

**(Corrected) 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 Godwin had nothing to report

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-nothing 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 journal entry, 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 CDBG 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~~ AYE

Councilor Escoffier-aye

Councilor Baker-~~aye~~ NAY

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. Rattief 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 grant 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. Krebbs 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 constructions 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. Krebbs 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. Krebbs 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. Krebbs 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. Krebbs reiterated there will be a change order to run electrical to the lights.

Councilor Escoffier stated the lights are already installed.

Mr. Krebbs 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. Krebbs 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. Krebbs 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. Krebbs 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. Krebbs 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. Krebbs 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 at



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 16th day of February, 2023.



Cindy Pemberton, Town Clerk