

CITY COUNCIL  
REGULAR MEETING  
MAY 5, 2015

The regular meeting of the City Council of the City of Apache Junction, Arizona, was held on May 5, 2015, at the Apache Junction City Council Chambers pursuant to the notice required by law.

CALL TO ORDER

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

INVOCATION

Councilmember Wilson gave the Invocation.

PLEDGE OF ALLEGIANCE

Councilmember Waldron led the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Mayor Insalaco  
Vice Mayor Barker  
Councilmember Evans  
Councilmember Rizzi  
Councilmember Serdy  
Councilmember Waldron  
Councilmember Wilson

Staff Present: Assistant City Manager Bryant Powell  
City Clerk Kathleen Connelly  
City Attorney Joel Stern  
Public Safety Director Tom Kelly  
Public Works Director Giao Pham  
Parks and Recreation Director Jeff Bell  
Library Director Spencer Paden  
City Engineer Emile Schmid  
Development Services Director Larry Kirch  
Human Resources Director Liz Riley

Others Present: Administrative Assistant Heather  
Hodgman  
Captain Arnold Freeman

ACCEPTANCE OF CONSENT AGENDA )  
 ) Vice Mayor Barker MOVED  
 THAT THE CONSENT AGENDA BE ACCEPTED AS PRESENTED: AND

THAT RESOLUTION NO. 15-16, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO AMENDMENT NO. ONE TO THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA FOR THE IRONWOOD DRIVE ROADWAY IMPROVEMENT PROJECT, BE APPROVED; AND

THAT RESOLUTION NO. 15-17, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS SIGNED BY THE CITY ATTORNEY TODAY, AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA FOR THE WINCHESTER ROAD SIDEWALK IMPROVEMENT PROJECT, BE APPROVED.

Councilmember Wilson SECONDED

THE MOTION.

VOTE: Unanimous.

The motion carried.

## AWARDS, PRESENTATIONS AND PROCLAMATIONS

Assistant City Manager and Mayor Insalaco presented City Clerk Kathleen Connelly with her 35 year service award, including a clock, paid time off, a monetary award and a letter from the city and a floral arrangement from the council.

## CITY MANAGER'S REPORT

Assistant City Manager Bryant Powell read a note from a local business on the repairs on Apache Trail and announced that Banner Goldfield Hospital got a 5 star rating nationally.

## ANNOUNCEMENT OF CURRENT EVENTS

REGULAR MEETING OF THE CITY COUNCIL  
MAY 5, 2015  
PAGE 2 OF 22

Councilmember Waldron announced Councilmember Wilson and he attended the kickoff event on Saturday for the Arizona Wall project in Gilbert. It was very well attended by government officials.

Councilmember Wilson commented he was impressed with what they are planning and supports what they are doing. He encouraged people to look at it when it is in place.

Councilmember Wilson commented he is on jury duty in Pinal County and heard numerous positive comments about Apache Trail being repaired from people in Apache Junction and outside the community.

Vice Mayor Barker commented the mayor and Councilmembers Wilson, Waldron, Evans and she worked the water festival two weeks ago and got soaking wet teaching fourth graders about water. The mayor got plastered with name tags while he was there.

Vice Mayor Barker commented she went to the fire department's April Pools Day and there were a lot of people out there picnicking, swimming and skateboarding.

Vice Mayor Barker announced the mayor, Councilmember Waldron and she went to Aurora Place when the Veterans of Foreign Wars raised the flag for them. The people there appreciated it immensely.

Mayor Insalaco commented he had to make a clarification. One has to watch what they say to fourth graders. He told them he had lost his name tag and before he knew it he had 27 name tags plastered all over his body.

#### PUBLIC HEARINGS

APPLICATION FOR A SERIES 6

LIQUOR LICENSE FOR LUCKY STRIKES )

) City Clerk Kathleen

Connelly briefed the council on the item.

Mayor Insalaco requested the applicant address the council.

REGULAR MEETING OF THE CITY COUNCIL

MAY 5, 2015

PAGE 3 OF 22

Ms. Deb Wohle, the new owner of Lucky Strikes, addressed the council. She stated it has been red-tagged by planning. The owner of the building did not pull the proper permits. They have now been submitted and they are working on their approval so they can continue with the construction. She is also the owner of AJ Village Antiques. She wants to give back to the community and make it a fun, friendly neighborhood bar.

Vice Mayor Barker asked how she pronounces her last name.

Ms. Deb Wohle stated it is pronounced like wool. If one does spell check it changes it to whole.

Vice Mayor Barker asked Development Services Director Larry Kirch to address the council on this problem with the site.

Development Services Director Larry Kirch stated they learned about it when the police department went to inspect the building. Through a series of emails they learned there was work going on without permits being taken out. They went out the same day and put a stop work order on the building. They have been working with the property owner to get proper engineering architectural drawings of what is going on in the buildings so they can apply for the permits and get it going again.

Councilmember Waldron asked if they are in the process.

Development Services Director Larry Kirch stated they are in the process of rectifying it. There was some work going on, such as demolition and things like that. They wanted to make sure everything meets the code when they get going again.

Mayor Insalaco opened the public hearing on the item.

Ms. Deb Wohle stated she believed the plans were submitted yesterday.

He called for any other speakers. There being no one else wishing to speak, he closed the public hearing and reopened the item to council discussion.

Vice Mayor Barker asked what options they have.

City Attorney Joel Stern stated they can table it or continue it and get an update from Mr. Kirch. It is a policy issue at this point. Or they can believe they will get it done and vote on it tonight.

City Clerk Kathleen Connelly stated because of the type of application this is, there is a window of time for the city to act within. If not, the state will say yes.

City Attorney Joel Stern stated the state will say if they do not act it is presumed the city said yes and they will give out the permit.

Councilmember Serdy asked the applicant if she is losing money every day by not being open and if it would be a burden for this to be postponed for a little bit.

Ms. Deb Wohle stated she is losing money as she is locked into a lease.

Councilmember Serdy commented the sooner they can do this it would help. Businesses struggle going into the summer so he would like to see this approved as quickly as possible.

Councilmember Rizzi asked if there is any reason to believe there would be a delay in getting done what needs to be done.

Ms. Deb Wohle stated she cannot personally think of any delay. She thinks the plans look

good and they will be ready to go. It is nice because everything will be done properly.

Mayor Insalaco asked if she knew how long it would take to get everything ready.

Ms. Deb Wohle stated she would guess after planning approves the plans. She would estimate about three weeks. She has already paid her rent for April.

City Clerk Kathleen Connelly stated if they approve it, she would have the liquor license but if there is no certificate of occupancy it could not open.

Mayor Insalaco closed the discussion with no further comments and called for a motion.

Councilmember Waldron MOVED THAT THE APPLICATION FOR A PERSON TRANSFER, LOCATION TRANSFER, INDIVIDUAL, SERIES 6 LIQUOR LICENSE FOR LUCKY STRIKES, SUBMITTED BY DEBORAH WOHLER, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

#### OLD BUSINESS

None.

#### NEW BUSINESS

AGREEMENT FOR PW 2014-18 HEATING,  
VENTILATING AND AIR CONDITIONING  
SERVICES, REPAIR AND FILTERS WITH  
FRONTIER MECHANICAL AZ, INC. DBA  
FMI HEATING AND COOLING )

) Management Assistant  
Heather Hodgman briefed the council on the item.

Mayor Insalaco called for any discussion. There being no discussion, he called for a motion.

Councilmember Waldron MOVED  
THAT THE AGREEMENT BETWEEN FRONTIER MECHANICAL AZ, INC. DBA FMI  
HEATING AND COOLING AND THE CITY OF APACHE JUNCTION FOR PW 2014-  
16 HEATING, VENTILATING AND AIR CONDITIONING (HVAC) SERVICES,  
REPAIR AND FILTERS FOR A PERIOD OF ONE YEAR IN THE AMOUNT OF  
\$21,000 WITH THE OPTION TO RENEW FOR FOUR ADDITIONAL ONE-YEAR  
PERIODS, BE APPROVED.

Vice Mayor Barker SECONDED  
THE MOTION.

VOTE: Unanimous.

The motion carried.

RESOLUTION NO. 15-18, AUTHORIZING  
THE CITY TO APPROVE AMENDMENT NO.  
1 TO INTERGOVERNMENTAL AGREEMENT  
WITH ARIZONA DEPARTMENT OF  
TRANSPORTATION FOR SAFE ROUTES TO  
SCHOOL GRANT FUNDS

)  
) City Engineer Emile Schmid  
briefed the council on the item.

Councilmember Rizzi commented  
the city is constantly aware of the children in the community.  
In both of his presentations last night he had mentioned the  
children, bus stops, being safe and safe routes with the school  
district. It is important and she wanted to point out how  
important the children of the community are to our council and  
city staff.

Mayor Insalaco closed the  
discussion with no further comments and called for a motion.

Vice Mayor Barker MOVED THAT  
RESOLUTION NO. 15-18, A RESOLUTION OF THE MAYOR AND CITY COUNCIL

REGULAR MEETING OF THE CITY COUNCIL  
MAY 5, 2015  
PAGE 7 OF 22

OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO AMENDMENT NO. ONE TO THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA FOR THE USE OF A SAFE ROUTE TO SCHOOL INFRASTRUCTURE GRANT, BE APPROVED.

Councilmember Rizzi SECONDED

THE MOTION.

VOTE: Unanimous.

The motion carried.

DIRECTION TO STAFF

DIRECTION TO DRAFT AN ORDINANCE  
AND RESOLUTION FOR MODIFICATION  
TO THE ANIMAL CONTROL  
REGULATIONS PREVIOUSLY DISCUSSED  
ON APRIL 6, 2015

)  
) Captain Arnold Freeman

briefed the council on the item.

Councilmember Evans commented they had recently received a letter from a person who shows dogs. She asked what they can do to accommodate somebody with show dogs more than the maximum.

Captain Arnold Freeman stated with counsel from the city attorney and city clerk, they have determined they can apply for a personal kennel permit. They are not prohibited by this ordinance from applying and moving forward with a class 2 personal kennel permit. He believes they wanted up to 8 dogs. They actually requested nine. The ordinance now states 8 is the maximum.

Councilmember Evans commented that is part of the problem we have.

Captain Arnold Freeman stated that is correct.

Councilmember Evans asked if there is a way they can do this.



Captain Arnold Freeman stated there are different avenues they can take. They can create a third class which would be 9 to whatever amount. That is a policy decision based on what the council would like to do.

Vice Mayor Barker commented these are floating dogs, too. She did not necessarily have the same 9 dogs or 8 dogs at the same time. They would come in and go out. It seems like they could do something within the ordinance to accommodate that type of enterprise.

Captain Arnold Freeman stated if one is designated a service animal of that grouping, although he does not know what that process is, but service animals do not apply under Chapter 6. One thing they may run into, and it is strictly up to whatever the council would like to do, it is really a math problem. The more canines you have in one spot, the more barking they will get. As they are aware, when one starts barking the rest start barking. That may have an impact on the quality of life within the neighborhood. He does not know that, he is just trying to think ahead. In 2012 they answered 291 calls for service strictly for barking dogs. In 2013 it was 285 and in 2014 it was 380.

Councilmember Evans asked if because this is not really in a commercial kennel per se, and these animals are currently kept in the house, there has been complaints by any of her neighbors of barking dogs.

City Attorney Joel Stern commented he understands she currently does not have any dogs at her house. She has not even moved in. She started to move in and told neighbors what she was going to do and there was misinformation. That is his understanding from some of the neighbors. That is why some people got upset. They can create a class 3 or eliminate the number of dogs. He can remember when this was first approved. The level has changed over the years. At one point only four dogs were allowed.

City Clerk Kathleen Connelly stated three, originally only three.

City Attorney Joel Stern stated it then went to four. The classes came in during 2007 or 2008. There are fees: \$60 for the class one and \$80 for the class two. They could create a class three if they want that. They could actually have a different section dealing with show dogs. They can do other things. All they are doing tonight is directing staff to create the ordinance and bring it back for another review. This is not the final by any means.

Councilmember Evans asked if they would add language including something in the commercial license portion.

Captain Arnold Freeman stated this would be a commercial license.

Councilmember Evans asked how they would word it for AKC show dogs if she got a commercial license.

City Attorney Joel Stern stated they could have exceptions so it does not count towards the total number of dogs.

Councilmember Evans commented for show dogs.

City Attorney Joel Stern stated that is correct. Show dogs do not count towards the total number of dogs. They could do whatever they want with that.

Councilmember Evans commented it would be easier than creating a separate class. They have never really had a show dog person prior to this.

Mayor Insalaco commented that is why he thinks they should just direct staff to figure something out and go from there.

Captain Arnold Freeman stated it would not be commercial because that goes into the business area.

Mayor Insalaco commented it is not a business for her. She does not make money.

Councilmember Evans commented she does not need a business license.

Captain Arnold Freeman stated it would be a personal kennel license.

Councilmember Evans commented there would be a portion for the number of show dogs.

City Attorney Joel Stern stated that could be included under this section. It does not apply to that number of dogs up to the eight.

Councilmember Evans asked if that made sense to everyone else.

Councilmember Waldron commented his concern was proving it is a show dog. He has a dog that is pretty worthless. A haircut and a couple of ribbons. Take her to a show and that would be his concern.

Vice Mayor Barker commented if you have an American Kennel Club dog, you have papers.

Councilmember Waldron commented someone could say it is a show dog. He has papers on his dog and it still is not a show dog. He was concerned on how they would enforce it. He asked how they would know.

City Attorney Joel Stern stated they would have a proof requirement and it would be set in the ordinance. It would be up to animal control to enforce it. Staff needs to make sure.

Councilmember Wilson commented since this is direction to staff, they need to give them direction to look into establishing another class or somehow working to meet this need that is not there right now.

Councilmember Evans commented they need to look at limiting the number of dogs when they do not limit the number of horses.

Vice Mayor Barker commented horses do not bark.

Councilmember Evans commented they do not. As far as a nuisance goes, they are different nuisances totally.

Assistant City Manager Bryant Powell asked how they would handle the nuisance part.

Captain Arnold Freeman stated they typically send an officer.

Assistant City Manager Bryant Powell asked if that was whether it was one dog or more.

Captain Arnold Freeman stated they have to send an officer and respond because it is a violation.

Councilmember Evans asked if they have to respond to those situations where the people have kennel licenses or is it to the residential one-dog owner.

Captain Arnold Freeman stated typically the officer that responds does not know whether they have a kennel permit or not. They just respond because the neighbors called in a barking dog. That is the way it works.

Mayor Insalaco commented whether it is one or ten.

Captain Arnold Freeman stated exactly.

Councilmember Rizzi asked him to explain how the barking dog ordinance works. She thought they had a noise ordinance until 10 p.m. She asked if they

could get into trouble if their dogs were barking during the day. She asked how that works.

City Attorney Joel Stern stated there is no rule that says dogs cannot bark after 10 p.m. That is not true. Just like there cannot be bands after 10 p.m. That is not the case. There is no such rule. There was a confusion on that with some people about construction noise. There are some hours regarding construction noise but not for other types of nuisances. Noises are set forth in 6-1-3. There was discussion about this last time about how it was written. He explained at that time that is the way it was written. It is not something they have touched because that was not one of the suggested changes. The issue was they do not like where it says there has to be a considerable number of persons. The reason that is in there is it is a mirror image of the public nuisance statute under Arizona Revised Statutes § 13-2917 which requires there be a considerable number of persons to establish a public nuisance. In blue, they put some language in there that puts in the discretion of the officer. When it comes down to it, and the prosecutor is here tonight and he will probably tell you the same thing, the burden of proof will be on the city. The first one will be in civil court so it will be a preponderance of the evidence. If they get to the criminal court, which is the fourth violation in two years, they have to prove everything. So they may have discretion. They may not know there is a kennel permit, and they just see eight dogs in the yard. Just because they have a kennel permit does not exempt them from the noise ordinance. They cannot change this language. There is something called pre-emption and that is where the state has entered into a field where they say that is how they want it. The city can add additional things but it cannot be less than the requirements under state law. We also have a noise ordinance under the general city code that is mirrored the same way for other types of noises. There are also smells that can be a nuisance. That is the same standard. There has to be an entire community or neighborhood or a considerable number of persons. That is the same type of requirement that they need and they will need documentation. It is the same with drums. If for some reason someone is playing their drums late at night or anytime, if that noise is so bad it affects an entire community, neighborhood or a considerable number of persons it will be a nuisance. If it is not any of those and it is just

one person that is complaining and they keep complaining, that is called a private nuisance. The way that is handled is that individual should probably go to civil court at probably the superior court level to get an injunction against that individual. There are different nuisances and this has been a long answer.

Councilmember Rizzi commented the point being it is not something that is easily proved and prosecuted and taken care of. When you have officers at somebody's door, obviously the dogs are going to be barking. She asked if they would be barking when the officer is not there. There is a process. It is a lengthy process to say this person is creating a nuisance in the community. It takes several people, it takes documentation. She is not sure what that is; tape recordings or how would they do that. It does not sound like it is an easy process.

City Attorney Joel Stern stated it is not an easy process. In his previous job he had to prosecute a guy that had 49 roosters on a very tiny lot, like 100 feet by 50 feet. He claimed they were show roosters. That was all they were. There were three families that were upset. All of them complained. The statute in Riverside, California was much the same as this one. He had a very good case as those roosters went off at 4 a.m. every single day. The problem was the trial. Eric can testify to this. It is the quality of your witness. He had some elderly witnesses. He is taking some time with this because it is actually is funny. It was his first trial with roosters. The lady was a nice lady about 79 and she was probably about where Captain Freeman is standing and the jury was about where the council is. So it was pretty close. He asked her to state her name. She asked him what he said. She could not hear him from even that close. That discredited anything she said because she could not testify to the roosters that were 70 feet away. You get weird things in court and it is a difficult case. But he did win a lot of dog barking cases. It is the quality of the witnesses and the evidence needed.

City Clerk Kathleen Connelly stated the commercial kennel definition currently states that it has to be an activity for a trade, profit or something like that. It would not necessarily apply for show dogs. They might

be better off looking at another level such as a personal kennel. Also, a couple of other things. There is a reference in the code to service dogs or service animals, but there is no definition for it. When she asked the city attorney, he stated it is in state law. When she looked in state law, there is a separate definition. One is very narrow and talks about the animal that serves someone who has a disability and the other one is broader. At the very least they need to take a look at that. Some of the other sections in this code were created in response to a particular need. The exotic animals section came about because we had a lady who lived in the city who had monkeys she was allegedly training for service animals. One of the monkeys got out and bit a neighbor. It turned out there were rabies issues. One of the other sections dealing with quantities of dogs was the result of somebody who brought a pit bull farm into the city and had a number of dogs literally chained to 55 gallon drums and that is where they stayed. He did not live here. He just used the property for the pit bulls. There are different reasons why these sections are out there and this might be a time to look at it again.

Captain Arnold Freeman stated they do have issues with people hoarding now and then because people love their animals. It would make their job more difficult if they did not limit the numbers in order to enforce that particular aspect.

Councilmember Serdy commented on page 6 it states that only enforcement officers are authorized to kill any dangerous animals when necessary for protection of person or property. He asked if someone would have to shoo away a mountain lion or pit bull if it comes into their yard or after their child. He thinks that needs to be stricken completely or he would hope that a prosecutor would not prosecute one of our citizens for defending themselves.

City Attorney Joel Stern stated that is a comment but also a question.

Councilmember Serdy commented that is correct.

City Attorney Joel Stern stated there is state law that would allow certain justification for using that kind of force. The prosecutor would get the complaint, look at it and decide if it is self-defense, defending a person or property. That would be dealt with at that level. He does not think it is needed here as state law would pretty much pre-empt any kind of exception that would come up.

Mayor Insalaco commented he thinks this needs to go to staff and have them work on it and bring it back to us. He called for a motion.

Councilmember Waldron MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING DRAFTING AN ORDINANCE AND RESOLUTION FOR MODIFICATION OF THE ANIMAL CONTROL REGULATIONS: THAT WE GO FORWARD WITH THE MODIFICATIONS AS PRESENTED; BUT, ALSO, THAT WE LOOK INTO SOME DETAILS FOR THE SHOW DOGS, HOWEVER WE CAN WORK THAT INTO THE ORDINANCE FOR SHOW DOGS AND MAYBE EVEN WORK WITH MS. WRIGHT AS HE THINKS SHE IS HERE THIS EVENING AND TRY TO WORK THAT OUT.

Vice Mayor Barker SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

DRAFT A RESOLUTION AUTHORIZING THE  
CITY TO ENTER INTO THE  
INTERGOVERNMENTAL AGREEMENT WITH  
PINAL COUNTY ANIMAL CONTROL )

) Public Safety Director Tom  
Kelly briefed the council on the item.

City Attorney Joel Stern stated this is a direction to staff item to draft a resolution to approve this.

Councilmember Wilson asked what about the other way around.



Vice Mayor Barker commented they want direction to staff that they bring back a resolution to enter into this agreement.

City Attorney Joel Stern stated the resolution is needed because it is an intergovernmental agreement even though the county has already signed it and acted on it, which is a little premature. The city needs to do a resolution that authorizes the mayor to sign it.

City Clerk Kathleen Connelly stated there is a portion of the intergovernmental agreement that has a blank in it. The county obviously approved it but they did not fill in the blank.

City Attorney Joel Stern stated there is a blank on Exhibit A. The way he would look at this is they did not see that, although they had a county attorney, chairwoman and clerk signing it. One argument is they did not mean for any dollar amount to cover miscellaneous animal control containment attending to animals in the field, although that conflicts with the agreement itself. So they can approve it as it is, and if they ever get billed, say it does not say how much. Or they can send it back to the county saying it appears they missed something. This would have to go back to the board to fill that in.

Vice Mayor Barker commented she likes it blank. It works for her.

Mayor Insalaco agreed.

Councilmember Rizzi commented it might have been intentional.

Public Safety Director Tom Kelly stated this is an intergovernmental agreement to be used in an emergency situation should they need it. The likelihood that we would actually require Pinal County Animal Control to assist them is very slim, but in case of a disaster they were looking for some other agency they could go for emergency call out.

Mayor Insalaco closed the discussion with no further comments and called for a motion.

Councilmember Waldron MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING DRAFTING A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH PINAL COUNTY ANIMAL CONTROL: THAT THEY BRING A RESOLUTION BACK TO THE COUNCIL FOR ADOPTION OF THE INTERGOVERNMENTAL AGREEMENT.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

DATE, TIME AND LOCATION FOR A  
JOINT PUBLIC MEETING WITH MEMBERS  
OF THE APACHE JUNCTION SCHOOL  
BOARD TO DISCUSS ISSUES OF MUTUAL  
INTEREST \_\_\_\_\_ )

\_\_\_\_\_ ) City Clerk Kathleen  
Connelly briefed the council on the item.

Vice Mayor Barker commented she thinks it is the polite thing to do, to allow the school board to vote at the meeting if they choose.

City Clerk Kathleen Connelly stated she is not aware if they would want to do that but it would allow them to do so.

Assistant City Manager Bryant Powell stated he has information on facilities here at the city that might be of interest. He asked Mr. Bell to give him some thoughts on the multi-gen. They had talked about potentially using the city council chambers. After having some further dialogue and thought maybe the multi-gen would be better so they could all be together face-to-face. Mr. Bell stated they could move things around to allow them to use the classroom in the multi-gen. A portion of the parking lot is being resurfaced and a lot of training is being done that day for the seasonal

lifeguards. They do have the park ranger conference room available and it should have enough capacity. There is somebody scheduled that afternoon so it is available in the morning.

Mayor Insalaco commented if they made it from 10 to 12 it would be okay.

Assistant City Manager Bryant Powell stated that is correct.

Mayor Insalaco stated 9 a.m. might be a little harder for people to make.

Vice Mayor Barker commented they may not want to put closure on it just yet, just a start time.

Mayor Insalaco commented but they have to be out of there by a certain time so that someone else can use it in the afternoon. He called for a motion.

Vice Mayor Barker commented on April 28, 2015 the Apache Junction School Board met and discussed the future of recreational facilities located on school district property. The board unanimously approved a motion that said "...the utilities at the community pool, Superstition Mountain Elementary School baseball field and Superstition Shadows Park will remain the responsibility of the district until July 1, 2015 at the latest." The motion further stated that "it is expected that an agreement can be worked out over the next two weeks that includes utility responsibility and use of the facilities by the district." Keeping this motion in mind, I MOVE THAT WE DIRECT CTIY STAFF TO SCHEDULE A JOINT MEETING FOR THE MEMBERS OF THE CITY COUNCIL AND THE APACHE JUNCTION SCHOOL BOARD FOR SATURDAY, MAY 9, 2015 AT 10 A.M. AT THE CITY CONFERENCE CENTER, THAT IS THE RANGERS' CENTER OVER THERE NEXT TO THE POLICE DEPARTMENT, AT 1001 NORTH IDAHO ROAD, APACHE JUNCTION, FOR THE PURPOSE OF DISCUSSING AND CONSIDERING A CITY COUNCIL VOTE ON AN INTERGOVERNMENTAL FACILITIES USE AGREEMENT FOR THE UTILITIES COSTS, USE AND MAINTENANCE OF SUPERSTITION SHADOWS PARK, SWIMMING POOL, SKATE PARK, TENNIS COURTS, BALLFIELDS AT SUPERSTITION MOUNTAIN ELEMENTARY SCHOOL AND SUPERSTITON SHADOWS PARK AND RESURFACING OF THE SAN MARCOS

DRIVE ALIGNMENT LOCATED ON SCHOOL DISTRICT PROPERTY SOUTH OF SOUTHERN AVENUE AND EAST OF CACTUS CANYON JUNIOR HIGH SCHOOL.

I FURTHER MOVE THAT CITY STAFF PREPARE THE NECESSARY MEETING NOTICE AND AGENDA TO MEET THE REQUIREMENTS OF THE ARIZONA OPEN MEETING LAW.

I FURTHER MOVE THAT THE AGENDA ALSO INCLUDE AN ITEM THAT WOULD ALLOW THE MEMBERS OF THE APACHE JUNCITON SCHOOL BOARD TO VOTE ON THE INTERGOVERNMENTAL AGREEMENT SHOULD THEY WISH TO DO SO.

Councilmember Waldron

SECONDED THE MOTION.

VOTE: Unanimous.

(Councilmember Rizze commented during the vote that she hoped and encouraged the whole school board to attend this meeting so that they may sit down and discuss the intergovernmental agreement that will affect our community as a whole, and it will affect the people that we all equally serve in our community and ultimately impact our children.)

The motion carried.

#### SELECTION OF MEETING DATES, TIMES, LOCATIONS, AND PURPOSES

Vice Mayor Barker MOVED THAT AN EXECUTIVE SESSION AT 5:45 P.M. AND A WORK SESSION AT 7:00 P.M. BE HELD ON MONDAY, MAY 18, 2015, IN THE CITY COUNCIL CONFERENCE ROOM AND CITY COUNCIL CHAMBERS RESPECTIVELY;

AND THAT AN EXECUTIVE SESSION AT 5:45 P.M. BE HELD ON TUESDAY, MAY 19, 2015, IN THE CITY COUNCIL CONFERENCE ROOM.

Councilmember Evans SECONDED

THE MOTION.

VOTE: Unanimous.

The motion carried.

#### CALL TO THE PUBLIC

REGULAR MEETING OF THE CITY COUNCIL  
MAY 5, 2015  
PAGE 20 OF 22

Ms. Tess Nesser, 1511 S. Cactus, Apache Junction, addressed the council regarding the annual boys and girls club car raffle being held June 17.

Councilmember Serdy asked if there is a concert coming up.

Ms. Tess Nesser was not aware of a concert. The kids are doing something but she does not get the information on what they are doing.

Councilmember Serdy commented it would be good to get the word out.

Assistant City Manager Bryant Powell stated it is late May or something coming up.

Ms. Tess Nesser stated the next big thing they will be doing as a fundraiser is the bowl-a-thon in July or August.

Ms. Nancy Burgess, 116 S. Vista, Apache Junction, addressed the council to remind everyone that May 9 is the annual Letter Carriers' Postal Food Drive and requested everyone put their food out.

Ms. Theresa Wright, 104 S. 130th Place, Chandler, addressed the council to ask for a new provision or variance to the animal control law to make a new class allowing someone to keep 9 to 12 dogs who show their dogs.

Councilmember Waldron commented she should talk to Captain Freeman in the front row right now.

Mayor Insalaco directed staff to work on that for Ms. Wright as soon as possible.

ADJOURNMENT )  
 ) Mayor Insalaco adjourned  
the meeting at 8:02 p.m.


Consent Agenda Items are as follows:

1. Consideration of acceptance of agenda.

2. Consideration of approval of minutes of regular meeting of April 21, 2015.
3. Consideration of proposed Resolution No. 15-16, authorizing the city to approve Amendment No. 1 to Intergovernmental Agreement with Arizona Department of Transportation for Surface Transportation Program grant funds.
4. Consideration of Resolution No. 15-17, authorizing city to approve a new Intergovernmental Agreement with Arizona Department of Transportation for Congestion Mitigation and Air Quality funds providing design and construction services for Winchester Road sidewalk improvements.

ACCEPTED THIS 19TH DAY OF MAY, 2015, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS 19TH DAY OF MAY, 2015.

  
JOHN S. INSALACO  
Mayor


ATTEST:

  
KATHLEEN CONNELLY  
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 5th day of May, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of May, 2015.

  
KATHLEEN CONNELLY  
City Clerk