

**MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY**

**TUESDAY, APRIL 11, 2023
6:00 P.M.**

**CHINO VALLEY COUNCIL CHAMBERS
202 N. STATE ROUTE 89, CHINO VALLEY, AZ**

Present: Mayor Jack Miller; Vice-Mayor Eric Granillo; Councilmember Annie Perkins; Councilmember Tom Armstrong; Councilmember John McCafferty; Councilmember Sherri Phillips; Councilmember Robert Schacherer

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire; Development Services Director Laurie Lineberry; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Lieutenant Josh McIntire; Public Works Director/Town Engineer Frank Marbury; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

1) CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Miller called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Presentation by the Chino Valley Equestrian Association regarding the status of the Chino Valley Equestrian Park located on Town property and their annual report update.

Anderson Cooper, CVEA President, presented the following:

- Mr. Cooper thanked the Council and all the local businesses for their support over the last 24 months.
- The Association had been enabled to grow from three years ago with a \$12,000 budget to over \$100,000 this year. There would be lots of improvements and lots of partnerships, including national organizations, over the next year.
- They were now the host facility for the Arizona region.
- He introduced Trudy Ruth to present the report.

Trudy Ruth, Treasurer for the CVEA, presented the following:

- Affiliates included Extreme Cowboy Association (EXCA). The park's division was known as the High Plains Tumblers (formerly the Cowboy Challenge). They were now sanctioned and recognized and would be attracting participants from out of town and even out of state.
- They were also affiliated with AZ Working Equitation which was also sanctioned and recognized and would also be bringing in out of town guests.,
- The Association was also affiliated with CVEP Outlaws, Granite Mtn Riders, LASER,

- Horses w/ Heart, Chase Bank, and the Chino Valley Chamber of Commerce.
- Membership went up to 210 from 144 in 2017. They usually gained more members when events started so they expected that number to grow again. The CVEA offered two levels of membership: the general members could go to the park during open riding and participate in all events; premiere members could go to the park and ride any time during business hours without being limited to just open riding hours.
 - Volunteers: They had recorded 5,200 hours YTD. There was probably more that wasn't tracked. They were getting great responses when asking for volunteers.
 - 2022 events included: Two barrel run jackpot races, EXCA Cowboy Challenge with four clinics and four competitions, Working Equitation competitions, all-breed horse shows, Granite Mountain Rider events, Masterson Method demonstration (this was a healing method for horses), trailer clinic, ranch riding clinic, alternative medicine demonstration, liberty clinics, open riding days, and Chamber of Commerce Mixer. They also had nine multi-day events and nine events with dry camping.
 - Participants and spectators were coming from Tucson, Phoenix Metro, Black Canyon City, Camp Verde, Kingman, Prescott, Prescott Valley, Chino Valley, Paulden, and Dewey.
 - CVEA had a lot of sponsors. Most gave \$1,000 or in-kind donations.
 - The following are improvements they did in the last year focusing on cleaning up the park:
 - Cleaned 80 acres.
 - Put up a sign on the entrance.
 - Hired a retired gentleman to come to the park and help clean up and level the ground.
 - Acquired a new tractor.
 - Outreach was very important for the Association to partner with other non-profits such as LASER, Horses with Heart, and Bethany's Gait. LASER offered pens for emergency situations when animals needed a safe place to go and they were working with CVEA to make improvements. LASER also offered their pens for overnight events provided there was not an active emergency.
 - 2022 Financial Report – CVEA brought in over \$72,000 and spent most of it cleaning up the park and putting on horse shows which were judged by accredited judges.
 - 2023 Events Scheduled – CVEA currently had three horse shows scheduled, four EXCA competitions, three clinics and three shows by Working Equitation, a saddle fitting clinic, and Masterson Method clinic.
 - Using a formula provided by the American Quarter Horse Association CVEA projected that the Town received \$72,832.50 from last year's shows.
 - 2023 planned improvements included:
 - Installing a driving court for carriages, buggies, and carts
 - Expanding the trail course
 - Lights for the LASER stalls
 - Parking area and arena II
 - New gates and an auto entry system
 - Water truck
 - Equipment Shed (this was just built)
 - The CVEA's main mission for 2023 would be to offer clinics and events to attract new people who had never been to a horse show.

Ms. Ruth and Council discussed the following:

- Council asked if people were able to use the arenas. Ms. Ruth stated that people could rent one or two arenas or the whole park. Information was available on their website at www.cvequestrianpark.org

- b)** Presentation of Proclamation declaring April 2023 as Fair Housing Month.

Vice-Mayor Granillo read the Proclamation for Fair Housing Month.

- c)** Presentation of Proclamation declaring April 9 - 15, 2023 "Stand With Me, Be Drug Free" Week presented by MatForce.

Charles Wynn, Police Chief, presented the following:

- Kelly Lee was the Program Manager with MatForce.
- She had left MatForce to go to the DEA and had come back to MatForce.
- She had lots of great programs, but they would be focusing on "Stand With Me, Be Drug Free."

Kelly Lee, Program Manager with MatForce, presented the following:

- Several years ago members wanted to educate kids on the fact that 80% or more of kids chose not to use drugs. The data was compiled from data received from the Arizona Survey of 8th – 12th graders completed every two years and found that 80-83% of children in that age group did not use drugs.
- Ms. Lee stated that some children thought that using drugs was normal and this program was meant to inform them that it was not normal. This program had been turned into a community event where people could get posters and hang them in businesses and homes. They also hosted a walk at Mortimer Farms which was open to the public and was free including kids events, food, face painting, etc. The walk would be held at 10:00 a.m. on the 15th.

Lieutenant McIntyre read the Proclamation for "Stand with Me, Be Drug Free" Week.

- d)** Presentation and recognition of our appreciation to the Arizona Rangers - Granite Mountain Company.

Charles Wynn, Police Chief, presented the following:

- A few weeks ago there was a water issue when Prescott released the flood gates and Perkinsville Road was washed out. The Town had put up barricades and people drove around them, so the area needed to be staffed.
- The Town did not have enough staff to cover the area 24/7, so staff reached out to the AZ Rangers and they immediately responded and were out there for 7 days helping out. They were willing to be there longer, but the Town's road department did a great job getting in there and fixing the road.
- A \$1,000 donation was made to the group.

- e)** Presentation and update on current legislation regarding overnight camping.

Charles Wynn, Police Chief, presented the following:

- This was a discussion item and update. Since the Study Session on this topic the Chief had spoken to code enforcement, attorneys, and looked at current statutes and didn't feel that creating an ordinance would do anything to help the Town. It was not a huge problem, and there was currently case laws coming down that could change things.

Andrew McGuire, Town Attorney, presented the following:

- A few years ago, there was a case from Boise that set the bar high for what the Town could and could not do. Since then, the ninth circuit had gone from preventing criminal penalties to civil penalties as well. However, last week Phoenix had been admonished for not doing anything when presented with the issue. It was a strange middle ground and staff had discussed legal options versus practical options. After the Phoenix case it was clear that the health and safety issues covered by the current code were where the Town needed to put its focus.

Staff, Town Attorney, and Council discussed the following:

- Chief Wynn stated that his recommendation was to improve signage at the parks to include rules regarding park hours, overnight camping, and dog leashes.
- One councilmember was disappointed to hear this as he felt the Town needed to send a clear message that Chino Valley was not a place for homesteading or vagrancy. He asked if the Town was not able to do anything.
 - Mr. McGuire stated that the Town was severely hindered by the case law in the area. The options for dealing with this specific issue were very narrow. They were only left to deal with nuisance behavior and dealing with nuisance behavior was already written into code. The problem came with specifying the type of person causing the nuisance behavior.

Mayor Miller suggested bringing the topic back at a different time, possibly at a study session.

3) CALL TO THE PUBLIC- Individuals requesting to speak, please complete a Speaker Comment Card and return to the Clerk.

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is at the discretion of the Council and not required by law. Individuals are limited to speak for three (3) minutes, yielding of time will not be permitted. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism. Disrespectful behavior will not be tolerated; this includes loud outbursts, profanity and disruptive discussions among our audience.

Larry Holt presented the following:

- He had attended a community meeting for the planned development of 18 homes on a 20-acre parcel which included 18 wells. The first question for the developer's water expert was "where's the water coming from?" The expert stated that the State had issued a certificate for 100 years. He was then asked why they wouldn't be using Town or Prescott water and the response was that it was not available in the neighborhood and Prescott was not doing residential water to the Town any longer.
- Mr. Holt stated that if the developers didn't start paying to have the infrastructure put in it would never get put in and they would just keep punching holes in the ground.

- Mr. Holt stated that he got to talking with the expert and asked about high arsenic, and the expert stated that yes, the water was a little over the limit. So, Mr. Holt asked what they would do about it and the expert stated that they would put whole home filters on the houses. Mr. Holt inquired if they would disclose the high levels to the buyers. The water expert stated that they didn't do that as there was no requirement to do so. Mr. Holt stated that he asked how the arsenic could get into water and the expert stated that it came from disturbances from the water going up and down, and when they drilled the dirt going into the aquifer carried a little arsenic. Mr. Holt asked if punching 18 holes would increase the arsenic to a level even higher than it already was and the expert stated that could probably happen.
- Mr. Holt stated that the primary responsibility of any government was to provide safety of its citizens. He was asking the Town to consider an emergency ordinance requiring anyone selling a home to have the well tested for arsenic prior to the sell and require a full disclosure of that report's findings. Water districts were required to maintain arsenic at safe levels, test regularly, and provide results to the customer and it should be required of anyone else selling a home.
- He stated that he had contacted the State as well. It was not acceptable because people were being put in homes that may not be safe in 10 years.

4) **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a) Status reports by Mayor and Council regarding current events.

Councilmember Armstrong thanked Cyndi Thomas and Scott Bruner for the new ramada at the dog park.

Mayor Miller gave kudos to the roads crew for getting Perkinsville Road back up as quickly as they did.

Vice-Mayor Granillo announced Chino Valley Little League would be having its official kick off at the Community Center on Saturday, April 15th starting at 8:00 a.m. The first pitch would be at 1:00 p.m. with games starting at 2:00 p.m.

Councilmember Perkins announced that CAFMA Station 61 would be holding the annual pancake breakfast on April 16th. They were asking for a \$5 donation. Breakfast started at 8:00 a.m. and concluded at Noon. There would be kids activities, auction items, etc. All proceeds would benefit the Firefighter Angel Foundation.

- b) Status report by Town Manager Cindy Blackmore regarding Town accomplishments, and current or upcoming projects.

Cindy Blackmore, Town Manager, reported the following:

- The General Plan was out for the required 60-day public review period through June 6th. Public could click the green Make it Chino button on the Town website to view the plan. Ms. Blackmore thanked all of those who had participated so far and requested more to review the plan and please make more comments.
- Also gave kudos to the roads crew. It was a difficult situation for everyone. The amount of water was unexpected, and they did the best job that they could do. As soon as the water was clear they had that road back up in less than two days. The Town and County Emergency Management was working on putting plans in place to prevent that from happening again.
- Congressman Eli Crane would be at the Town for a Meet & Greet on Thursday, April 13th from 12:30 to 1:30 p.m. He would be talking about drugs in Arizona, health, crime, and how it affects the environment. It was free and open to the public.
- The Police Department had a fraud prevention program going on. The public could attend for free to learn about scams and how to protect themselves from scammers. It would be held on Wednesday, April 19th from 5:00 – 6:00 p.m. at the Chino Valley Library Community Room.
- The Town would be hosting it's annual Clean Up Dump Day on May 5th and 6th from 8:00 a.m. to 5:00 p.m. at Old Home Manor.
- The Town website had more information about all these events.

5) CONSENT AGENDA

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

Councilmember McCafferty requested to pull item 5(b) to be heard separately. Vice-Mayer Granillo requested to pull item 5(e) for a later date.

MOVED by Councilmember Annie Perkins, seconded by Councilmember Tom Armstrong to approve Consent Agenda items a, c, d, f, g, and h, holding item e for a later date and discussion.

AYE: Mayor Jack Miller, Vice-Mayor Eric Granillo, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

7 - 0 PASSED - Unanimously

- a) Consideration and possible action to ratify the Professional Services Agreement with Lawrence Digges, to provide audio & visual technician services beginning March 27, 2023, through June 30, 2023, in an amount not to exceed \$4,000.
- b) Consideration and possible action to approve a first amendment to the Professional Services Agreement with EHS Support, LLC to provide groundwater recharge site assessment services increasing not to exceed the amount from \$120,957 to \$130,000 and extending the contract term from May 11, 2023, to September 30, 2023.

Mark Holmes, Town Water Consultant, presented the following:

- The Town had an Analysis of Assured Water Supply, as discussed at the last study session, issued for Wine Glass Ranch. This item referred to the Town's big water importation project. The permit was issued in 2008 and the Town tried to renew it, but the State denied the renewal stating they had to use the Northern Arizona Regional Groundwater Flow Model. It was new and had not been used for any other permits prior. The Town then developed a work plan with initial questions developed for ADWR and then scheduled the pre-application meeting.
- November of 2020 EHS provided a scope of work and proposed fee in the amount of \$153,000.
- In January 2021 the Town and Nature Conservancy agreed to a 50/50 cost share of the \$153,000 as they needed that same groundwater model for their own scenarios.
- Also, in January 2021 the Town and EHS signed a Professional Service Agreement to begin the work.
- October 27, 2021, the Town submitted its application for Physical Availability Determination in the amount of approximately 1,800 acre feet per year for 100 years. ADWR issued a letter of deficiency requesting modifications to the model and additional information. Staff had four items to complete which would increase the budget from \$153,000 to \$163,000 based on additional work ADWR wanted the Town to do.
- The staff report included the incorrect contract with EHS. Mr. Holmes provided a new motion for the Council as follows: Move to approve the first amendment to the Professional Services Agreement with EHS dated January 12, 2021, which is increasing the amount from \$153,883 to \$163,883.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember Annie Perkins to approve the first amendment to the Professional Services Agreement with EHS dated January 12, 2021, which is increasing the amount from \$153,883 to \$163,883.

AYE: Mayor Jack Miller, Vice-Mayor Eric Granillo, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

7 - 0 PASSED - Unanimously

- c) Consideration and possible action to adopt Resolution No. 2023-1221, ordering and calling a special election to be held in and for the Town of Chino Valley, Arizona, on November 7, 2023, designating the election date, the purpose of the election, and the deadline for voter registration.
- d) Consideration and possible action to dissolve the Municipal Property Corporation (MPC).
- e) Consideration and possible action to approve a revised agreement for the purchase of a new bulk water loading station from AquaFlow Int'l, Inc. in the amount of \$68,897.05.
- f) Consideration and possible action to approve the February 14, 2023, study session minutes.
- g) Consideration and possible action to approve the February 14, 2023, regular meeting minutes.

- h) Consideration and possible action to approve the February 28, 2023, joint meeting minutes.

6) **ACTION ITEMS**

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Consideration and possible action to dissolve the Industrial Development Authority (IDA) and direct staff where to allocate the total funds remaining in the National Bank Of Arizona Business Savings Account.

Erin Deskins, Town Clerk, presented the following:

- The Industrial Development Authority (IDA) met on March 30, 2023, to discuss the option of dissolving the public body. Members had not met since October 14, 2020, and agreed there was no viable reason to continue with the Board.
- Any remaining funds would be returned to the Town's General Fund. As of February 28, 2023, the account held \$3,296.22.
- Staff needed direction from Council where to allocate the money. Staff's recommendation was to return it to the General Fund.

Andrew McGuire and Council discussed the following:

- A question was posed to legal counsel regarding any statutory requirement for this board. IDA's were a popular tool in the past for financing of certain projects within the Municipality. IDA's like the State issued these types of debt which does not involve local IDA's any longer.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember Tom Armstrong to dissolve the Industrial Development Authority.

AYE: Mayor Jack Miller, Vice-Mayor Eric Granillo, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer


7 - 0 PASSED - Unanimously

7) **ADJOURNMENT**

MOVED by Councilmember Sherri Phillips, seconded by Councilmember Tom Armstrong to adjourn the meeting at 6:52 p.m.

AYE: Mayor Jack Miller, Vice-Mayor Eric Granillo, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

7 - 0 PASSED - Unanimously



Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 11th day of April, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9th day of May, 2023.

Erin N. Deskins

Erin N. Deskins, Town Clerk