

4a.4

**MINUTES  
REGULAR SESSION  
MAYOR AND COUNCIL  
COUNCIL CHAMBERS  
WEDNESDAY, MARCH 17, 2010  
6:30 P.M.**

**Minutes are a summary of the actions taken. They are not verbatim.  
Public input is placed after Council motions to facilitate future research.  
Public input, where appropriate, is heard prior to the motion**

**1. Call to Order**

The meeting was called to order at 6:30 p.m., with Vice Mayor Kovacovich presiding.

**2. Roll Call**

Vice Mayor Kovacovich, Councilors Whatley, Roulette and German were present; Mayor Burnside and Councilors Garrison and Baker were absent.

**Also Present:** Town Manager Michael Scannell, Town Marshal Dave Smith, Acting Community Development Director Mike Jenkins, Sr. Accountant Lisa Elliott, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper.

**3. Pledge of Allegiance**

The Pledge was led by German.

**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) Council/Staff Retreat – February 24, 2010
- 2) Special Session – March 3, 2010
- 3) Executive Session – March 3, 2010 (Recorded)
- 4) Regular Session – March 3, 2010

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

- 1) March 24, 2010 at 6:00 p.m. – Special Session **NOTE: THIS MEETING MAY NOT END AT 8:00 P.M. AS ORIGINALLY INDICATED DURING THE DISCUSSION AT THE 3-3-10 REGULAR SESSION.**
- 2) March 24, 2010 at 6:30 p.m. – Council Hears Planning & Zoning Matters - Cancelled
- 3) April 7, 2010 at 6:30 p.m. – Regular Session
- 4) April 21, 2010 at 6:30 p.m. – Regular Session
- 5) April 28, 2010 at 6:30 p.m. – Council Hears Planning & Zoning Matters

**c) POSSIBLE APPROVAL OF AN AGREEMENT APPOINTING JUDGE HARRY CIPRIANO AS TOWN MAGISTRATE FOR A 2-YEAR TERM BEGINNING 3-17-2010 THROUGH 3-17-2012.**

On a motion by German, seconded by Roulette, the Consent Agenda was unanimously approved, with the correction to the Regular Session Minutes of March 3, 2010, and the Executive Session added for April 7, at 5:15 p.m.

Kovacovich requested a correction to the Regular Session Minutes of March 3, 2010, Page 3, second paragraph, to add, as underlined: "...that the Town will be responsible for administering the volunteer program, not the Historical Society, will be incorporated into the document, as well as into the Resolution:.." Kovacovich added that Acting Community Development Director Mike Jenkins has requested an Executive Session on April 7, at 5:15 p.m. concerning the Air Park.

**5. Special Announcements & Presentations** – There are no announcements or presentations.

- 1) Possible approval of Proclamation declaring the month of April as "Fair Housing Month" (Staff Resource: Matt Morris)
- 2) Possible approval of Proclamation declaring the month of April as "Substance Abuse Awareness Month" (Resource: Carol German)

On a motion by Whatley, seconded by German, the Council unanimously approved the Proclamation declaring the Month of April as "Fair Housing Month," and also the Proclamation declaring the month of April as "Substance Abuse Awareness Month."

**6. Council Informational Reports.**

**Whatley** reported on her attendance on March 11<sup>th</sup> at the Camp Verde Sanitary District meeting; the Lease Agreement with the Town of Camp Verde for the 15 acres was approved. The District also had a financial audit; the result was a clean opinion.

There were no other reports.

**7. Call to the Public for Items not on the Agenda**

(Comments from the following individuals are summarized.)

**Hal Joseph Engel, Jr.** addressed all the staff and Council members, and the residents of the Town of Camp Verde, Verde Lakes and Clear Creek to report that the issue he raised with the United States Flag has been resolved. He thanked all who helped him show his pride in a small town, and displayed the U. S. Flag that it was all about, and that it is what we are fighting for.

**Justin** (*signature undecipherable*) said he was speaking on behalf of the skateboarding community; they are looking forward to trying to produce a promotional skateboard program, and outlined some steps that they are taking toward that goal including seeking the backing of the Town for the fundraising events.

There was no further public input.

*NOTE: Due to the size of the agenda, and the timeliness of hearing certain items, the following items were deleted from the agenda and will be heard at a subsequent meeting. The deleted items are #8, 9, 14.1 & 14.2, and 20.*

- ~~8. Presentation by Joy Wadleigh, Multi-Site Director of Buena Vista Children Services, followed by discussion, consideration and possible direction to staff to work with Buena Vista and the Camp Verde Unified School District to determine the possibility of collaborating in developing a single summer program for the children.~~
- ~~9. Discussion, consideration, and possible direction to staff relative to waiving Building Permit fees (estimated at \$20,274.59) and Development Impact fees (estimated at \$10,595.00) for the proposed fire station located at 4710 Arena del Loma, Camp Verde, Arizona and any future Camp Verde Fire District (District) structures within the Town limits. The conditions and terms will be included in a revised Intergovernmental Agreement between the Town and the District. (Staff Resource: Michael Jenkins)~~

10. Discussion, consideration, and possible approval of Ordinance 2010-A373, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Town Code Chapter 9 – Business Regulations Section 9-1-5 Fees for Charitable, Religious or Civic Organizations and Chapter 13 – ‘Parks and Recreation, Library’, Section 13-1-2 Fees. (Staff Resource: Deborah Barber)
- On a motion by German, seconded by Kovacovich, the Council unanimously approved Ordinance 2010-A373, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Town Code Chapter 9 – Business Regulations Section 9-1-5 Fees for Charitable, Religious or Civic Organizations and Chapter 13 – ‘Parks and Recreation, Library’, Section 13-1-2 Fees.

Town Clerk Barber explained that both the Item 10 Ordinance and Item 11 Resolution are related, and that Mayor Burnside had wanted to go over the fees carefully. Barber recommended that both items be continued to the April 7<sup>th</sup> meeting where a full Council will be in attendance; no current permitting requests coming in should be affected by the delay. Vice Mayor Kovacovich introduced Item 11 accordingly, and a discussion followed regarding the recommended continuance. During the discussion, Barber confirmed that Ordinance 2010-A373 could be adopted at this time since it would only be giving the Town authority to raise the fees; currently the Town does not have that authority and there was general agreement on the proposed Ordinance at the last meeting.

Barber outlined the effect of the proposed Ordinance, including allowing waiving fees only for rental of Town facilities or equipment by charitable, religious or civic organizations. Waiving of fees would be only allowed based on Council policy, and the procedure is set forth as part of the Ordinance.

11. Discussion, consideration, and possible approval of Resolution 2010-807, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona Superseding Resolution 22009-781, Adopting Fees for Town Services. (Staff Resource: Deborah Barber)
- On a motion by Roulette, seconded by Whatley, the Council unanimously voted to continue Item 11 to the April 7<sup>th</sup> Regular Session meeting.

During the discussion of Item 10, Barber had recommended that this item be continued to the April 7<sup>th</sup> meeting, and the Council took action accordingly.

12. Update of the Financial Status of the Town for the period ending January 31, 2010, followed by discussion, consideration, and possible acceptance of the update. Staff Resource: Michael Scannell
- On a motion by Roulette, seconded by German, the Council unanimously accepted the financial update of the Financial Status of the Town for the period ending January 31, 2010.

Sr. Accountant Elliott presented an update on the financial status of the Town in accordance with the commitment to keep Council

advised on a monthly basis regarding the revenue and expenditure projections for the 2009-2010 fiscal year. Elliott commented that expenditures seem to be going right on track where they should be at this time of the year. Following the presentation, Scannell added that the Town is within 2-1/2% of the projected budget, despite the serious setbacks from the State and the current economy. Scannell commended Elliott for her work, and stressed that much of the ability for the Town to stay within reasonable balance is due to the employees and their willingness to take up the slack in personnel reductions and accept a possible 5% cut in wages. Scannell urged that such an adjustment be made of no more than that figure.

13. **Discussion, consideration, and possible approval of the re-appropriation of salary-related expenditures in the amount of \$5,491.98 from the Municipal Court budget unit to the Finance Department budget unit to support the reassignment of a Court Clerk to work twenty hours per week in the Finance Department.** (Staff Resource: Lisa Elliott)

On a motion by German, seconded by Whatley, the Council unanimously approved the re-appropriation of salary-related expenditures in the amount of \$5,491.98 from the Municipal Court budget unit to the Finance Department budget unit to support the re-assignment of a Court Clerk to work twenty (20) hours per week in the Finance Department.

Elliott said that the Finance Department has been understaffed for a number of years, and the Court has confirmed that it can free up a Clerk for 20 hours a week and the current staffing should hold constant for the next fiscal year. Elliott commented that the Finance Department will be completely flexible in how the Court Clerk's hours are assigned, including consideration of personnel changes. Elliott outlined the estimated amount of \$5,491.98 that would be moved from the current Court budget to the Finance Department budget to cover the cost of the added partial staff time. The Council members acknowledged that the Finance Department has been understaffed and that the proposed re-appropriation was reasonable.

~~14. Discussion, consideration, and possible approval of the following:~~

~~1. To extend an agreement until June 30, 2011, between Donald E. Zelechowski, a Certified Public Accountant and the Town of Camp Verde, to continue a tax payer education program designed to increase compliance with our tax program, as well as, for sales tax audit services that would verify 'privilege' tax (Privilege Sales Tax) reporting and payment to the degree that said audits are required and waiving any requirement for the consultant to provide proof, to the Town, of general liability or professional insurance coverage.~~

~~2. Appropriate an additional \$25,000 funding for the following:~~

~~a) \$5,600 to augment the current contract until June 30, 2010; and~~

~~b) \$19,400 for fiscal year 2010/11 budget (Staff Resource: Michael K. Scannell)~~

15. **Discussion, consideration and possible approval or denial to waive a Variance Application Fee IN THE AMOUNT OF \$620.00 for Michael Thomsen owner of parcel 404-26-043B, LOCATED AT 562 S. 3<sup>RD</sup> STREET.** (Staff Resource: Michael Jenkins)

On a motion by German, seconded by Roulette, the Council unanimously approved the waiving of a Variance Application Fee in the amount of \$620 for Parcel 404-26-043B as owned by a Mr. Michael Thomsen.

Acting Community Development Director Jenkins reviewed in detail the problems encountered by the property owner in connection with seeking to add on to his existing structure. There were several zoning issues that prevented a zoning clearance, and a Variance is necessary to proceed further. Subsequent research by staff and the owner found that old County records and previous actions by the Town were in conflict, that staff had no authority to overturn the Town ordinances at this time, and the Board of Adjustments was the only body that could make a formal determination and provide the necessary Variance from the Ordinance. The owner is protesting the imposition of the \$620 fee for the hearing on a Variance; the Town Attorney has advised that the Town should waive the fee, based on findings in similar cases.

The Council discussed the request, together with a statement from Michael Thomsen, the owner, who described his problem trying to prove what he felt was conclusive evidence to justify his right to build onto the structure. Mr. Thomsen commented that staff has been very patient, and based on all the research, believes that he should not be required to pay the \$620 fee for the Board of Adjustments hearing.

Councilor German requested item #16

16. **Discussion, consideration, and possible direction to staff relative to donating obsolete Town Computer equipment to the Camp Verde Senior Center as the Town's computers are replaced.**

On a motion by German, seconded by Whatley, the Council unanimously directed staff to work on an agreement to loan 4 or 5 of the "newer" old computers, as they are replaced and stripped of all other information, to the Camp Verde Senior Center.

Councilor German explained that she has been working on getting the Senior Center internet connected, and being able to use the Center's computers would take a burden off of the Library in connection with the waiting line for the community to use those computers. The existing equipment at the Center is bordering on becoming obsolete, and German suggested that perhaps four or five

of the Town computers that are being replaced might be donated to the Center, which would benefit the entire community. The Council agreed that the suggestion is a good one, and Scannell confirmed that although the equipment cannot be donated, he and Barber will work on drafting an agreement for the loan of five computers to the Sr. Center as discussed.

There was no public input.

- 17. **Discussion, consideration, and possible direction to staff relative to setting parameters to include, but not limited to salary, expenses, per diem, etc. of an Interim Town Manager provided by the League of Arizona Cities and Towns and/or other possibilities relative to the appointment of an Interim Town Manager.** Staff Resource: David R. Smith  
 On a motion by Roulette, seconded by German, the Council unanimously voted to schedule a Special Session on Monday, March 22<sup>nd</sup> to postpone and address **Items 17 and 18** from tonight's meeting, with the Special Session to start at 6:00 p.m.; **Item 19** is continued to the meeting of March 24<sup>th</sup>.  
  
 Kovacovich commented that some Council members who were absent asked that this item be continued to a meeting when a full Council will be present, possibly next week. Whatley confirmed that she had heard from other members who had requested that Items 17, 18 and 19 all be pulled and continued; perhaps to a Special Session. The Council discussed whether Items 17 and 18 could be heard at the March 24<sup>th</sup> meeting, expressing concern about the estimated time that would be necessary to do so. It was agreed that both Items 17 and 18 need to be considered as soon as possible, while Item 19 could be continued to the March 24<sup>th</sup> meeting. After further discussion of the availability of the members, with input from Scannell, it was determined that a Special Session would be set for Monday, March 22 at 6:00 p.m. to hear Items 17 and 18. It was agreed that Item 19 would be continued to March 24<sup>th</sup>.
- 18. **Discussion, consideration, and possible direction to staff relative to setting the parameters to include, but not be limited to required knowledge, skills, and abilities, compensation levels, expenses, reimbursement of expenses, etc. as they relate to hiring a new Town Manager.** Staff Resource: David R. Smith  
 (See action taken at Item 17.)
- 19. **Discussion, consideration, and possible discussion relative to staffing the Finance Department. Discussion may include, but not be limited to retaining Michael Scannell on a contractual basis and/or reclassifying Senior Accountant Lisa Elliott.** Note: Council may vote to hear this matter in Executive Session pursuant to ARS §38-431.03 (A)(1) for discussion or consideration of assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body. Staff Resource: David R. Smith/Michael Scannell  
 (See action taken at Item 17.)

Councilor Garrison requested item #20


~~20. **Discussion or consultation with the Town Attorney for legal advice concerning the Town's use of certain personal property rights.** Note: Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §38-431.03(A)(4) for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of negotiation, in pending or contemplated litigation, or in settlement discussions in order to avoid or resolve litigation in connection with the Town's use of certain personal property rights.~~

21. **Call to the Public for Items not on the Agenda.**  
 There was no public input.

22. **Advanced Approvals of Town Expenditures..**  
 There were no advanced approvals.

23. **Manager/Staff Report**  
 There was no Manager/staff report.

24. **Adjournment**  
 On a motion by Whatley, seconded by Roulette, the meeting was adjourned at 7:30 p.m.

  
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 Bob Burnside, Mayor

  
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 Margaret Harper, Recording Secretary

**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 the 17<sup>th</sup> day of March 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 8 day of April, 2010.

Deborah Barber  
Debbie Barber, Town Clerk