



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

Tuesday, January 16, 2024

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Wilson called the meeting to order at 7:01 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Schroeder gave the invocation and Councilmember Nesser 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
Jennifer Pena, City Clerk
Joel Stern, City Attorney
Michael Pooley, Police Chief
Rudy Esquivias, Development Services Director
Evie McKinney, Deputy City Clerk
Kelsey Schattnik, Planner
Nicholas Leftwich, Planner

D. CONSENT AGENDA

Councilmember Cross moved, seconded by Vice Mayor Schroeder 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. [24-002](#) Consideration of acceptance of agenda.
2. [24-003](#) Consideration of approval of minutes of the regular meeting of December 19, 2023.
3. [24-014](#) Consideration of approval of Resolution No. 23-39 amending the classification and compensation plan for fiscal year 2023-2024 for non-sworn city employee positions, implementing a mid-fiscal year adjustment to salaries, authorizing necessary budget appropriations, and establishing an effective date for these actions.
4. [24-023](#) Consideration of approval of Resolution No. 23-41 retroactively approving submission of projects for consideration in Arizona's 2024 Highway Safety Plan.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

5. [24-028](#) Proclamation designating January 2024, as "Human Trafficking Awareness Month."

Mayor Wilson read the Proclamation designating the month of January 2024 as "Human Trafficking Awareness Month", and presented it to Chief Michael Pooley with the Apache Junction Police Department. Scott September of "Not In Our City" thanked the Mayor and council for the proclamation and invited all to join the annual event "Night of Hope" being held on February 18, 2024, at 5:00 PM at Grand Canyon University. The event is to raise awareness of human trafficking in our community. Chief Pooley also thanked the Mayor for the proclamation and spoke about the training and trends the police force keep up with to help prevent this and save victims.

F. REGIONAL INTERGOVERNMENTAL UPDATES

6. [24-004](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Councilmember Heck spoke about the upcoming "Lost Dutchman Days" event. It will take place on February 23 - 25, 2024, with various events including live entertainment, carnival rides, vendor booths, a parade and the rodeo. He stated this is a signature event for the City and it highlights Apache Junction's history. He noted that the rodeo tickets are sold per day and not one ticket for all 3 days. The event brings in thousands of visitors and all money made goes to youth organizations within the City. He brought flyers with event information listed and hopes that all will attend.

Vice Mayor Schroeder and all members of the council attended Legislative Opening Day on January 8, 2024, as special guests of Senator Wendy Rogers. It was a very busy day but Senator Rogers took the time to sit down with the council and ask what she can do for them and what the City needs. Vice Mayor Schroeder was very impressed with that and he felt she was very accessible and helpful. Mayor Wilson agreed with him and felt Senator Rogers was very receptive to their concerns and ideas.

Mayor Wilson attended "Breakfast with the Governor" on January 9, 2024. Governor Hobbs gave the State of State speech and other cities shared what was going on in their cities. It was well attended by many other cities Mayors and officials.

Mayor Wilson also spoke about the celebration of life memorial for Sergeant Southard on January 13, 2024, at VFW Post 7968. Many family members, friends and active duty members attended and shared memories of him. Sergeant Southard's family sent the City a thank you note for recognizing him and placing the flags at city hall half-staff.

Mayor Wilson requested Police Chief Michael Pooley speak regarding the increase in juvenile crime in the East Valley. Chief Pooley stated a crime analyst for the East Valley reviewed the cases that are in the media currently and Apache Junction citizens are not connected to any of them. He also stated last year there was a spike in juvenile crime in the City but it is being monitored closely.

Councilmember Soller commented that parents need to step up and be parents, to help prevent more juvenile crime.

G. CITY MANAGER'S REPORT

7. [24-005](#) City Manager's Report.

City Manager Bryant Powell recognized Code Compliance Manager Victor Martinez for his involvement in regional and national code enforcement associations. Mr. Martinez was the President for the Code Enforcement Association in the League of Arizona Cities and Towns for 2018-2022. He was recently sworn in as President of the nation-wide American Association of Code Enforcement.

The Apache Junction library received an award of \$20,000.00 annually from the Glen Perkins Foundation to go towards computers for public use. This year it was increased to \$79,000.00, and library management staff will design a plan to maximize the amount for our citizens.

Parks and Recreation Director Liz Langenbach recognized two of her employees, David Butler and Riley King for their help with the new Christmas tree for the City. Mr. Powell read a thank you from citizens Jim and Shirley Rollins who really enjoyed seeing the new tree each day.

8. [24-001](#) Presentation and discussion with Republic Services regarding operational updates and the upcoming free dump week.

Republic Services General Manager Charlotte Thomas thanked council for attending the landfill tour and shared her hope to have more opportunities to work together. She introduced Municipal Manager Emma Reyes and Operations Manager Rob Fisher. The presentation was turned over to Ms. Reyes for updates regarding the free dump week.

Ms. Reyes presented the holiday schedule for 2024. Republic Services will be closed on Thanksgiving, Christmas and New Years. On those dates, pick-up services will be delayed one day.

Free dump weeks for 2024 are:

February 5-10

May 6-11

August 5-10

November 4-9

Ms. Reyes explained the requirements of what can and cannot be accepted during free dump week. She stated that 2,514 households took advantage of free dump weeks last year.

Councilmembers questioned increasing the weight limit and how close this location was to capacity.

Ms. Thomas addressed the concerns.

9. [24-027](#) Presentation by Jill Shaw of Heinfeld, Meech & Co. on the city's annual financial audit.

Third party Auditor Jill Shaw with Heinfeld, Meech and Co. presented the audit timeline, scope of the audit, responsibilities of the auditor and management and new accounting standards that have been implemented. She stated no audit adjustments were needed, the audit was filed on time and met all state and federal regulations. She also highlighted certain pages in the financial report.

The full report can be viewed on the City's website at www.apachejunctionaz.gov/742/Financial-Reports.

10. [24-006](#) Announcement of Current Events.

Assistant City Manager Matt Busby advised the Lost Dutchman Marathon on February 18, 2024 is sold out. He also encouraged everyone to sign up for the City's newsletter to see all details of upcoming events and programs.

H. PUBLIC HEARINGS

11. [24-008](#) Consideration of application for a new Series 12 Restaurant Liquor License for Taco Giro located at 1520 W 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 12 Restaurant Liquor License submitted by Miguel Ramos with Taco Giro 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

City Clerk Jennifer Pena stated the city received an application for a new Series 12 Restaurant Liquor License for Taco Giro located at 1520 W. Apache Trail, on December 21, 2023, and the Notice of Posting was placed at the establishment on December 26, 2023.

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.

12. [24-009](#) Consideration of application for a Series 06 Bar Liquor License for SKIES located at 945 E Scenic Street, 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 Cross moved, seconded by Councilmember Nesser that the application for a Series 6 Bar Liquor License submitted by Amy Nations with SKIES 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

City Clerk Jennifer Pena stated the city received an application for a new Series 06 Bar Liquor License for SKIES located at 945 E Scenic Street, on December 21, 2023, and the Notice of Posting was placed at the establishment on December 26, 2023.

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.

I. OLD BUSINESS

13. [23-711](#) Presentation and Discussion on Urban Night Sky Place Application Status.

Senior Planner Kelsey Schattnik presented the background for the Urban Night Sky Place (“UNSP”) Status Update. In September 2022, Staff made the decision to pursue an Urban Night Sky Place designation for the City Hall Campus. The campus includes City Hall, Library, Multi-General Center (& associated parks), and the Police Department.

An Urban Night Sky Place application was submitted to Dark Sky for review in May 2023 and received feedback from Dark Sky in June 2023. The City was informed that at least 67% of outdoor, onsite lighting must be retrofitted before an application is considered complete. With that knowledge, the City worked with TRANE Technologies to obtain a budget for retrofitting all outdoor, City Hall Campus lighting.

The city received a budget from TRANE in October 2023 for an approximate project total of \$260,000. Once the budget was received, staff began looking into grant funding for the project. Two (2) primary grants were identified for the project. The first is the Energy Efficiency and Conservation Block Grant (EECBG), which can be used to fund general energy efficiency projects. The second is the Energy Efficiency and Conservation Block Grant (EECBG) Program = Arizona Department of Housing (ADOH): Community Development Block Grant - Regional Account (CDBG-RA), which can be used to fund projects at locations designed for public use.

Due to the timing, use and money allocated by each grant, staff has decided to split the project into two (2) phases. The locations, budget, and timing of each phase is outlined below:

Phase 1:

- Location: City Hall and Police Department
- Estimated Cost: \$102,114.07
- Items Included: All outdoor lighting including the parking lots, walkways, sconces, etc., as well as controls for the PD walkway, sconce lights etc.
- Funding Source - U.S. Department of Energy (DOE):
 - Energy Efficiency and Conservation Block Grant (EECBG) Program = \$76,310
 - Parks & Recreation staff is looking into other sources to make up the difference.
- Anticipate EECBG funding to be available in Spring 2024, and project completion of Phase 1: Spring 2024
- TRANE to assist with submitting SRP rebates.

Phase 2:

- Location: Library, MGC and Park
- Estimated Cost: TBD
- Funding Source - U.S. Department of Energy (DOE): Energy Efficiency and Conservation Block Grant (EECBG) Program = Arizona Department of Housing (ADOH): Community Development Block Grant - Regional Account (CDBG-RA) = approximately \$130,000
- Anticipate funding to be available in Fall 2024.
- Anticipated Completion of Phase 2: Spring 2025
- TRANE to assist with submitting SRP rebates.

Ms. Schattnik stated at Prospector Park, ball fields 1 and 2 and the west side of 3 and 4 were

updated in Winter of 2023 and have been certified by Dark Skies. Before and after photos were shared.

Councilmembers had concerns about the grant funding and complimented Ms. Schattnik for her hard work on this project.

City Manager Bryant Powell stated if the grant funding falls short, the City budget can accommodate the gap.

J. NEW BUSINESS

14. [24-007](#) Presentation, discussion, and consideration of approval of Resolution No. 24-01, an intergovernmental agreement with Pinal County for election services for the August primary election and, if necessary, the November general election. This proposed intergovernmental agreement with Pinal County is necessary in order to conduct the August 2024 city primary and November general elections. Through the intergovernmental agreement, we will obtain critical election and voter-related services to include sample and final ballots, ballot tabulation, precinct registers, early voting, and preparation and distribution of ballots.

Councilmember Soller moved, seconded by Councilmember Nesser that the Intergovernmental Agreement for provisions of services with Pinal County Elections and Records Office for elections and voter registration services be approved.

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

No: 0

The City Clerk has received the Election Services Intergovernmental Agreement from Pinal County for the primary election on August 6, 2024, and the general if needed, on November 5, 2024. The City is required to have the approved intergovernmental agreement with the county no later than 120 days before the election so that both meet all entities legal requirements.

The city's election cycle is concurrent with the state's consolidated election cycle. This provides a decrease in the cost of election services from the previous spring election cycle which the city last conducted in 2016. Currently, Pinal County set its fee at \$0.75 per voter.

In 2022, the City of Apache Junction had approximately 25,181 registered voters and most recently the city has over 26,000 registered voters. Cost is based on the number of registered voters per election. These amounts reflect only Pinal County election charges. They do not include election-related charges for translation services, legal advertisements, mailing or charges from Maricopa County.

Councilmember Cross inquired if the fee total will increase as the number of registered voters goes up.

City Clerk Jennifer Pena stated the fee total would increase as the county charges per voter.

15. [24-021](#) Presentation, discussion, and update of the direction to staff given on December 5, 2023 to review the Apache Junction City Code, Volume II, Zoning Ordinance, § 1-16-12 Conditional Use Permits, Administrative Use Permits and Building Permits, Subsection (D) "Conditional Use Permits" and provide options to address possible changes to the Apache Junction Planning and Zoning Commission's approval authority for conditional use permits.

Councilmember Nesser moved, seconded by Councilmember Johnson to choose option one regarding the Apache Junction City Code, Volume II, Zoning Ordinance § 1-16-12 (D), relating to Apache Junction Planning and Zoning Commission's approval authority for conditional use permits be approved.

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

No: 0

Planner Nicholas Leftwich stated that on December 5, 2023, the City Council held a discussion regarding the regulations of the Apache Junction City Code, Volume II, Zoning Ordinance § 1-16-12 Conditional Use Permits, Administrative Use Permits and Building Permits (D), in which the Council issued a direction to staff to look into the ordinance language and return at a future meeting with potential text amendment options that address the Council's concerns regarding the authority on land use decisions given to the Planning and Zoning Commission.

Planning Staff has reviewed the matter and provides the following options, and seeks further direction to staff to initiate a Zoning Ordinance text amendment:

Option 1: A proposed amendment of Article 1-5: Zoning Bulk and Use Regulations land use tables which currently determine which uses are permitted by right in each zoning district and which uses require Conditional Use Permit (CUP) approval. This amendment would modify the existing land use tables to change what kinds of uses are approvable by CUP and Planning and Zoning Commission oversight, so that more impactful, sensitive land use changes are subject to City Council approval.

Option 2: A proposed amendment of the Article 1-16: Administration, § 1-16-12 Conditional Use Permits, Administrative Use Permits and Building Permits,(D)Conditional Use Permits regulations that would require City Council approval for CUPs.

Planning staff respectfully recommends Option 1, as we believe there are uses within the Article 1-5: Zoning Bulk and Use Regulations land use tables that do not fit the standard criteria of conditional uses, such as multi-family residential development in commercial zoning districts, and by modifying the table these uses can be aligned to different zoning designations so that, for example, if a commercial property were to be considered for multi-family residential development it would need to receive rezoning approval through the city council. This approach also maintains the standard usage of CUPs for lesser items like minor landscaping or sign code deviations, without requiring all CUPs to go through additional public hearings with the City Council.

Councilmembers questioned the following: if Option 1 is chosen, how do they determine what is approved by City Council versus Planning and Zoning Commission, the number of CUPs the City gets annually, the difference between a CUP and a development agreement and how other cities handle CUPs.

Mr. Leftwich addressed all councilmember questions and City Attorney Joel Stern explained the difference of a CUP and a development agreement.

K. COUNCIL DIRECTION TO STAFF

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

M. CALL TO PUBLIC

Pastor Mark Farley, 22311 E. Rosa Road, Queen Creek, announced Homes from Heaven is purchasing several acres at 2140 E. Old West Highway, to create affordable rentals for elderly citizens and young adults ages 18-25. They will also be teaching, mentoring and training the young adults for job success.

Donna Carr, 2178 W. Virginia Street, Apache Junction, spoke on the following items:

- The metal factory on Meridian and Baseline emits cancer causing agents and those purchasing homes near this location need to be informed.
- Reclaimed water needs to be cleaned better, but there is no technology to do so at this time. She encouraged council to not use reclaimed water.
- Requested no smoking at the Rodeo Grounds

George Schroeder, 2444 W. Virginia Street, Apache Junction, stated he agrees with Council's vote regarding CUPs but he does not agree with the current building code and believes it needs to be updated. He also commented he will continue to help out people in the community and does not agree with the Senate representatives that the Council spoke with.

Catherine Meek, 1327 S. Belair Road, Apache Junction, shared her appreciation to the Mayor and Council for raising awareness of human trafficking, highlighted the movie Sound of Freedom and thanked the police for their hard work. She also announced Thursday afternoon lectures have begun at the Superstition Mountain Museum and several other upcoming events.

Andre Meek, 1327 S. Belair Road, Apache Junction, stated his complaint with the newly paved Tomahawk Road. He believes it was not completed very well and needs to be fixed. He also spoke to the events upcoming at the Superstition Museum.

Council requested that Tomahawk Road be looked at. City Manager Bryant Powell stated that Public Works Director, Ted Wolff will get back to them on this.

N. ADJOURNMENT

Mayor Wilson adjourned the meeting at 8:37 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

CITY COUNCIL MINUTES
CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Apache Junction, Arizona, held on the _____ day of _____, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2024.

JENNIFER PEÑA
City Clerk