

**(Corrected) MINUTES
TOWN OF CAMP VERDE
REGULAR SESSION
MAYOR AND COUNCIL
473 S. MAIN STREET, SUITE 106
WEDNESDAY, MARCH 15, 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** -Mayor Jenkins called the meeting to order at 6:30 p.m.
2. **Roll Call.** Council Members: Jackie Baker, Wendy Escoffier, Robin Godwin, Cris McPhail, Jessie Murdock, Vice Mayor Marie Moore, and Mayor Dee Jenkins.

Others present, Interim Town Manager Gayle Mabery, Town Attorney Christine Estes-Werther, Town Clerk Cindy Pemberton, Assistant Clerk Jadie Edwards, Transcriptionist Dana Donahue.

3. **Pledge of Allegiance** was led by Vice Mayor Marie Moore.
4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.

a) Approval of the Minutes:

1. Regular Session – March 1, 2023

b) Set Next Meeting, Date and Time:

1. Work Session – Wednesday March 22, 2023 at 5:30 p.m.
2. Work Session – Wednesday March 29, 2023 at 5:30 p.m.
3. Work Session – Wednesday March 30, 2023 at 5:30 p.m.
4. Regular Session – Wednesday April 5, 2023 at 6:30 p.m.

Vice Mayor Moore noted the dates on 4b3 should read *Thursday* March 30th, not *Wednesday* March 30.

Motion made by Vice Mayor Moore to approve the agenda with the stated date corrections.

Seconded by Councilor Baker.

Vote;

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

Motion passes 7-0

Mayor Jenkins moved agenda items 11, 12 and 13 to the beginning of the meeting. Agenda Items 11, 12 and 13 were heard during this time but will remain in the minutes under numerical order.

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))

Mr. Steven Magoon spoke regarding an excessive animal count in his neighborhood. He and his wife, Jill Irvin, live at 3510 S. Sierra Lane in Camp Verde. He gave an overview of the situation; essentially 34 large animals on a 4.69 acre parcel adjacent to his. He stated the current owner of the property with the livestock is applying for a special use permit. He is asking the Town Council to investigate this situation in detail and encourage the Community Development Department to enforce the Town's codes as written and intended.

Mayor Jenkins directed Town Manager Gayle Mabery to follow up on this request.

Cheri Wischmeyer spoke regarding EV (Electronic Vehicle) Grant opportunities that she had noticed in an article in the Arizona Republic. Arizona is receiving \$11M of the grant monies. The grant is for EV charging stations. Ms. Wischmeyer stated this would be an excellent opportunity for the Town of Camp Verde. Additionally, Ms. Wischmeyer stated this would be an excellent opportunity for the schools in regard to charging stations for possible electric busses.

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.

Councilor Godwin had nothing to report.

Councilor McPhail continues to attend the tribal council meetings and game night at the library. She also wanted to thank the Town Manager for her weekly informational reports. Also thanked Risk Manager Heather Vinson for handling the emergency operations in Verde Lakes.

Vice Mayor Moore had nothing to report.

Councilor Baker had nothing to report.

Councilor Escoffier attended Dr. Jeffrey Halls presentation on telescopes. She attended the fire district meeting where they are trying to cut their budget. The fire district also had a resignation from a board member. Anyone interested in the fire district board, please put in an application. She attended a MatForce meeting, dark sky committee, and an equestrian center event where cars raced around barrels.

Councilor Murdock had nothing to report.

Mayor Jenkins attended a Zoom meeting with the VP of Finance of U of A and Ag department. This information was covered in the Managers update. She attended a zoom meeting with Senator Sinema for communities in rural Arizona called The Rural Development Working Group. The group discussed broadband, adjudication costs, small communities coming up with matching funds for grants, fire danger and water issues. She met with Craig Swanson regarding health care in Camp Verde. She attended the fire district meetings. She attended League of Cities and Towns zoom meetings, reporting that there are some upcoming legislative bills that would have a negative impact on communities. Mayor Jenkins told Council she is able to register her opposition, or lack of opposition, to the bills.

Some things coming up; the Pecan and Wine festival this weekend and the Vietnam Wall display.

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 manager Gayle Mabery introduced Town Attorney Christina Estes-Werther, a member of the Pierce Coleman team representing the Town of Camp Verde.

Ms. Estes-Werther informed Council members she is a partner at Pierce Coleman. She was counsel for the League of Cities and Towns for six years. She has worked at the State Legislature, the Governor's office and the Secretary of State's office.

Ms. Mabery gave Council an overview of current and impending flooding issues in the Verde Valley, and what is being done to assist the community, especially the area of Verde Lakes. A flood map was established and encompasses 280 residents that are vulnerable to flooding. Ms. Mabery provided a written notice for residents that are at risk for flooding. She explained the notice and what it meant. She has been working with the Yavapai County Office of Emergency Management as well as the Town's Public Works department. They are continuing to monitor the flooding in Camp Verde as well as the surrounding communities.

Ms. Mabery continued, stating Verde Lakes Drive, Aspen and Birch Road in the Verde Lakes area and their ensuing closures. West Clear Creek is the focus of the Town's efforts tonight. The Marshals office and Fire Department are alerted, and the Town Streets and Maintenance Division is ready. The Marshals office, volunteers, Public Works and Fire Department went door to door to alert residents of possible evacuation. There are 250 residents in the evacuation area. At 3pm a "set" (of the ready, set, go notification) notification was sent out. At 5pm a "go" notice was sent. Ms. Mabery read from a prepared informational notice sent to possible evacuees. An evacuation center has been set up by the Red Cross at the Camp Verde Middle School. If residents need help evacuating, they can call the Yavapai County Sheriff's Office.

Ms. Mabery gave an overview of the possible flooding and flow rates of the Verde River and West Clear Creek. Public Works is monitoring the situation. Things may change rapidly.

- She recommends citizens sign up for the emergency notifications, there is information on the Town Website on how to do it.
- Pay attention to the flood warnings given by the National Weather Service.
- The Marshal's Facebook page will be the primary source for flooding information on social media.

Councilor Escoffier asked if Council members were still getting notifications (text messages) from the Marshals office. Ms. Mabery replied she did not think so but would look into it.

Ms. Mabery spoke on the recent Healthcare meeting she attended with the Mayor. The group decided that this item needed to be listed as a topic at the Yavapai County Intergovernmental meeting. Perhaps a facilitated Town Hall forum could be arranged regarding Healthcare.

Council discussed various apps for emergency notification such as Eventbrite. There is also an app called Everbridge for emergency notifications. Councilor Murdock explained how to download the app and how it worked.

9. Discussion, Consideration and Possible Approval of Resolution 2023-1105 A Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, Approving Congressional Directed Funding Requests.
Staff Resource: Molly Spangler

Background synopsis.

Arizona congressmen are accepting Congressionally Directed Spending (CDS) requests for inclusion in the fiscal year 2024 (FY24) appropriating bills. Town staff plans to submit two requests; one funding request for upwards of \$5M for phase one of the Sewer project along SR260, and another funding request for upwards of \$2.5M for Arsenic removal.

Economic Development Director Molly Spangler reviewed for Council, the Congressional Directed Funding Requests. She explained these are funds that Congressmen can earmark in their regions. Town staff will be submitting requests directly to Senators Sinema and Kelly as well as Representative Crane. Ideally, the Town applies for project funding, and it makes the Senators list. If that occurs, the projects will go on an Appropriations Bill at the Federal level as an EPA line item. Notification of award should take place sometime in October. Funding would be available by the end of December of 2024.

Staff was able to gather 15 letters of support from various and diverse entities such as NACOG, the Sedona, Camp Verde and Cottonwood Chambers, several developers and businesses and Friends of the Verde River, for these line-item funds. These are priority projects for the Town.

Town Manager Gayle Mabery recognized Ms. Spangler as the leader in getting the applications processed and submitted. Her work is greatly appreciated.

Councilor Escoffier thanked Ms. Spangler for her efforts.

Motion by Vice Mayor Moore to approve Resolution #2023-1105, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County Arizona,

Approving Congressional Directed Funding Requests.

Seconded by Councilor Escoffier.

Vote;

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

Motion passes 7-0

10. Discussion, Consideration and Possible Direction to staff relating to proposed Town Fees for FY24. Staff Resource: Mike Showers

Finance Director Mike Showers presented the Town Fee List for review. He stated there are three additional changes. The changes are highlighted. There is one page in Community Development, and the water fee schedule front and back. Mr. Showers handed out the amended fee schedule. The water fees are the fees that were presented during the work session last month. There is a typo that was corrected.

Mayor Jenkins commented that three or four fee numbers did not change at all in the Community Development department. The explanation given to her, was that these categories were rarely used. She stated that if the fees are used at all, why was the technology fee not added to them? That was the direction given to staff from Council. Or if the fees are not used, why list them at all? She reminded Mr. Showers that Council directed staff to add the technology fee to all fees in Community Development.

Mr. Showers replied, stating his understanding of the issue was that the increase of those fees would be extremely minimal.

Councilor Escoffier asked Utilities Director Jeff Low about the use of hydrants for commercial customers. Do contractors pay for the water as well as the meter?
Mr. Low replied yes, they do pay for water. The fee is to put the meter on, water is additional.

Councilor Escoffier stated she liked to see the fees from water, sewer and Community Development, where the actual cost for things (services) is listed. She appreciates that Community Development is charging the actual fee (cost) for the Fire Marshal and engineering.

Citizen Cheri Wischmeyer spoke regarding the new fee schedule. She thanked Council for listening to her concerns regarding the Board of Appeals and Adjustments fees. Ms.

Wischmeyer read from a prepared statement. She requested the Appeal (results of administrative interpretations) fees be affordable for all. She is not in favor of the current fee.

Council discussed the Board of Appeals fees. Vice Mayor Moore explained the costs of Board of Appeal fees and how the Town uses the fees in the appeal process. The process requires attorneys to represent the Town. This is not a money-making situation; it is the fact that it is costing even more for an appeal on the decision.

Town Manager Mabery explained the costs associated with an Appeal. The Town must hire an attorney for Town staff and a separate attorney for the Board of Appeals. There are also publications costs. Attorney fees are well and above the \$545 dollar fee.

Councilor Escoffier asked Mr. Knight about advertising/posting fees associated with an administrative appeal.

Community Development Director John Knight explained the process, stating it is a semi-judicial process, however, it is not used very often. It is a full public hearing, and the appeal is heard before the Board of Adjustment. The amount of work for the Town is substantial. He reminded Council that if the ruling is overturned, the fee is returned to the applicant. The other opportunity available for any citizen, is they can request a Council member, Planning Commissioner or they can submit an application for a code amendment themselves if they feel the code is unclear in this area. So, there are other opportunities to address an appeal rather than the formal one requiring the fee. Remember, the fee is reimbursed if the Appeal is overturned. Anyone can come before Council and request a reimbursement if that happens.

The current fee is not enough to cover administrative or legal costs of an Administrative Appeal.

Vice Mayor Moore requested an explanation from Mr. Knight about the three items on the fee schedule that did not receive the "technology fee". It was Council's understanding that *all* of the fees in Community Development would have the 3% technology fee added to them.

Mr. Knight asked for a specific example. He went on to say that the ones Council is referring to are fairly small amounts, five dollars and ten cents. Mr. Knight explained that staff went through all the fees on an Excel spread sheet and tried to round them all to the nearest five dollars. Some got rounded *down*.

Mayor Jenkins gave an example; page 27, grading permits-\$60 did not get changed to \$62, \$80 did not get changed to \$82. Page 31, concrete/masonry is \$400 and should have been rounded to either \$412 or \$415.

Mr. Knight explained staff tried to round to the closest \$5. If Council would like to amend the mentioned fees, his department will do so.

Vice Mayor Moore requested every fee across the board to include the technology fee.

Mr. Knight asked Council for the exact fees that needed amendment so he and Mr. Low could make the changes.

Mayor Jenkins replied the items were emailed over to them.

Councilor Escoffier asked about the grading permit fees for 50 cubic yards or less and 51 cubic yards and so on (page 27 of the packet). At what point is there a charge for an engineer review?

Mr. Knight referred the question to Building Official Roxanne Jasmine.

Building official Roxanne Jasmine (via Zoom) explained that fee is a separate fee, charged by the Public Works Department, they have their civil engineering fees that are in addition to the grading fee. Public Works has a per page and per report fee they charge.

Mayor Jenkins directed staff to update the few fees listed in the email.

Councilor Murdock asked about the posting. Since Council is making changes to this tonight, we are clear on making the posting with the listed changes because Mr. Knight will make the changes with Council's direction. Then the fees are posted for X amount of days which is required, then they come back to Council. Are we good to go for post period?

Mr. Showers replied yes. He has not posted anything, waiting until after this (3-15) meeting. He will be able to post them for 60 days, Council will vote on them in May and then the fees will be effective July 1.

Vice Mayor Moore clarified that the fees will be posted online for the public. The public can then come before Council in May to voice their concerns.

Mr. Showers replied that posting gives the public notice, that way anyone can come before Council at the meeting in May and voice their concerns. The public can come to a Council Meeting at any time and fill out a blue card to speak about the fees. The public can also come in when the fees are approved. Posting gives the public notice on exactly what the Town is doing.

Vice Mayor Moore clarified; for example, if a citizen comes forward and tells Council they should increase a fee. If Council agrees, does it have to be reposted?

Mr. Showers replied, stating Council can approve the fee schedule that was posted 60 days ago and those fees are all valid. If Council decides they want to increase one fee, that one fee would be posted again separately for 60 days. That fee would then become effective 60 days down the road. Any changes in fees must be posted. Any fees that are

decreased, can be applied immediately. The fees are adopted through an agenda meeting.

Councilor Escoffier referred to the Town Attorney, Christina Estes-Werther, asking does Council adopt the fees through a public hearing process?

Ms. Estes-Werther replied, stating the notice is posted. It is not a public hearing, but an agenda meeting and then a call to the public. The biggest piece is the Notice (posting) because it is out for 60 days.

Councilor Escoffier commented, stating she wished Council could see the actual cost so the public would know how much of the fees the Town is subsidizing, because the Town subsidizes quite a bit.

11. Discussion, Consideration, and Possible Approval of applying for a non-matching Arizona State Advantage for Rural Transportation (AZ SMART) Fund Grant for the Finnie Flat Road & Montezuma Castle HWY Corridor Improvement Planning and Design Project for a total of \$926,500.00. Staff Resource: Ken Krebbs

Background information synopsis.

*Public Works is working with the Local First Arizona in preparing this application for the Finnie Flat Road & Montezuma Castle HWY Corridor Improvement Planning and Design Project. This portion of the SMART grant is zero cost to the town and is 100% funded through the grant and would complete the **design portion** of the Finnie Flat project and would take most of 2024 to complete. Other grants would be used for construction of the project, which would be completed 2025-26.*

Public Works representative Ms. Dorie Blair spoke regarding this item. She gave a review of the AZ SMART grant process. Last April the Town applied for the RAISE grant. The Town was denied the grant. However, SMART fund was established by the Arizona Legislature to help eligible cities. With the help of ADOT, communities can be more competitive for these grants. Ms. Blair stated the SMART grant would pay (100%) for the design portion of the Finnie Flat Road and Montezuma Castle HWY Corridor Improvement Design Project.

Councilor Escoffier asked if those monies included oversight services, such as a Project Manager if the Town gets a grant during the bid phase. Ms. Blair replied contract administration is available for any questions.

Interim Town Manager Gayle Mabery explained that the grant does include full time inspection and oversight services on the construction side of the project. After the design is completed, and Town receives the construction grant, it is anticipated the grant would include oversight services (project management).

Councilor Escoffier asked if the grant includes the design and planning of the old Circle

K property.

Ms. Mabery replied yes.

Motion by Vice Mayor Moore to approve moving forward with the Arizona State Advantage for Rural Transportation (AZ SMART) Fund Grant for the Finnie Flat Road & Montezuma Castle HWY Corridor Improvement Planning and Design Project for a total of \$926,500.00 which would be 100 percent funded through the SMART Grant.

Seconded by Councilor McPhail.

Vote;

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

Motion passes 7-0

12. Discussion, Consideration, and Possible Approval to purchase Turf Equipment for the Sports Complex and Parks not to exceed \$152,000. Staff Resource: Ken Krebbs

Background Synopsis.

The cost to outsource the dethatching, topdressing, aerating and vacuum turf at the sports complex is estimated at \$90k to \$180K per year. Purchasing turf maintenance equipment will pay for itself the first year and allow easier flexibility working around the multiple sporting events and allowing Town to have equipment that can also fix and maintain other parks and fields.

Ms. Blair explained the request is to purchase equipment for the Town to be used by the Town at the sports complex and other Town facilities. This option was discussed during the CIP process. This equipment would be used to dethatch, aerate and dress the sports fields at the sports complex. The purchase of this equipment would allow the Town to perform its' own maintenance in leu of hiring a third party.

Councilor McPhail stated Council asked for this item to come forward. The cost of the equipment will be recouped in two years.

Motion by Councilor McPhail to approve the purchase of Quote number 2 for Turf Equipment to include tractor tires and Kubota backhoe attachment for the sports complex and parks for a total price of \$148,497.71.

Mayor Jenkins requested clarification with the Town Manager on the motion regarding the monies; in being an exact amount.

Ms. Mabery recommended amending the motion and designate the funds to come out of the ARPA monies, which was suggested by staff.

Vice Mayor Moore asked if the motion should be allowed to die, then initiate a new motion.

Town Attorney Christina Esteswerther stated without objection, the motion can be withdrawn and restated.

Councilor McPhail withdrew the motion.

Motion by Councilor McPhail to approve the purchase of Quote number 2 for turf equipment to include purchase of tractor tires and Kubota backhoe attachment for the sports complex and parks for a total price not to exceed \$152,000 funding will come from ARPA funds.

Seconded by Councilor Godwin.

Vote;

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

Motion passes 7-0

13. **Discussion, Consideration, and Possible Approval to submit a request to the Arizona State Parks Board for a revision to the Town's Land and Water Conservation Fund (LWCF) grant for the Camp Verde Sports Complex, increasing the grant award from \$2.5M to \$3M. If approved, the additional \$500,000 in grant funds, would be matched with an additional \$500,000 from the Town. Staff Resource: Dorie Blair and Ken Krebbs**

Background synopsis;

The Town originally applied for the LWCF grant for the Sports Complex in July 2020. The effects of the pandemic on the State and Federal government led to delays. The Town was given grant approval on Sept. 7, 2021. Because of the delays related to the

pandemic, the Arizona State Parks System encouraged grant recipients to apply for increased grant funding due to increase in construction materials and costs and supply chain issues. However, the State Parks System is not allowing the ability to change the scoping items from the original grant budget. As a result, Town staff has had to adjust construction cost estimates for allowable grant line items. Town has requested an additional \$500k in funding.

The additional \$500k required for the Town's match for this grant revision was already budgeted in the FY 2023 budget as a transfer from the General Fund Reserves to the Parks Fund.

Ms. Blair explained that inflation has led to increased costs in materials, necessitating the need to increase funding. This funding will assist in finishing the Sports Complex.

Vice Mayor Moore asked if the money (\$500k) was available to fulfil this request. Will this create a delay? Is Town already approved for this money?

Finance Director Mike Showers explained the Town has already budgeted \$783K to come out of reserves to cover the increases, and the possible \$283k shortfall. The idea being, staff did not know how much needed to be spent before the grant went into place and Town would not be able to bill for those. Mr. Showers explained the Town is going to be very close to meeting the \$2.5 Million dollar for dollar. There is \$500k available for this purpose that can be transferred out of the General Fund. The \$283k can be "sat on" until the Town decides if it is needed or not.

Vice Mayor Moore clarified the \$500k is to "catch up" with the costs of finishing the park because of inflation. Materials and construction costs are more than originally anticipated. This money does not get the Town more amenities or facilities at the park, rather it is to be used to finish what is currently planned.

Ms. Blair replied yes, that is the case.

Motion by Vice Mayor Moore to approve the submission of a request to the Arizona State Parks Board for the revision to the Town's land and Water Conservation Fund (LWCF) grant for the Camp Verde Sports Complex, increasing the grant award from \$2.5M to \$3M, and authorizing the Town's required \$500k match of the grant award.

Second by Councilor McPhail.

Vote;

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

Motion passes 7-0

14. Adjournment

Mayor Jenkins asked if Ms. Mabery had anything else to add. Ms. Mabery replied no. Mayor Jenkins stated, all of Council is praying for all our neighbors and friends in the Town of Camp Verde, that they are safe tonight.

Mayor Jenkins adjourned the meeting at 7:40 p.m.

DM Jenkins

Mayor Dee Jenkins

Cindy Pemberton

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 March 15, 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 12th day of April, 2023.