



# City of Apache Junction, Arizona

## Meeting Minutes City Council Meeting

Meeting location:

City Council Chambers  
at City Hall  
300 E. Superstition Blvd  
Apache Junction, AZ  
85119

apachejunctionaz.gov  
Ph: (480) 982-8002

*Doors are open to the public at least 15 minutes prior to the posted meeting start time.*

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Tuesday, November 5, 2024

7:00 PM

City Council Chambers

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### A. CALL TO ORDER

Mayor Wilson called the meeting to order at 7:00 p.m.

### B. INVOCATION AND PLEDGE OF ALLEGIANCE

Councilmember Nesser gave the invocation and Councilmember Soller led the meeting attendees in the Pledge of Allegiance.

### C. ROLL CALL

**Present:** 7 - Mayor Wilson  
Vice Mayor Schroeder  
Councilmember Nesser  
Councilmember Heck  
Councilmember Johnson  
Councilmember Cross  
Councilmember Soller

#### **Staff in Attendance:**

Bryant Powell, City Manager  
Matt Busby, Assistant City Manager  
Evie McKinney, Deputy City Clerk  
Joel Stern, City Attorney  
Kayla Fulmer, Director of Marketing and Communications  
Michael Pooley, Police Chief  
Rudy Esquivias, Development Services Director  
Patrick Ainsworth, Economic Development Director  
Angelie Hawley, Finance Director  
Sidney Urias, Planning Manager  
Nicholas Leftwich, Planner  
Erika Hernandez, Associate Planner  
Rob Wisler & Eli Richardson, Management Analysts

### D. CONSENT AGENDA

**Councilmember Cross moved, seconded by Councilmember Nesser to approve the Consent Agenda.**

**Yes:** 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

1. [24-816](#) Consideration of acceptance of agenda.
2. [24-821](#) Consideration of approval of minutes of the regular meeting of October 15, 2024.
3. [24-881](#) Consideration of approval of Final Plat for Radiance; Parcel 19.28 (SV-22-52).
4. [24-887](#) Consideration of award of contract to Viasun Corporation for the crushing and screening of waste asphalt concrete. The work would be through the Pinal County cooperative contract No. 175623 in the amount of \$331,719.47 plus 10% contingency for unforeseen change orders in the amount of \$33,171.94 for a total project cost not to exceed \$364,891.41. Work is planned within the December 2024 through February 2025 time frame.
5. [24-895](#) Consideration of approval of Resolution No. 24-30 adopting the findings and recommendations of the Concentrated Downtown Master Plan Update.
6. [24-896](#) Consideration of approval of Resolution No. 24-33 authorizing the city to submit an application for a loan from the Water Infrastructure Finance Authority of Arizona and declaring the city's intentions to reimburse certain expenditures related to the project from loan proceeds or other source of financing.
7. [24-897](#) Consideration of approval of Resolution No. 24-35 authorizing the City of Apache Junction to enter into an intergovernmental agreement for technology and related services with the City of Mesa.
8. [24-900](#) Consideration of approval of Resolution No. 24-38 authorizing the city to submit an application for a loan from the Greater Arizona Development Authority.

#### **E. AWARDS, PRESENTATIONS AND PROCLAMATIONS**

9. [24-879](#) Proclamation designating Saturday, November 30, 2024, as "Small Business Saturday."

Mayor Wilson read the Proclamation designating Saturday, November 30, 2024, as "Small Business Saturday" and presented it to Apache Junction Chamber of Commerce President/CEO Mary Ann Przybylski.

10. [24-880](#) Proclamation for "Recognition of Honorable Service to James Edwards."

Mayor Wilson read the Proclamation for "Recognition of Honorable Service to James Edwards" and presented it to James Edwards. Apache Junction Chamber of Commerce President/CEO

Mary Ann Przybylski thanked Mr. Edwards for his 25 years of volunteer service at the Visitor's Center and commended the Council for honoring him. Economic Development Director Patrick Ainsworth also thanked Mr. Edwards for his years of service to the City.

11. [24-886](#) Proclamation designating November 1, 2024, as "Extra Mile Day."

Mayor Wilson read the Proclamation designating November 1, 2024, as "Extra Mile Day." He expressed his appreciation for all the volunteers in the community.

## F. REGIONAL INTERGOVERNMENTAL UPDATES

12. [24-826](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Mayor Wilson took a helicopter tour of the water canal system in Apache Junction and shared a few photos of the flight. He also toured the local landfill and learned about how their process works and their efforts in saving the environment.

Mayor Wilson attended the Grand Opening Celebration for Painted Sky Park on November 2, 2024. He highlighted the catch and release fishing and how large the park is. He also attended the Central Arizona Government meeting where they discussed the 5 year car crash history in Pinal County. He shared statistics for the county and Apache Junction and encouraged all citizens to slow down while driving and to wear seat belts.

## G. CITY MANAGER'S REPORT

13. [24-831](#) City Manager's Report.

City Manager Bryant Powell shared that Code Compliance Officer, Bill Miller was awarded Code Compliance Officer of the year by the American Association of Code Enforcement. He congratulated Bill and commended him on his great work in the community.

Mr. Powell also shared the Household Hazardous Waste Day is coming up on November 16, 2024 from 8:00 a.m. to 12:00 p.m. It is located at the Apache Junction Public Works Yard, 575 E. Baseline Ave. He encouraged everyone to come check out the event.

14. [24-836](#) Announcement of Current Events.

Management Analyst Eli Richardson shared the Veterans Day Parade will take place on Monday, November 11, 2024. The opening ceremony is at 9:15 a.m. and the parade begins at 9:30 a.m. at Phelps Dr heading west on Apache Trail. There will also be a Veterans tribute immediately following the parade hosted by the Chamber of Commerce.

## H. PUBLIC HEARINGS

- 15. [24-873](#) Consideration of application for a new Series 6 Bar Liquor License for Rusty Buckle Saloon located at 285 N. Apache Trail, Apache Junction, AZ. The next step in the process is for the council to hold a public hearing on the application and make a recommendation of approval or denial to the Arizona Department of Liquor License and Control.

**Councilmember Heck moved, seconded by Councilmember Soller that the application for a Series 6 Bar Liquor License submitted by Jared Michael Repinski for Rusty Buckle Saloon be recommended for approval to the Arizona Department of Liquor Licenses and Control.**

**Yes:** 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

**No:** 0

Deputy City Clerk Evie McKinney stated the city received an application for a new Series 6 Bar Liquor License for Rusty Buckle Saloon located at 248 N. Apache Trail, on October 1, 2024, and the Notice of Posting was placed at the establishment on October 7, 2024. The posting requirement has been met with no comments from the public.

Correspondence related to inspections of the premises for safety and code compliant matters have been received from the Apache Junction Police Department, Planning and Zoning Department, Building and Safety Division and the Superstition Fire and Medical District. All four entities find compliance with the inspection requirements and recommend approval.

Councilmembers inquired about the construction for the tenant improvement and what that entails. Development Services Director Rudy Esquivias responded that it is an interior clean up and he believes there will be no issues once completed.

Mayor Wilson opened the Public Hearing, receiving no comments from the public, he closed the public hearing and asked for a motion.

- 16. [24-874](#) Consideration of application for a new Series 6 Bar Liquor License for Kapt'n D's located at 300 W Apache Trail Suite 118, Apache Junction, AZ. The next step in the process is for the council to hold a public hearing on the application and make a recommendation of approval or denial to the Arizona Department of Liquor License and Control.

**Councilmember Soller moved, seconded by Councilmember Heck that the application for a Series 6 Bar Liquor License submitted by Jared Michael Repinski for Kapt'n D's be recommended for approval to the Arizona Department of Liquor Licenses and Control.**

**Yes:** 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

**No:** 0

Deputy City Clerk Evie McKinney stated the city received an application for a new Series 6 Bar Liquor License for Kapt'n D's located at 300 W. Apache Trail #118, on September 23, 2024, and

the Notice of Posting was placed at the establishment on October 1, 2024. The posting requirement has been met with no comments from the public.

Correspondence related to inspections of the premises for safety and code compliant matters have been received from the Apache Junction Police Department, Planning and Zoning Department, Building and Safety Division and the Superstition Fire and Medical District. All four entities find compliance with the inspection requirements and recommend approval.

Mayor Wilson opened the public hearing, receiving no comments from the public, he closed the public hearing and asked for a motion.

- 17. [24-889](#) Presentation, discussion, public hearing and consideration of Ordinance No. 1558 a proposed rezoning of parcel 101-02-0780, located near the southwest corner of Ironwood Dr and Superstition Blvd., from the currently split zoned General Commercial (“B-1”) and Medium Density Single-Family Detached Residential (“RS-20M”) to General Commercial (“B-1”) to facilitate the construction of a 4,213 square foot construction office and a 10,000 square foot warehouse.

**Councilmember Soller moved, seconded by Vice Mayor Schroeder that Ordinance No. 1558 be read by title only and the reading of the entire ordinance be waived.**

**Motion passed unanimously.**

**Deputy City Clerk McKinney read Ordinance No. 1558 by title only, repealing any conflicting provisions; and providing for severability.**

**Councilmember Soller moved, seconded by Vice Mayor Schroeder that Ordinance No. 1558, as read by the Deputy City Clerk, be approved and adopted.**

**Yes:** 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

**No:** 0

Planner Erika Hernandez presented a summary for Ordinance No. 1558. The subject property is located near the southwest corner of Ironwood Drive and Superstition Boulevard, parcel 101-02-0780, approximately 1.43 acres in size. The property is currently split zoned General Commercial (“B-1”) and Medium Density Single-Family Detached Residential (“RS-20M”) and is proposed to be rezoned General Commercial (“B-1”) to facilitate the construction of a 4,213 square foot construction office and a 10,000 square foot warehouse.

The Planning and Zoning Commission held a public hearing on October 8, 2024. The Commission voted unanimously to recommend approval of the proposed rezoning. Ordinance No. 1558 represents Staff’s and the Commission’s recommendation.

A representative for Emc2 Group Architects, Richard Clutter presented an overview of the project.

Councilmember concerns included: if there will be any retail at this location, after hours vehicle traffic, and what changes were made to the updated site plan.

Ms. Hernandez and Mr. Clutter responded to all concerns.

Mayor Wilson opened the Public Hearing, receiving no comments from the public, he closed the public hearing and asked for a motion.

18. [24-890](#) Presentation, discussion, public hearing and consideration of Ordinance No. 1554, a proposed text amendment of the Apache Junction City Code Volume I, Chapter 9: Health & Sanitation, Article 9-1: Property Maintenance Standards, § 9-1-4 Enforcement and Abatement, to amend the property maintenance penalty fees.

**Councilmember Cross moved, seconded by Councilmember Johnson that Ordinance No. 1554 be read by title only and the reading of the entire ordinance be waived.**

**Motion passed unanimously.**

**Deputy City Clerk McKinney read Ordinance No. 1554 by title only, repealing any conflicting provisions; and providing for severability.**

**Councilmember Cross moved, seconded by Councilmember Johnson that Ordinance No. 1554, as read by the Deputy City Clerk, be approved and adopted with the following amendment of Option # 5.**

**Yes:** 6 - Mayor Wilson, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

**No:** 1 - Vice Mayor Schroeder

Planner Nicholas Leftwich presented the background and options for Ordinance 1554.

**BACKGROUND:**

On August 5, 2024, the Apache Junction City Council directed staff to review the zoning violation penalty fees and the city code property maintenance penalty fees. The objective was to assess if the penalty fees should be amended to match each other, with the possible option of increasing the penalty fees in order to discourage future code violations.

Staff researched the penalty fee structures of other municipalities within the valley pursuant to this direction and provided this data and three different options of fee structures to the Planning and Zoning Commission for review so that they may provide their recommendation to the City Council, which has been included as "Option 4".

On October 14, 2024, the city council met to discuss the recommendations and gave staff direction to provide an "Option 5" which matches the penalty fees of a first and second violation between the two code types, and also makes the third offense within 24 months of the first violation a class 1 misdemeanor with a penalty fee not to exceed \$2500, which is the state sentence for class 1 misdemeanors set by A.R.S. Section 13-802: Fines for misdemeanors.

**SUMMARY OF OPTIONS:**

"OPTION 1" proposes to raise the Zoning Violation Civil Penalty Fees to match the scale of the Property Maintenance Violation Civil Penalty Fees.

“OPTION 2” proposes to increase both the Zoning Violation Civil Penalty Fees and the Property Maintenance Violation Civil Penalty Fees to a higher value and makes the third offense of a zoning ordinance violation within a 24 month consecutive period a class 1 misdemeanor, with the penalty fee being updated to a criminal fine not to exceed \$2,500.

“OPTION 3” proposes no change to any of the penalty fees.

“OPTION 4”, which the Planning and Zoning Commission recommended by a 6:0 vote on September 24, 2024, proposes no change to the first and second violation penalties of both violation types, but does make the penalty of third offenses within 24 months of the first violation a class 1 misdemeanor with a penalty fee not to exceed \$2500.

“OPTION 5”, per the direction given by the City Council on October 14, 2024, proposes to match the first and second violation penalties at the scale of the Property Maintenance Violation Civil Penalty Fees, but makes the penalty of third offenses within 24 months of the first violation a class 1 misdemeanor with a penalty fee not to exceed \$2500.

The precise correlating fee values of each option are provided in the attached P-24-70-AM Draft Amendment Options document.

In revising the ordinance draft, our city attorney also noted the proposed amendment would affect the language of § 1-16-16 (D)(6) Enforcement procedures for non-emergency matters, which names items contained in zoning enforcement notices and reads: “(6) A warning that failure to comply may result in the filing of a civil or criminal misdemeanor case, depending on whether this violation is the 1st, 2nd, 3rd or 4th violation over a 24-month consecutive period.”

With the possible change of the penalty scale, it has been recommended to simplify this language to read: “(6) A warning that failure to comply may result in the filing of a civil or criminal misdemeanor case.” Draft Ordinance No. 1554, amending Apache Junction City Code, Volume I, Chapter 9: Health and Sanitation, Article 9-1: Property Maintenance Standards, § 9-1-4 (C) Enforcement And Abatement and Draft Ordinance No. 1555, amending Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-16: Administration, § 1-16-16 (D)(6) And (F)(1) Violations, Penalties And Enforcement have been prepared according to City Council direction.

Mayor Wilson opened the public hearing.

Andre Meek, 1327 S Belair Rd, Apache Junction, expressed that 24 months is too long for this process.

Councilmembers asked City Attorney Joel Stern for clarification on the time frames of this ordinance. Mr. Stern explained the process.

Mayor Wilson closed the public hearing and asked for a motion.

- 19. [24-891](#) Presentation, discussion, public hearing and consideration of Ordinance No. 1555, a proposed text amendment of the Apache Junction City Code Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-16: Administration, § 1-16-16 Violations, Penalties And Enforcement, to amend the zoning violation penalty fees.

**Councilmember Johnson moved, seconded by Councilmember Nesser that Ordinance No. 1555 be read by title only and the reading of the entire ordinance be waived.**

**Motion passed unanimously.**

**Deputy City Clerk McKinney read Ordinance No. 1555 by title only, repealing any conflicting provisions; and providing for severability.**

**Councilmember Johnson moved, seconded by Councilmember Nesser that Ordinance No. 1555, as read by the Deputy City Clerk, be approved and adopted with the following amendment of Option # 5.**

**Yes:** 6 - Mayor Wilson, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

**No:** 1 - Vice Mayor Schroeder

Planner Nicholas Leftwich stated Ordinance No. 1555 was presented with Ordinance No. 1554.

Mayor Wilson opened the Public Hearing, receiving no comments from the public, he closed the public hearing and asked for a motion.

**I. OLD BUSINESS**

**J. NEW BUSINESS**

**K. COUNCIL DIRECTION TO STAFF**

- 20. [24-898](#) Council direction to staff regarding the continuation of the .2% sales tax which is set to expire on March 1, 2025, and the .2% sales tax which is set to expire on September 1, 2026.

**Councilmember Johnson moved, seconded by Councilmember Soller that direction to staff be given to draft an Ordinance for the continuation of the .2% sales tax dedicated to fund roadway maintenance and repairs, which is set to expire on March 1, 2025, and to draft an Ordinance for the continuation of the .2% sales tax for public safety, which is set to expire on September 1, 2026.**

**Yes:** 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

**No:** 0

Assistant City Manager Matt Busby informed Council the .2% sales tax continuation was presented to them at the Work Session on October 14, 2024 and they are to advise if they would like to proceed with staff drafting the ordinances.



**L. SELECTION OF MEETING DATES, TIMES, LOCATIONS, AND PURPOSES**

**M. CALL TO PUBLIC**

Andre Meek, 1327 S. Belair Rd, Apache Junction, complimented the new Painted Sky Park and asked if the sand that gets collected in the City after it rains can be used for the Superstition Mountain Museum parking lot.

Catherine Meek, 1327 S. Belair Rd, Apache Junction, shared upcoming events happening at the Superstition Mountain Museum.

Gail Evans, 913 S Del Rio Court, Apache Junction, thanked the volunteers for the annual Make a Difference Day that was held on October 5, 2024 and advised that the Apache Junction Community Development Corporation will pick up items for people that cannot get to the Hazardous Waste Day event.

**N. ADJOURNMENT**

**Mayor Wilson adjourned the meeting at 8:09 p.m.**

ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
WALTER "CHIP" WILSON  
Mayor

ATTEST:

\_\_\_\_\_  
JENNIFER PEÑA  
City Clerk