



# 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

www.ajcity.net  
Ph: (480) 982-8002

---

Tuesday, August 15, 2017

7:00 PM

City Council Chambers

---

This document may not reflect the most current legislation adopted by the City of Apache Junction and is for convenience and informational use only. For further information on the official version of council meeting minutes please contact the Apache Junction City Clerk's office at (480) 982-8002.

### A. CALL TO ORDER

The regular meeting of the City Council of the City of Apache Junction, Arizona, was held on August 15, 2017, at the Apache Junction City Council Chambers pursuant to the notice required by law.

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

### B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Wilson gave the Invocation.

Councilmember Struble led the Pledge of Allegiance.

### C. ROLL CALL

**Present:** 7 - Mayor Serdy  
Vice Mayor Wilson  
Councilmember Barker  
Councilmember Evans  
Councilmember Rizzi  
Councilmember Struble  
Councilmember Waldron

**Staff Present:** City Manager Bryant Powell  
Assistant City Manager Matt Busby  
City Clerk Kathleen Connelly  
City Attorney Joel Stern  
Public Safety Director Tom Kelly  
Public Works Director Michael Wever  
Parks and Recreation Director Liz Langenbach  
Finance Director Donna Meinerts

Others Present: Public Information Officer Al Bravo  
Project Engineer Raquel Schatz

**D. CONSENT AGENDA**

**Yes:** 7 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Waldron

**No:** 0

Councilmember Barker MOVED THAT THE CONSENT AGENDA BE ACCEPTED AS PRESENTED; AND

THAT APPROVAL BE GIVEN FOR RESOLUTION NO. 17-20, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE CITY OF APACHE JUNCTION TO ENTER INTO AN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA ("WIFA") FOR PLANNING AND DESIGN TECHNICAL ASSISTANCE FUNDS; AND

THAT I MOVE THAT WE REMOVE THE NEXT ITEM, ITEM 4, FROM THE CONSENT AGENDA TO IMMEDIATELY FOLLOW THE CITY MANAGER'S REPORT.

Councilmember Waldron SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

- 1. [17-318](#) Consideration of acceptance of agenda.
- 2. [17-319](#) Consideration of approval of minutes of regular meeting of August 1, 2017.
- 3. [17-316](#) Consideration of approval of Resolution No. 17-20, authorizing the city to enter into an agreement with the Water Infrastructure Finance Authority of Arizona for planning and design technical assistance funds.
- 4. [17-317](#) Consideration of approval of Resolution No. 17-19, authorizing the city to enter into an intergovernmental agreement with Arizona Department of Transportation for roundabout landscape and irrigation maintenance.

) Assistant City Manager Matt Busby stated they are available to answer any questions the council may have unless they want a brief presentation about the item from Raquel.

Mayor Serdy commented he has forgotten what all the questions were.

Councilmember Struble commented he brought this out of the consent agenda because what was presented to us two weeks ago, the intergovernmental agreement, had some additional wording to it. Now he is concerned with the intersection of State Route 88 and Idaho. He also wanted to clarify some issues. They have some questions about if there was any idea as to what kind of landscaping was going to be done and what kind of lighting. He would also like a cost estimate associated with the actual maintenance of the project and future maintenance.

Project Engineer Raquel Schatz stated she had presented the color exhibits to them on the overhead screen. These are also the exhibits that are included in the intergovernmental agreement. Exhibit A is the landscape and irrigation limits. The green just states the City of Apache Junction's natural vegetation, landscaping and irrigation. In the limits of responsibility, Pinal County's will still remain with the little portion of orange. State Land has the little portion of purple up top. Exhibit B goes into the recitals of irrigation and landscape in regards to who takes care of what. This is after the roundabout is completed. Everything in blue is Arizona Department of Transportation and they will continue to take care of all these items during the construction and after the construction. It is still considered Arizona Department of Transportation right-of-way. As for the additional verbiage in the joint project agreement, that was to add video detection which the city had requested for Arizona Department of Transportation. It is still federally funded. There is no cost share for the city to include that. Recital I contains where Arizona Department of Transportation will be maintaining their scuppers, drainage ditches and light poles in the city right-of-way. Recital L states the city is responsible for all costs associated with visual enhancement art. That can be determined later on after the construction is complete. It will go through the process through the state for the city to add art to the roundabout. The next exhibit shows the right-of-way that Arizona Department of Transportation has and the right-of-way the city has that had been abandoned by the state. The other picture shows the right-of-way for the intersection of Apache Trail and Idaho where it tails off into State Route 88. The Arizona Department of Transportation added this into the roundabout project because of pavement preservation. It will save construction money costs. They are hoping the additional quantities will reduce the costs of doing the intersection. They are requesting to garden the landscape that Arizona

Department of Transportation is going to include. They are not including much for the area inside the roundabout. She showed them an exhibit as part of the intergovernmental agreement that is part of the actual landscape plan that both public works and parks and recreation have been able to review and make comments on. There are 8 saguaros, one cactus and an ocotillo all within the proximities of the roundabout of the actual construction area. For right now there is no finished plan as to what will be inside of it once the city decides what they want to have happen.

Councilmember Struble asked if she had any estimate on what the maintenance is going to cost the city annually.

Project Engineer Raquel Schatz stated public works has had recent communications with parks and recreation in regards to this. Because there is some irrigation involved in this, parks and recreation estimates it may be \$6,000 to \$8,000 a year in maintenance for the area. It would also depend on the art that is put inside of it. It is a potential candidate to have one of the contractors for the city maintain it as well. It depends on what the city decides to do after the construction is completed and Arizona Department of Transportation is out of there. Any design going in there has to go through the whole permitting process with Arizona Department of Transportation. That could be another \$10,000 to \$15,000 not including the artwork.

City Manager Bryant Powell stated for planning purposes in Fiscal Year 2018/2019 the parks department will be the lead and will work with a private contractor for the first estimate of \$6,000 to \$8,000. They have complete flexibility on what goes in the middle area.

Project Engineer Raquel Schatz stated public work will handle the sidewalks, curb, gutter and drainage, the typical roadway infrastructure items. Parks and recreation will handle the landscaping, the irrigation and the maintenance. Public works also controls weed control and debris clean up.

Councilmember Rizzi commented when you look at the size of the roundabout compared to the size of the number of cacti planted, it is like a little cacti over here and a little cacti over there. It is a huge roundabout.

Project Engineer Raquel Schatz stated that is

correct. She thinks it is based on where they are putting in the lighting as well. That could possibly be a reason why but they are also trying to keep a desert feel for the area.

Councilmember Rizzi commented they will have to plan for growth as they do grow but it will not be anything like the focal point where we have all this cacti. It is one little cactus here and there. We will be lucky to notice them in the beginning.

Councilmember Evans asked if she had any idea what Pinal County's plans are for their part of the landscaping. As you go down there now everything is so nicely landscaped and then it looks like an unkempt area. She asked if they are also going to be required to have a landscape plan or are they just going to leave it.

Project Engineer Raquel Schatz stated that is a part of the intergovernmental agreement with Arizona Department of Transportation.

Councilmember Evans commented she has no information on that.

Project Engineer Raquel Schatz stated that is correct. There will probably be some initial communications we will have to have with Pinal County in the near future. That is something they may want to talk to them about during the construction of the roundabout or probably just after it is completed. They could look at each other's stuff.

Councilmember Evans commented she just wanted to know if they are required to do something as well.

Project Engineer Raquel Schatz stated she has not heard anything as of yet that Pinal County even mentioned in this project. They only have that little piece at the top that they own. Arizona Department of Transportation has already paid them for parts of it in order to get additional right-of-way for it.

Mayor Serdy asked if the city could step in and do anything over there if the county does not keep it up and it looks terrible.

City Manager Bryant Powell stated he feels the mayor would have the ability to talk to the supervisor and tell him the city is investing money into this. It is the

entryway into the community and it is their area to attend to. Staff can definitely talk to them and find out what their plans are for it.

Project Engineer Raquel Schatz stated this is one of the projects that the city keeps in communication with Pinal County on. Public Works has quarterly meetings and utility meetings with them. The county knows this is on the radar. This is something they could communicate and see if they can agree on something for the landscaping. They work together on other roadway projects to make sure they are not overdoing it. They help each other out to make the city a better place.

Councilmember Waldron asked her to go back to the slide on the roadway abandonment. He asked what something was on the right hand side and what it has to do with the project. He also asked if the city paved the right-of-way on North Apache Trail for them.

Project Engineer Raquel Schatz asked just where he was talking about.

Councilmember Waldron commented over by Idaho.

Project Engineer Raquel Schatz stated the repaving. They did not. When they did Apache Trail they ended right at the right-of-way with Arizona Department of Transportation. They were very clear on that. We go to other places, like with Southern Avenue that was just repaved. There is still a portion on Southern Avenue that is crumbling and that is because it belongs to Arizona Department of Transportation. It is their right-of-way. We cannot extend into Arizona Department of Transportation's right-of-way even if we wanted to. If the city is doing a roadway project and the Arizona Department of Transportation's section is not in their budget, it will not happen. For the city to plan in advance, it would have to plan in advance for 4 or 5 years to see if Arizona Department of Transportation would want to partner with us. At that time it is almost too late. We have roads that are deteriorating faster than we can make plans with Arizona Department of Transportation for. We were very sure when we did North Apache Trail to do it in two phases and end the project at the right place.

Councilmember Waldron commented the slide shows that the striped area is the right-of-way that they are

going to abandon to us.

Project Engineer Raquel Schatz stated that is correct.

Councilmember Waldron commented it says that North Apache Trail and Idaho north of State Route 88, just prior to Superstition, there is an abandonment to us. He asked if the city has that already.

Project Engineer Raquel Schatz stated it was previously abandoned. She did not know why they are showing that as being abandoned to the city because we do own all up to North Apache Trail. Arizona Department of Transportation's right-of-way ends north of that. The portion to the north currently is city right-of-way. That is a clarification problem.

City Manager Bryant Powell stated the city has been maintaining that area for as long as he can remember.

Councilmember Waldron commented maybe it is still on their books.

City Manager Bryant Powell stated maybe it is.

Councilmember Barker asked if they are going to repave the intersection itself and then north on State Route 88.

Project Engineer Raquel Schatz stated that is correct.

Councilmember Barker asked if they are going to go all the way to the roundabout area.

Project Engineer Raquel Schatz stated that is correct.

Councilmember Barker commented they are going to do that entire stretch.

Project Engineer Raquel Schatz stated exactly. Prior to Arizona Department of Transportation adding this portion in, they were just going to pave up to a certain point. They were just going to make it up to the road going into the roundabout which is going to be a straight shot. But

they then decided to include the other portion all the way straight through to the intersection. There was going to be about a 500' gap that they were not going to pave. Now they are including it in the project. Again, no cost to the city.

Councilmember Struble asked if the city attorney is comfortable with the indemnification of the city taking over the liabilities once the project is done for whatever issues in the landscaping and lighting but it is not about the actual roadway.

City Attorney Joel Stern stated he did not write it. Indemnify is a legal term to compensate someone for harm or loss, usually a second person is hurt so who bears the risk of that when there is an agreement. So many years have gone by and this language has changed. We are lucky because it used to be we would have to indemnify the state for anything that happened. Even if it was their negligence. That has changed. That came about from the city attorneys' association and the League meeting with certain people with the Arizona Department of Transportation. So what this says is we will indemnify and hold harmless the state basically for all claims for the city's own negligence. It does not except out negligence that the state would do or anything that they cause. We would not indemnify for their own negligence. That is also if they own the property. Just because they own the property does not mean we would indemnify the state. It has to be negligence that the city would cause and that is what it is for. That does not mean that if something happens, like if a horse trailer hits a bus in the roundabout, what would happen in that case. It is two lanes and hopefully it is wide enough, which he thinks it is. Essentially, what would happen is they will have a lawsuit and the city will probably get named, they would take a look at whose negligence it was, and maybe it was not the city at all, and maybe it was not the state, it is just the driver's. It could be the landscaping or the lighting, but he thinks when someone reads this it could include other accidents also. Other times it could be maintenance issues.

Councilmember Struble commented under the current situation, if there is an accident there with the way it is setting, with just the east/west stop sign.

City Attorney Joel Stern asked if he meant how it is today and if nothing was done and there was no agreement.



Councilmember Struble commented that is correct.

City Attorney Joel Stern stated there have been accidents there. We have not seen a claim for as long as he has been here for an accident at that intersection. It would all be Arizona Department of Transportation and it should be them because we do not own, maintain or control any part of that. We will be partnering with them with this so it might open up a little bit of exposure. However, the safety they are getting with the roundabout is so much better than the two stop signs.

Councilmember Struble commented he fully understands that. He just wanted to reiterate it as he has been getting a lot of questions over the last period. This intergovernmental agreement is just about the landscaping and lighting. The actual decision to build the roundabout was done by the state and they are in control of it. That was done four or five years ago and they are now in the process of getting this all done.

Project Engineer Raquel Schatz stated that is correct.

Councilmember Struble commented we are really not doing anything to approve the roundabout. We are doing an agreement for the landscaping and lighting.

Project Engineer Raquel Schatz stated this was an Arizona Department of Transportation-driven project. Arizona Department of Transportation found the federal funds to do both the design and construction. The total exceeds \$5 million to do both and also includes the right-of-way acquisitions. This is all spearheaded by Arizona Department of Transportation. The city is not even a financial partner, it is zero match to the city, but we did have some say and have been reviewing the plans and attending the meetings.

Mayor Serdy commented they now need to vote on this and called for a motion.

Councilmember Barker MOVED THAT APPROVAL BE GIVEN FOR RESOLUTION NO. 17-19, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE CITY OF APACHE JUNCTION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION FOR ROUNDABOUT LANDSCAPE AND IRRIGATION

MAINTENANCE.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

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

None.

## **F. ANNOUNCEMENT OF CURRENT EVENTS**

Councilmember Struble announced he and Councilmembers Barker and Rizzi attended a meeting with sixth graders on their leadership training. He thanked the school district staff, volunteers and high school student council.

Councilmember Evans announced there is a youth empowerment retreat this weekend at the White Stallion Ranch in Tucson through a number of government entities. It helps train the students how to talk to other children. A follow-up retreat will be in April at the local Central Arizona College.

Mayor Serdy announced starting next month at Gateway Airport Allegiant Airlines will be starting service to 8 new cities.

Mayor Serdy thanked everyone for attending the Purple Heart Ceremony which was better attended than last year.

Mayor Serdy thanked staff for their work in one of the most difficult months with the rain all at once. People complain without realizing it is going on all over the city and they will be taken care of whenever they can. They methodically went around and took care of who needed it the worst first.

## **G. CITY MANAGER'S REPORT**

### **5. [17-307](#) City manager's report.**

City Manager Bryant Powell read a note of thanks to the police department and commented on the parks and recreation receiving a partnership award and Liz Langenbach receiving the presidential award.

Parks and Recreation Director Liz Langenbach presented a video

from the Arizona Parks and Recreation Association wherein the city received the Partnership Award for the partnership with Pinal Gila Council for Senior Citizens to continue the services at the senior center.

Councilmembers Waldron and Barker asked to hear about her award.

Parks and Recreation Director Liz Langenbach stated she has been the marketing publication chair for many years and has been in charge of the administration branch over the years. The award was for that service in the association. It is an indication of the city as well as herself.

6. [17-311](#) Presentation, discussion and update on the .2% sales tax dedicated to fund roadway maintenance and repairs.

Assistant City Manager Matt Busby gave an update on the .2% sales tax dedicated to funding the roads.

Mayor Serdy asked if that is all on the website so the citizens can see where the money is going.

City Manager Bryant Powell stated they will definitely get it on there. He thinks that is a great idea.

7. [17-312](#) Presentation and discussion on staff proposed city investment and debt management policy. Approval of this policy can potentially reduce interest rates on any future bond issuance.

Finance Director Donna Meinerts gave a presentation on the proposed city investment and debt management policy.

Councilmember Rizzi commented she appreciates the mindset the council and staff have had in being responsible with how we manage debt and the finances of the city. She gets a lot of comments from the community about the fiscal responsibility. People are watching so it does matter. She appreciates that.

Finance Director Donna Meinerts stated she agrees with that. Our forefathers were very wise in how they were paying for things. This building is paid for. It puts us in a better position because otherwise we would be the ones that would be "oh, we're just going to spend it". We can figure out how it is going to be paid for and they did not do that to us. She

then moved on to the investment policy.

City Manager Bryant Powell commented on implementing this policy, the library debt and the Ironwood Road debt.

**H. PUBLIC HEARINGS**

None.

**I. OLD BUSINESS**

None.

**J. NEW BUSINESS**

None.

**K. COUNCIL DIRECTION TO STAFF**

None.

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

**Yes:** 7 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Waldron

**No:** 0

Councilmember Evans commented the work session on Monday, September 4, 2017 has been canceled due to the observance of Labor Day. She MOVED THAT AN EXECUTIVE SESSION AT 6:00 P.M. AND A WORK SESSION AT 7:00 P.M. BE HELD ON TUESDAY, SEPTEMBER 5, 2017, IN THE CITY COUNCIL CONFERENCE ROOM AND CITY COUNCIL CHAMBERS RESPECTIVELY.

Councilmember Waldron SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

8. [17-309](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, September 4, 2017 is cancelled in observance of Labor Day.

9. [17-310](#) Executive Session at 6:00 P.M for Tuesday, September 5, 2017. Other meetings if necessary.

**M. CALL TO PUBLIC**

Mr. Mike Caruana, 237 S. Mountain View, Apache Junction, addressed the council regarding the benefit softball tournament for the employees of the Mining Camp Restaurant on August 20.

Mr. Braden Biggs, 2492 W. Cactus Wren, Apache Junction, addressed the council regarding the successes of United Way and their two upcoming events, the mayor's breakfast and the community appreciation dinner.

Mayor Serdy commented those are great projects and it sounds like one can just go out and donate at the tournament.

**N. ADJOURNMENT**

Mayor Serdy adjourned the meeting at 8:00 p.m.