

MINUTES
TOWN OF CAMP VERDE
SPECIAL SESSION
MAYOR AND COUNCIL
473 S. MAIN STREET, SUITE 106
THURSDAY JUNE 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 Dee Jenkins called the meeting to order at 5:30.
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. Interim Town Manager Barbara Goodrich, Town Attorney Trish Stuhan, Town Clerk Cindy Pemberton, Assistant Clerk Jadie Edwards

3. **Pledge of Allegiance** Vice Mayor Moore led the Pledge of Allegiance.
4. **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))

No blue cards.

5. **Continuation from June 7, 2023 Regular Session. Discussion, Consideration, Public Hearing and Possible Adoption of Resolution 2023-1107, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, approving Use Permit 20230137, an Agritourism Use Permit application for Trampus and Bonnie Mansker for a roping arena located on parcels 404-12-422D and 404-12-422C.** Staff Resource: John Knight

On a motion by Vice Mayor Moore, seconded by Councilor Escoffier, Council moved to recess into Executive Session.

Roll Call Vote:

Councilor Baker: Aye
Councilor Escoffier: Aye
Councilor McPhail: Aye

Councilor Murdock: Aye
Councilor Godwin: Aye
Vice Mayor Moore: Aye
Mayor Jenkins: Aye
Motion Carried 7-0.

Mayor Jenkins reconvened into Regular Special Session at 7:29 p.m.

Staff Comments:

BJ Ratlief spoke in place of Community Development Director John Knight. Ms. Ratlief used a PowerPoint presentation to give staff perspective of the Agritourism Permit requested by Trampus and Bonnie Mansker. She defined Agritourism, as there were several testimonies and submittals at the public hearing that claimed Mr. Mansker's application did not meet the definition of Agritourism. Municipalities have the authority to regulate land uses and use permits. Staff believes that the Agritourism Permit is the most appropriate avenue to take. She also gave the definition of 'nuisance', which can be found in the Town Code. Ms. Ratlief went on to give specifics on Council's authority to increase and decrease animal count to expand uses. P&Z Staff believes Council has clear authority to modify conditions. She explained the conditions of Agritourism permits and where and how they can be done in the Town of Camp Verde. They believe Mr. Mansker meets the conditions and is in the correct zone for this Agritourism Permit. An updated site plan was provided to Council.

Additionally, Ms. Ratlief shared with Council the 19 Planning and Zoning recommended conditions of the permit. Most of these conditions were thought of by Mr. Mansker himself. There were a few staff recommended modifications to these conditions, which Ms. Ratlief shared with Council.

In summary, Staff feels Mr. Mansker's application and planned activities meet the specified criteria outlined in the Ordinance. Staff believes the recommended conditions mitigate any possible nuisances, and this permit substantially conforms with the 2016 General Plan and 2011 Planning and Zoning Ordinance.

After Ms. Ratlief's presentation, Council took the time to ask her questions.

Applicant Comments:

Ms. Mansker thanked staff for their hard work. He told them he supports whatever decision they make. Council asked him questions to better understand his request to make the best decision.

Council clarified on the amount of animals Mr. Mansker would have full time at his property, the number of events he would hold each year, and the number of people/vehicles who would regularly be in attendance on his property.

Additionally, Mayor Jenkins wondered why this application is just now before them, when the previous P&Z Director recommended it to Mr. Mansker a couple of years prior. Mr. Mansker informed her that he was choosing to utilize neighbor's property for his animals during that time.

Councilor Godwin wondered why Mr. Mansker does not utilize the Rodeo Arena, which the Town has spent a considerable amount of money on.

Mr. Mansker said this is because he'd have to consistently bring his cattle in and out. He thinks the arena does a wonderful job with what they do and the events they have, but it's just that, it's an event arena. He feels his place would be better suited for small get togethers and smaller crowds without the high costs.

Council Discussion:

Mayor Jenkins said, that although she is a horse person, she does not feel that this application meets the agritourism standard. She's been on Councils in the past that have had Agritourism Permit requests, and this is nothing like that.

On the other hand, though, she is impressed and finds it noble the way he's benefitting the community. She hopes they can find a way to make it work for him.

Councilor Baker agrees with Mayor Jenkins. She feels this does not meet the standards for Agritourism, but that this has created something that they need to address to find a way to work with Mr. Mansker. She wants to uphold the laws equally across the board.

Additionally, Mayor Jenkins doesn't like that it took two years to get to this place. They need to look at their processes, so they are not taking this long. She commended the community for showing up to meeting after meeting for two years.

Councilor Murdock agreed with Mayor Jenkins. She does not agree with the two-year process, nor does she feel that the Agritourism Permit is the right fit for Mr. Mansker. She thinks there needs to be a new process to allow Mr. Mansker to use his property the way he wants. Her intent for Agritourism is not for residential or recreational private property.

Councilor Murdock brought up a recent meeting where a member of the community referred to Council Members as "crooked" for letting people do what they want with their property. Her intent is to find a happy medium for all community members. She wanted to be clear that not supporting this Agritourism Permit does not mean she doesn't support Mr. Mansker and what he's doing, along with other arenas in Town. She is asking Mayor and Council to review the animal count, as she feels it has gotten to that point.

Mayor Jenkins agreed with Councilor Murdock. Again, she stated that she does not feel that Agritourism is the proper avenue to take with this. She doesn't feel that a non-profit should have to pay for an Agritourism Permit to help the kids. She feels they must find another way to do that. She felt he was pointed in a direction that was wrong.

Vice Mayor Moore said she doesn't feel like an Agritourism Permit was originally meant for Mr. Mansker's situation. Her concern is that if Council denies Mr. Mansker of this permit, he doesn't get to continue providing his service to the community. She feels that animal count needs to be addressed. She wants to protect Camp Verde's rural heritage and feels that he should be able to have an arena in his back yard. She finds it to be extremely unfortunate that Mr. Mansker followed information for a two-year period that was incorrect or got changed on him. Mr. Mansker ignored animal counts, but that wasn't intentional. Driving past the property several times, Vice Mayor Moore can see that Mr. Mansker takes care of his property and is a good neighbor. Ultimately, she feels he should not need an Agritourism Permit to provide these services. They need to do a code change immediately. She asked of Council that if they deny Mr. Mansker the permit, he's refunded his money. If they approve his permit for him to operate, they don't make him follow all the terms in it. She doesn't want to set a precedence that will allow people to take advantage of the situation. She feels that it is important to be considerate of your neighbors, which she feels Mr. Mansker does.

Mayor Jenkins asked Town Attorney Trish Stuhan what a reasonable amount of time would be that they could get the code changed so that Mr. Mansker and other arenas could be back in business.

Ms. Stuhan said legally it's a text amendment to the zoning code. She could fast track an amendment, but the problem therein lies with what it's going to say. She said they're going to want to have enough public input to balance the desires of the community. As staff they had talked about bringing in a consultant, which could take up to 6 months. While fast tracking is an option, it might not bring the best result for the Town.

Mayor Jenkins asked her if it was possible to pass a modified Agritourism Permit that allows him to operate until there's a code change.

Ms. Stuhan said they can. She wouldn't recommend that they approve a permit that they don't think legally met the requirements.

Vice Mayor Moore brought Mr. Mansker back up to ask his preference. Would he prefer temporarily getting approved for this permit and paying the fee associated with it to get operating again, or would he prefer to wait for a code update.

While Mr. Mansker said he would be okay paying the fee to get a temporary fix until the new code was in play, Council Members had concerns over Mr. Mansker agreeing to something before he knew the conditions.

Councilor Baker had concerns with temporarily approving something that may turn out putting them right back where they are right now. She feels the code has stood for many years, and she knows many people are not going to want to change that count.

Councilor Escoffier said she's having a hard time seeing a recreational arena and extra animal counts in a residential neighborhood. She wondered if there were provisions in the code that would allow FFA and 4H activities.

Ms. Ratlief said there are, however, the are temporary use permits for youth. It

wouldn't really apply to Mr. Mansker's property.

Councilor Murdock was having a hard time putting it all together. They want to meet the needs and desires of all the people, but there are a lot of factors to take into consideration. She asked Mr. Mansker to clarify the 60 events he said he does per year.

Mr. Mansker said the 60 events was inclusive of all the times he has people over with animals, even if it were a small group. He said larger events would be closer to 20.

Councilor Godwin feels that this discussion could continue for hours. However, eventually they need to decide.

Councilor McPhail shared that while they really like Mr. Mansker and what he's trying to do, he knew that when he bought his property, there was an ordinance in place. If this ordinance that's in place is not what they want anymore, they as Council need to make a change. They can't just make an exception to the law.

She wants Council's decision to meet the ultimate need. She recommends that they deny the application because it's not what they ultimately want and direct staff to move forward as quickly as possible to look at the animal count and related issues so that there's a standard that applies to all.

Mayor Jenkins asked Ms. Stuhan to advise Council on the verbiage of the motion to go in the direction they're wanting.

Under Attorney Stuhan's recommendations,

On a motion by Councilor McPhail, seconded by Councilor Godwin, Council moved to deny the Agritourism Use Permit and request staff initiate a text amendment to review the animal counts and accessory uses and to refund the applicant's fee.

Roll Call Vote:

Councilor Baker: Aye

Councilor Escoffier: Aye

Councilor McPhail: Aye

Councilor Murdock: Aye

Councilor Godwin: Aye

Vice Mayor Moore: Aye

Mayor Jenkins: Aye

Motion Carried 7-0.

Further discussion took place amongst Council, staff, and Ms. Stuhan regarding the motion and possible scenarios that would happen upon approval or denial.

Ultimately, the consensus among Council was that, although they do not feel that an Agritourism Permit is appropriate, they'd like Mr. Mansker to be able to continue what he's doing until the code can be changed. It was made very clear amongst Council as well that they'd like Mr. Mansker to be as respectful and courteous to his neighbors to ensue unity amongst citizens.

Unfortunately, however, there doesn't seem to be the correct avenue in place for that to happen, so they will need to take the necessary next steps to get the code changed, and in fixing code, they need to be able to meet the needs and desires of all citizens without giving special privileges out.

6. **Adjournment** With no further objection, the meeting adjourned at 8:56 p.m.

Tom 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 Special Session of the Town Council of Camp Verde, Arizona, held on June 15, 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 16th day of July, 2023.

Cindy Pemberton
Cindy Pemberton, Town Clerk