budgeting process for the DISTRICT, a category of “Contributions” (hereinafter “Funds”) has been established, setting aside monies that may be utilized by the various political subdivisions located within the boundaries of Yavapai County.
- I. The DISTRICT has approved and budgeted Funds to provide funding assistance for flood mitigation work and is authorized to expend such Funds for flood control projects (including storm water control) to political subdivisions for projects so long as the projects are flood or drainage related, cost-effective, a benefit to the County, the DISTRICT, and the political subdivision and are in accordance with FEMA regulations.
- J. The TOWN has experienced storm water control and flooding problems for a number of years in various locations and seeks to mitigate such problems to increase safety and protect public and private property and persons within the TOWN.
- K. The TOWN seeks to improve its storm water control, make drainage improvements, and/or mitigate flooding problems by constructing any or all of the following drainage improvements within the Incorporated Town limits (hereinafter collectively referred to as the “Project”):
- Aerial topography and 2D modeling for Town-wide drainage improvements
 - General Drainage Improvements as Determined by the Town
- L. The TOWN desires to receive DISTRICT Funds for the 2022-2023 fiscal year to be used for its Project.
- M. The DISTRICT has budgeted Funds to support the Project in an amount not to exceed Three Hundred Forty Thousand Dollars (\$340,000.00) for fiscal year 2022-2023 which begins on July 1, 2022.

AGREEMENTS

NOW THEREFORE, for good and valuable consideration, including consideration of the mutual promises, terms, and conditions hereinafter set forth, including the mutual promises and obligations to be performed by the Parties hereto, IT IS AGREED BETWEEN THE TOWN AND THE DISTRICT AS FOLLOWS:

I. PURPOSE

The purpose of this Agreement is to authorize the DISTRICT to pay and contribute to the TOWN Funds in support of the TOWN’s Project. Such funding for fiscal year 2022-2023 shall not exceed Three Hundred Forty Thousand Dollars (\$340,000.00).

II. COMMENCEMENT, DURATION, AND TERMINATION

The effective date is as set forth on page one (1) of this Agreement. Performance under this Agreement shall commence following the effective date and shall terminate upon the earliest of:

- A. The completion of the Project as determined by the TOWN;
- B. The exhaustion of the Funds allocated to the TOWN for the Project;
- C. June 30, 2023; or

D. The mutual agreement of the Parties.

If this Agreement terminates for any reason, any unused portion of the Funds shall not be available to the TOWN without further agreement of the Parties.

III. RESPONSIBILITIES OF PARTIES

A. The TOWN shall:

1. Be solely responsible for the design, engineering, bidding, right-of-way acquisition, supervision, construction, inspection, administration, and project management of the Project and for contracting directly for all Project work.
2. If plans are used to bid, provide the DISTRICT a copy of the final Project plans.
3. Use the Funds for the Project in fiscal year 2022-2023.
4. Use the Funds exclusively for costs associated with the Project described above.
5. When requesting Funds from the DISTRICT, provide detailed invoices with supporting documentation for the request(s).
6. Request Funds from the DISTRICT on or before July 31, 2023 (for work completed in fiscal year 2022-2023).
7. Be responsible for the proper disbursement of the Funds provided by the DISTRICT.
8. Be responsible for maintaining the Project and the resulting improvements.

B. The DISTRICT shall:

1. Make Funds available to the TOWN for the Project as approved by the Board of Directors.
2. Provide funding as available and appropriate upon proper request(s) by the TOWN.
3. Pay properly invoiced requests monthly or on an alternate schedule as agreed to by the TOWN and DISTRICT.
4. Pay properly invoiced requests for work completed by the TOWN in fiscal year 2022-2023 so long as TOWN's requests are received by the DISTRICT on or before July 31, 2023.

C. The DISTRICT and TOWN mutually agree:

1. That they recognize the Funds to be used by Parties pursuant to this Agreement are tax funds. The agreements herein for funding are based upon projected tax funds to be received. In the event the projected income is not received, there is the possibility that some or all of the Funds anticipated by this Agreement and set forth herein will not be available. All monetary obligations under this agreement shall be subject to annual budget approval of the respective governing bodies of the parties. A failure of either party's governing body to approve funding for payment of any obligation hereunder shall constitute grounds for termination of this agreement.
2. The Project is the sole responsibility of the TOWN, and not of the DISTRICT or the County. All real property upon which the Project work will occur is within the TOWN limits and not owned or under the control of the DISTRICT or County.

VII. INDEMNIFICATION

To the fullest extent permitted by law, the TOWN agrees to defend, indemnify, and hold harmless the DISTRICT, its Board of Directors, officers, employees, agents, or other representatives, the County, its Board of Supervisors, officers, employees, agents, or other representatives from any and all claims for damages or otherwise arising under this Agreement and from any negligent acts of the Town, its officers, employees, agents, or other representatives. This Indemnification provision shall survive the termination of this Agreement.

VIII. OTHER PROVISIONS

- A. NOTICE. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by certified mail, return receipt requested, addressed as follows:

TOWN OF CAMP VERDE
Interim Town Manager
473 South Main Street, Suite 102
Camp Verde, AZ 86322

DISTRICT
Yavapai County Flood Control District Director
1120 Commerce Drive
Prescott, AZ 86305

- B. ENTIRE AGREEMENT. This Agreement represents the entire understanding between the parties with respect to the subject matters herein, and may be amended, modified, or waived only by written instrument signed by both Parties.
- C. CONFLICT OF INTEREST. This contract is subject to the cancellation provisions of A.R.S. §38-511.
- D. SEVERABILITY. In case one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained therein.
- E. NON-DISCRIMINATION. The Parties shall comply with Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules and regulations, including the Americans with Disabilities Act. The Parties shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability.
- F. EMPLOYMENT VERIFICATION. Both parties hereby warrant that they will at all times during the term of this Agreement comply with all federal immigration laws applicable to their employment of their employees, and with the requirements of A.R.S. §§ 23-214 and

DETERMINATIONS OF COUNSEL

FOR THE
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT AND THE
TOWN OF CAMP VERDE.

FOR THE FISCAL YEAR 2022-2023 FINANCIAL CONTRIBUTION
FROM THE DISTRICT TO THE TOWN FOR FLOOD CONTROL
IMPROVEMENTS

Pursuant to A.R.S. §11-952, the foregoing Agreement has been submitted to the undersigned Attorney for the Town of Camp Verde. The undersigned has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona and the Town of Camp Verde.

Town Attorney Date
Town of Camp Verde

Pursuant to A.R.S. §11-952, the foregoing Agreement has been submitted to the undersigned Attorney for the Yavapai County Flood Control District, Arizona. The undersigned has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the Yavapai County Flood Control District.

Deputy County Attorney Date
Flood Control District