

**MINUTES**  
**TOWN OF CAMP VERDE**  
**REGULAR SESSION**  
**MAYOR AND COUNCIL**  
**473 S MAIN STREET, SUITE 106**  
**WEDNESDAY, MARCH 4, 2020 at 6:30 P.M.**

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

**1. Call to Order**

Mayor German called the meeting to order at 6:30 p.m.

**2. Roll Call**

Mayor Charles German, Vice Mayor Dee Jenkins, Councilor Bill LeBeau, Councilor Robin Whatley, Councilor Jesse Murdock, Councilor Joe Butner and Councilor Buck Buchanan are present.

**Also Present**

Town Manager Russ Martin, Finance Director Mike Showers, Economic Development Director Steve Ayers, Town Clerk Cindy Pemberton and Recording Secretary Jennifer Reed.

**3. Pledge of Allegiance**

Mayor German led the Pledge.

- 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– February 12, 2020
2. Regular Session – February 19, 2020
3. Executive Sessions – February 19, 2020 (recorded - on file)
4. Work Session – February 21, 2020

**b) Set Next Meeting, Date and Time:**

1. Wednesday, March 18, 2020 at 6:30 p.m. – Regular Session
2. Wednesday, March 25, 2020 at 5:30 p.m. – Work Session
3. Wednesday, April 1, 2020 at 6:30 p.m. – Regular Session

- c) Possible approval of 15 Special Event Liquor License applications for the 2020 Spring Heritage Pecan and Wine Festival to be held March 21,22, 2020. Applicants include: Alcantara, Arizona Stronghold Vineyards LLC,**

**Burning Tree Cellars, Caduceus Cellars/Merkin Vineyard, Carlson Creek Vineyard, Heart Wood Cellars LLC, Page Springs Vineyard & Cellars, Salt Mine Vineyard, Pillsbury Wine Company, Southwest Wine Center, The Oddity Wine Collective LLC, Pierce Wines Arizona LLC, Gallifant Cellars LLC. [Staff Resource: Cindy Pemberton)**

Councilor Butner would like to make a correction to the minutes of 2-19-20, page 9, towards the end of the 2<sup>nd</sup> paragraph, the sentence should read, "The process isn't being followed properly, that is a denial of due process by law and violates US and Arizona Constitution." **Motion** made by Councilor Butner to approve the consent agenda with the minutes as amended. Second was made by Councilor Buchanan. **Motion** carried unanimously with Mayor German, Vice Mayor Jenkins, Councilors Whatley, Murdock, LeBeau, Butner and Buchanan approving.

5. **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 ARS §38-431.01(H))**

Nancy Floyd (withdraw citizen complaint and Lieberman Report) Ms. Floyd would like to withdraw her complaint against Commissioner Jackie Baker to save the Town Council money. She suggests members become clear with the Lieberman Report so history doesn't repeat itself.

6. **Special Announcements and presentations**

- **Presentation and Discussion on the Camp Verde Arena Association and an update on the progress made. (Staff Resource: Russ Martin)**

Daria Weir secretary of the Arena Association presented a slide show of the progress they have made since the last time they provided an update. The current remaining balance of the \$380,000.

Some upcoming projects ("what's next") are:

- Remodeling and then securing the connex box above the chutes that will be used as the announcers stand.
- Bleachers in the 2<sup>nd</sup> arena after doing some dirt work.
- Picking up donated stands
- Lights up by May 1<sup>st</sup>.

- Putting 2 connex boxes together to create the restrooms & concession stand.
- Drill a well
- Install septic system

**Additional Needs:**

- More bleachers and concrete pads
- Milling and cinders for parking lots
- Electrical supplies
- Fencing (Yavapai Fencing is donating some fences)
- Water tank for fire department
- Complete the widening of the road at the entrance/exit

Special thank you to Valley Academy for Career and Technology Education and Camp Verde High School Wrestling Team for volunteering and completing some projects.

There will be a fundraiser Banquet May 16<sup>th</sup>, 2020.

Councilor Buchanan asked how much money will be needed to complete the “what’s next projects”. Stacy Barker explained they will come back with concrete figures; they were just updating the Council on the overall project tonight. Councilor Whatley is concerned about the timeline; the Council was led to believe there would be monthly events starting in January. Ms. Weir stated there are events coming up in the next couple months. They haven’t been able to start yet because of the weather which meant they couldn’t fix the road or get dirt delivered. Mr. Barker stated if you look in the minutes, it also explained that engineering/permitting held up the progress in the beginning. The Arena Association is trying to get something together for Fort Verde Days.

Ms. Weir stated as soon as the road is done they will be able to start events. She also has someone who would like to lease out the arena all summer but will have to bring back those facts and figures.

**7. Discussion and Possible Approval of Citizen Complaint C-20-16 Regarding Steve Goetting’s Allegations Against Town Manager Russ Martin (Staff Resource Mayor Charles German)**

Steve Goetting believed Russ Martin, Town Manager violated open meeting law by discussing details publicly of the contract bids for the construction of the new park on February 6<sup>th</sup> 2020 and February 10, 2020. It was further alleged that the bid documents were not included in the agenda packet for the meeting on Wednesday February 12, 2020.

Mr. Goetting stated he is concerned that he could not find bids posted publicly, that the Council got to see all of the bids and concerned the Town’s website is out of

date. Information should be readily available and the public should be able to reconcile all documents. Mr. Goetting stated Council should direct the Town's Manager to put all the information on the website. He feels the website is in violation of ADA/Privacy/Cookie Collection Laws.

Mr. Goetting said he did receive a letter stating there were no Open Meeting Law violation found during the investigation into his complaint. He is concerned that Mayor German was the only one who looked into his complaint.

Mayor German stated the objective is to get the website up and running but it comes down to resources. Mayor German said the opening of the bids is done in a public meeting and the information can be available to anyone. Council was provided information at the Work Session and the public could have reviewed it then. It comes down to what the statutes have to say, and the protocols, which means there were no violations found. Mayor German went on to say we can do a better job making the information available to the citizens, but it comes down to time, man power, and resources.

**Public Comment:**

Cheri Wischmeyer stated she also requested the bid packets and information and did not receive the information she requested. She was at the Work Session but the information she received was only a summary.

Rabbi Roy stated he will update the website for free. He has known the Town Manager for 10 years and knows there are no secrets. He offers his services to help grow Camp Verde and work together to get the information out there.

**Motion** made by Councilor Murdock to approve the investigation results as written. Second was made by Councilor Whatley. **Motion** carried unanimously with Mayor German, Vice Mayor Jenkins, Councilors Whatley, Murdock, LeBeau, Butner and Buchanan approving.

**8. Discussion and Possible Approval to Suspend the Town of Camp Verde Citizen Complaint Form (Staff Resource: Mayor Charles German)**

Mayor German gave a background on this item. The Citizen's Complaint Form does not have criteria in place to address Commissioners and the Town Code and Policies, Rules and Procedures supersede any conditions identified or set within the form. Mayor German suggested getting the Attorneys and Council together to suspend the Complaint Form, to address the codes.

Vice Mayor Jenkins is open to changes and modifications to the complaint form but stated there needs to be something to replace it while it is being worked on so there is an option. This gives transparency, timelines, and expectations.

Councilor Whatley asked if all towns and cities have a complaint form. Town Manager Russ Martin stated most Towns do not. The Town's complaint form is based on the employee complaint process and Elected Officials were added. Councilor Whatley stated there are other avenues for someone to voice their complaint.

Councilor Butner stated it is important to have a complaint form, for due process. The complaint form is better than a recall election, which is expensive. The complaint form should be working in agreement with policies and procedures. He stated he wouldn't suspend the complaint form unless there is some sort of substitute or another avenue to file complaints.

Councilor LeBeau stated it is not the form that generates complaints. It is perceived actions. He said maybe it is a communications problem. He doesn't want to get rid of the complaint form because it provides tracking.

Mayor German said he doesn't like it being weaponized. A Elected Official cannot be removed unless by recall. He is in favor of suspending the form until Council decides what to do through a work session with the Town Attorney.

**Motion** made by Councilor Whatley to suspend the Citizen Complaint Form effective immediately. Second was made by Mayor German. **Motion** passes 4-3. Vote results by roll Call: Mayor German aye, Vice Mayor Jenkins nay, Councilor Whatley aye, Councilor Murdock aye, Councilor LeBeau nay, Councilor Butner nay and Councilor Buchanan aye.

**9. Discussion, Consideration and Possible Approval of an Amendment, Amending the Sewer Line Buy-In Agreement Recorded January 6, 2016, Between Verde Valley Medical Center, Simonton Ranch 18 and the Camp Verde Sanitary District, which is currently being operated by the Town of Camp Verde, Specifying the Amount of the Sewer Line Costs with a Breakdown of such Sewer Line Costs and a Calculation of the Sewer Line Reimbursable Amount. (Staff Resource: Steve Ayers)**

Steve Ayers gave background information on this item. He stated when Verde Valley Medical Center built their Camp Verde Campus they also constructed a sewer line, larger in capacity than what was needed to service their property, so the line could accommodate flows from adjoining properties that might hook up to the sewer line. As part of their agreement to build the over-sized line, VVMC signed an agreement with the Town calling for the Town of Camp Verde to collect a "buy-in" fee from any adjoining properties that utilized any portion of the sewer line VVMC constructed. That agreement also called for the parties to agree to the final cost of the sewer line as well as the maximum amount of that line that VVMC could be reimbursed for. Council can review the amendment the parties have agreed to.

Mr. Ayers introduced Verde Valley Medical Center Representative Tom Immen.

Vice Mayor Jenkins couldn't find the amendment in her paperwork. After some discussion it is noted the amendment isn't included in the packet. Town Clerk Cindy Pemberton made copies and handed them to Council Members.

Mr. Ayers reviewed the amendment and explained how the costs were calculated.

**Motion** made by Councilor Murdock to approve the as presented. Second was made by Councilor LeBeau. **Motion** carried unanimously with Mayor German, Vice Mayor Jenkins, Councilors Whatley, Murdock, LeBeau, Butner and Buchanan approving.

**10. Consideration and Possible Approval to Forgive the CDBG-RLF Conditional Deferred Loan to Lawrence V. Wilson Carnahan for \$31,075.99 Made Through the Town's Home Grant Program (Staff Resource: Mike Showers)**

Finance Director Mike Showers stated a name missing in the title: Shana Wilson. Mr. Showers reviewed the item stating Lawrence & Shana Wilson are in both Home Grant loan programs, one requiring a monthly payment and the other not requiring any payment. The non-payment loan states that the owner is required to live in the house for 15 years and 4 months. This month, they will have been in the house under this grant for 11 years and 1 month. They have actually lived on the same property for 17 years now. If we require them to repay the \$31,075.99 from this grant, we will simply have to return the money to the Department of Housing. You can see from the attached email they do not require the loan to be repaid any longer. Therefore, it is only our own documentation that requires the payment at this point. It is the Town Finance Director's opinion that this loan should be forgiven as the program has done what is set out to do. It has helped a local family in need, does not impact any local tax revenue monies from local residents and it has no expense nor benefit to the Town directly.

**Motion** made by Councilor LeBeau to approve to forgive the CDBG-RLF Conditional Deferred Loan to Lawrence V. Wilson and Shana Carnahan for \$31,075.99 made through the Town's home grant program. Second was made by Councilor Buchanan. **Motion** carried unanimously with Mayor German, Vice Mayor Jenkins, Councilors Whatley, Murdock, LeBeau, Butner and Buchanan approving.

**11. Discussion, Consideration and Possible Approval of Resolution 2020-1039, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending the financial operations guide and superseding all Resolutions or part of Resolutions in conflict with the provisions of this Resolution, including Resolution 2011-844 and 2013-890. (Staff Resource: Russ Martin)**

Town Manager Russ Martin reviewed the changes in the procurement section.

Vice Mayor Jenkins asked if the scope of work is changing (adding items) but the contract is not going over budget, can the contractor do that without consulting Council. Mr. Martin stated they will because they still like to let Council know.

Council Butner suggested under **Approval Levels, Item D, number 5**, to read as; *“Any change order that is an expenditure of \$50,000 or more shall be approved by Council at the next meeting, if the cost of the change order will increase based on time delay of a Council meeting then the Town Manager, in consultation with the Mayor, is authorized to approve.”*

Council Butner also suggested under **Approval Levels, Item D, number 3**, to read: *“Amendments within the line item budget must get Council approval and the Mayor’s signature when the amendment is more than 10% over a contracted amount of \$500,000 or more and is 15% over a contracted amount under \$500,000.”*

*Councilor LeBeau leaves at 8:11 p.m.  
Councilor LeBeau returns at 8:13 p.m.*

Councilor Whatley asked why hasn’t the town Attorney look this over. Mr. Martin stated it is a policy that was brought directly to Council but would be happy to take it to the Attorney to review.

Mayor German said this is a general outcome that should be in place to start with. This is not out of the ordinary.

Councilor Whatley asked Mr. Martin if this ties your hands or delay things? Mr. Martin stated he just wants Council to know about the changes.

**Public Comment:**

Cheri Wischmeyer- asked if a contract is approved for specific set of services? Mayor German stated it is for a specific scope of work. Things can come up and you would have to make adjustments to accommodate things. Ms. Wischmeyer would like the public and council to know when changes come up. Mayor German stated the scope of the project doesn’t change but the specifics may. Council reviews major changes. Ms. Wischmeyer asked if it is \$50,000 per change order? Mayor German said it is \$50,000 per change order.

Mr. Martin stated it is the obligation of the Project Manager to stay within the budget and to bring it to the Council if there are major changes.

Mr. Martin reviewed the resolution stating following the procurement of services for any contract about \$50,000 Council action is necessary, following a series of events through completion that will be changing to allow for more check points to the process as the contract and projects move forward.

Council will:

- Be Informed of bids going out that expect to be above the \$50,000 threshold
- Have approval authority of change orders in excess of \$50,000 or 10% of the original contract award whichever is less.
- Informed immediately and then staff will seek approval at the next available Council meeting for immediate items over these amounts that would otherwise cause the cost to rise in delay of action on the change order.

**Motion** made by Councilor Butner to approve Resolution 2020-1039, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending the financial operations guide and superseding all Resolutions or part of Resolutions in conflict with the provisions of this Resolution, including Resolution 2011-844 and 2013-890 *with amendments*. Second was made by Vice Mayor Jenkins. **Motion** carried unanimously with Mayor German, Vice Mayor Jenkins, Councilors Whatley, Murdock, LeBeau, Butner and Buchanan approving.

*Recess: 8:28 p.m.*

*Resume: 8:35 p.m.*

**12. Discussion, Consideration and Possible Direction on items Identified for Improvement at Previous Meetings** (Staff Resource: Russ Martin)

*Attorney Bill Sims and Attorney Bill Amato are on the phone to answer any questions Council may have.*

Town Manager Russ Martin stated the Council generally agreed that the following were the minimum steps to be taken, staff has attempted to work on and present these for Council consideration and acceptance and ultimately look for approval of a new resolution adopting some of the items below:

1. The Town should review public records policies and undertake training to make certain staff/Council are aware of the need for redacting the names of individuals from police reports when the report is preliminary and not yet conclusive.

**RESPONSE:** Staff has met with both Attorneys and have formulated a policy/process that makes a couple of changes. Staff has changed the stamp previously "dissemination restricted" to "ready for public release", this is to address that all reports even in process of investigation are generally available at all stages of the investigation regardless of whether the items/persons may be embarrassed or the investigation is incomplete. Redaction is going to continue to be per statute as records are released from CVMO record staff.



*Mr. Martin stated staff had no ill will intent in this process. The process has been cleaned up. Once it is available it will be redacted.*

*Town Marshal Corey Rowley stated he wants to make sure it is understood that even if it is an active case or it is closed case, if a records request is put in, they still have to release it by statute.*

2. Council training including but not limited to the allowance for Town Council members the opportunity to review Town documents without having to file a public records request and the procedures for Council and public dissemination of the same.

**RESPONSE:** Staff has met again on this item with both Attorneys and have formulated a policy/process that suggests that Town Council make all Town Council requests for CVMO records through the Town Clerk/Manager so that any item may be disseminated to all once the request is complete. All other record requests made directly at CVMO will be assumed to be for purposes other than circulation to Council Members and will follow normal procedures at CVMO records.

3. The Town Code should be modified to clarify that any Council member, not just the proponent of an agenda item, should deliver materials that the Council member desires to circulate at a Council meeting to the Clerk a minimum amount of time prior to the Council meeting so that staff and all Council members are aware of the documents.

**RESPONSE:** Proposed edit of sections within the current policies in an attempt to clarify. i. Overhauling all the Policies ii. Amending the entire Ethics Code (all of Section 15) iii. Amending only Sections 15.10 and 15.11

*Councilors are generally in agreement the document needs to be changed especially Sections 15.10 and 15.11. Town Manager Russ Martin stated the Attorney should create the document. Vice Mayor Jenkins stated it costs a lot of money to have the Attorney rewrite this, she is suggesting using a template from somewhere. Staff could do make the changes and have the Attorney finalize it.*

*Attorney Bill Sims stated this is the most complicated ethic policy that he has seen. He can send a new one to Mr. Martin at no cost. This should not deal with employees, the HR manual deals with employees. This will deal with appointed officials only and would be a much simpler approach.*

*Councilor Murdock asked if two people could take this on instead of putting this on staff, and they work with the Attorney on this. Then come back and give a presentation.*

4. Investigations by the Marshal's office should be completed as timely as possible.

**RESPONSE:** Marshal Rowley met with supervisors and has addressed this with the hopes to ensure that items are continued to be followed up even if staff ends shift/vacation, etc. so that items will remain open and clearly as such on initial reports until a final/closed report is issued on formal complaints as well as criminal complaints. Unfortunately, no timetable is truly guaranteed but every effort will be made to complete as soon as all parties/issues have been contacted/addressed. *Marshal Rowley stated they are using this situation to better their process.*

5. The Town should adopt procedures for inquiring about the qualifications and background of persons applying to sit on Town boards and commission.

**RESPONSE:** Staff goes through criminal records process for incoming staff and volunteers for positions such as Coach or Library. At the current time only H.R. staff is allowed/trained and is sole determinate as to whether the results warrant continued service. However, a more extensive process is conducted at CVMO for staff/volunteers outside of CVMO where a more extensive background is conducted and decisions within a couple of staff members there. Not sure what processes Council would like to conduct and how the information would be distributed. All staff getting the information above are required initial and ongoing training and documentation and dissemination is legally limited and ultimately destroyed per record policy.

*Vice Mayor Jenkins asked if Mr. Sims reviewed this. Mr. Sims stated the risk pool provides a modest background check and possibly will do it for free. He will get information back to Mr. Martin.*

*Councilor Whatley said this should be done for Council as well. Mr. Sims said the statutory and constitutional provision states you have to reside in the jurisdiction and cannot be a felon. The citizens vote to elect and you have to honor the voters. Appointed people have different rules.*

*Direction to Attorney to forward the information to Mr. Martin and check with the pool to see what they can provide to the Town.*

### **13. Discussion, Consideration and Possible Approval of Manager's Annual Goals.**

Town Manager Russ Martin reviewed his goals:

1. Develop a system for staff feedback through survey or other instrument.
2. Meet with Council quarterly to review progress made on budget priorities as set in strategic plan and adopted budgets.
3. Monthly provide progress on project priorities identified above in #2 and follow up/supervisory activities accomplished.
4. Modernize Town Services through development of online services including the website, digitizing and backup projects that will increase transparency

and citizen usability of services in person and digitally.

5. Complete HR and other staffing locational changes by July 1, 2020.

**14. 2020 Legislative Update – Staff Resource Russ Martin**

Town Manager Russ Martin reviewed the legislative updates. If council members would like to discuss these updates individually, please let him know. Councilor Butner talked about the Brady List-HB2114. The League is opposed to this bill and he would suggest that we let them know we are opposed to it as well.

**15. Call to the Public for items not on the Agenda. (Please complete Request to Speak Card and turn in to the Clerk.)**

Mayor German stated there are copies of the flyer for the 5<sup>th</sup> Annual March a Mile for Meals on Wheels which is set for March 28<sup>th</sup>. This year's goal is \$10,000.

**16. Council Informational Reports. *These reports are relative to the committee meetings that Council members attend. The Committees are Camp Verde Schools Education Foundation; Chamber of Commerce, Intergovernmental Association, NACOG Regional Council, Verde Valley Transportation Planning Organization, Yavapai County Water Advisory Committee, and shopping locally. 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 Whatley attended the Yavapai Apache Nation Pageant to watch her little sister (Big Brothers Big Sisters Program) dance.

**17. 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.***

Town Manager Russ Martin:

- Mr. Martin will be out of the office next week and Marshal Rowley will be in charge.

**18. Adjournment**

Mayor German adjourned the meeting at 9:25 p.m.



Mayor Charles German

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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 4, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 23 day of March, 2020.



Cindy Pemberton, Town Clerk