



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, April 19, 2016

7:00 PM

City Council Chambers

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A. CALL TO ORDER

The regular meeting of the City Council of the City of Apache Junction, Arizona, was held on April 19, 2016, at the Apache Junction City Council Chambers pursuant to the notice required by law.

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

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Councilmember Wilson gave the Invocation.

Councilmember Waldron led the Pledge of Allegiance.

C. ROLL CALL

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

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 Giao Pham
City Engineer Emile Schmid
Development Services Director Larry Kirch

Others Present: Public Information Officer Al Bravo
 Senior Planner Rudy Esquivias

D. CONSENT AGENDA

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

No: 0

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

THAT APPROVAL BE GIVEN FOR THE CONTRACT BETWEEN THE CITY OF APACHE JUNCTION AND SOUTHWEST SLURRY SEAL FOR STREET MAINTENANCE WORK IN VARIOUS LOCATIONS WITHIN THE CITY IN PARTIAL FULFILLMENT OF FISCAL YEAR 2015-2016 STREET MAINTENANCE PLAN THROUGH THE PINAL COUNTY COOPERATIVE CONTRACT EC11-009 IN THE AMOUNT OF \$527,280.59 PLUS TEN PERCENT FOR CONTINGENCY IN THE AMOUNT OF \$52,728.00 FOR A TOTAL AMOUNT NOT TO EXCEED \$580,008.59; AND THAT AUTHORIZATION BE GIVEN TO THE MAYOR TO SIGN THE CONTRACT PENDING APPROVAL AS TO FINAL FORM BY THE CITY ATTORNEY; AND

THAT APPROVAL BE GIVEN TO RESOLUTION NO. 16-13, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM GRANT MONEY FOR SOUTHERN AVENUE FROM IRONWOOD DRIVE TO DELAWARE DRIVE; AND

THAT APPROVAL BE GIVEN TO RESOLUTION NO. 16-14, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY SAFETY IMPROVEMENT GRANT MONEY FOR DELAWARE DRIVE FROM APACHE TRAIL TO SUPERSTITION BOULEVARD; AND

THAT APPROVAL BE GIVEN FOR RESOLUTION NO. 16-15, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, PERTAINING TO THE SUBMISSION OF PROJECTS FOR CONSIDERATION IN ARIZONA'S 2017 HIGHWAY SAFETY PLAN;

AND THAT ITEMS NUMBER 16 AND 17 BE MOVED TO BE HEARD IMMEDIATELY FOLLOWING THE CITY MANAGER'S REPORT.

Councilmember Waldron SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

1. [16-180](#) Consideration of acceptance of agenda.
2. [16-181](#) Consideration of approval of minutes of regular meeting of April 5, 2016.
3. [16-169](#) Consideration of award of contract to Southwest Slurry Seal for street maintenance work in various locations within the city in partial fulfillment of Fiscal Year's 2015-2016 Street Maintenance Plan. The work would be through Pinal County cooperative contract EC11-009 for \$ \$580,008.59 including a ten percent contingency. Work would be performed during the months of May and June of this year contingent on funding available. This agenda item was presented and discussed with the Public Works Manager, Shane Kiesow, at the April 4, 2016 city council work session.
4. [16-171](#) Consideration of proposed Resolution No. 16-13, authorizing the city to enter into an Intergovernmental Agreement with the Arizona Department of Transportation for Highway Safety Improvement Program Grant Money. The project location is on Southern Avenue from Ironwood Drive to Delaware Drive to include sidewalk, curb and gutter, and pavement widening.
5. [16-173](#) Consideration of proposed Resolution No. 16-14, authorizing the city to enter into an Intergovernmental Agreement with the Arizona Department of Transportation for Highway Safety Improvement Program Grant Money. The project location for this request is on Delaware Drive from Apache Trail to Superstition Boulevard to include drainage improvements, sidewalk, and curb and gutter.
6. [16-148](#) Consideration of proposed Resolution No. 16-15, authorizing the City of Apache Junction Police Department to submit grant applications to the Governor's Office of Highway Safety.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

None.

F. ANNOUNCEMENT OF CURRENT EVENTS

Councilmember Evans commented Friday night was the annual police awards banquet. Officer Danny Garcia was again the officer of the year for the second year in a row. They issued a lot of thank yous and awards to police volunteers and Paws and Claws volunteers.

Councilmember Evans commented on Saturday there was a huge neighborhood clean up.

Councilmember Evans commented they had the ladybug release at the community garden on Saturday, Earth Day. A number of

businesses donated items for the event.

Councilmember Serdy commented the Pony Express is coming this Saturday. They are leaving Show Low on Wednesday and should be at the Hitching Post sometime after 2 p.m.

Councilmember Rizzi commented on the funeral service announcements for Roger Borey.

Mayor Insalaco commented he was again asked to go to Washington for the Indian tribes but he would have had to leave this morning. They are still having the problem with the Toho'No Odom Tribe. Mayor Barney and one of his councilmembers went, three councilmembers from Mesa, the vice mayor and a councilmember from Gilbert and a lieutenant governor for one of the tribes. The tribe is also thinking of moving in to other places. They are looking at buying 5 major county islands in Mesa. They are trying to stop them from buying those properties. Other East Valley and West Valley representatives also are attending.

G. CITY MANAGER'S REPORT

7. [16-161](#) City manager's report.

City Manager Bryant Powell commented on the Duel in the Desert Kickball Tournament, the events commented on by Councilmember Evans over the weekend, the 35 year recognition for Jeff Bell and introduced Darron Anglin, District Manager for the sewer district, to give a presentation on the sewer district.

8. [16-92](#) Presentation by and discussion with Darron Anglin, District Manager of Superstition Mountains Community Facilities District #1(Sewer District). Mr. Anglin will present the Sewer District's 'State of the District'.

Mr. Darron Anglin stated he would present the state of the sewer. They are known as the Superstition Mountains Community Facilities District. He gave a brief history of the district, the amount of sewage they have treated thus far, their budget and the treatment process.

Councilmember Wilson thanked him on behalf of the equine community for being another place to take manure and work with their composting.

City Manager Bryant Powell commented on the connections to the sewer district and the water treatment plant.

H. PUBLIC HEARINGS

9. [16-127](#) Second public hearing on local alternative expenditure limitation - home rule option. The council must hold two public hearings on the proposed continuation of the local alternative expenditure limitation - home rule option. The first of these hearings was held April 5, 2016. Immediately following the second hearing the council must convene a special meeting in order to take official action on the home rule option and place it on the ballot for the city's August 30, 2016 primary election.

City Clerk Kathleen Connelly briefed the council on the item.

Public Information Officer Al Bravo briefed the council on the process of home rule option.

Mayor Insalaco opened the public hearing on the item.

Ms. Tess Nesser, 1511 S. Cactus, Apache Junction, addressed the council. She is a member of the library board, chair of the parks and recreation commission, chair of the planning and zoning commission and a volunteer for the police department. She has been involved with the city since 1998 and is aware of what it takes to run a city of our size for salaries, amenities, programs and police department. She appreciates the council calling attention to home rule and putting it on the ballot. She encouraged everyone to get out and vote for home rule.

Mr. Clark Smithson, 1700 S. Weaver Drive, Apache Junction, addressed the council to state do it.

Ms. Joan Clair, board president of the Apache Junction Food Bank, addressed the council to comment on Arizona's home rule and the direct impact it has on the food bank. In 2012 they served 22,000 people; in 2015 they served 38,018 people. They are on track to serve over 40,000 this year. It takes a concerted effort between the staff, volunteers and partners to serve all those who come in for assistance. The city has been a long time partner and awards grants annually to purchase food, about 10% of what is given out. If home rule goes away the effect would be immediate and consequential. They also recently met with a developer and the city manager for a 55+ community where they wanted to develop a food pantry. The developer was developing the land because of the existing services and amenities in Apache Junction. If home rule goes away, it could discourage other developers to come to Apache Junction. She supported home rule being added to the ballot in August.

Mayor Insalaco closed the public hearing with no one else wishing to speak.

Mayor Insalaco called for a recess for the regular meeting in order to convene a special meeting at this time to consider Resolution No. 16-10.

Mayor Insalaco reconvened the meeting.

AT THE CONCLUSION OF THIS ITEM, THE APACHE JUNCTION CITY COUNCIL WILL RECESS THE REGULAR MEETING IN ORDER TO CONVENE A SPECIAL MEETING FOR THE PURPOSE OF CONSIDERING RESOLUTION NO. 16-10, AN EXTENSION OF THE LOCAL ALTERNATIVE EXPENDITURE LIMITATION - HOME RULE OPTION.

10. [16-128](#) Consideration of Resolution No. 16-10, extension of local alternative expenditure limitation - home rule option. Following the second public hearing on the local alternative expenditure limitation - home rule option, the council must convene in a special meeting to take an actual vote on placing the measure before city voters at the August 30, 2016 primary election.

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

No: 0

The special meeting of the City Council of the City of Apache Junction, Arizona, was held on April 19, 2016, 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 9:50 p.m.

ROLL CALL

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

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 Giao Pham
City Engineer Emile Schmid
Development Services Director Larry
Kirch

Others Present: Public Information Officer Al Bravo
Senior Planner Rudy Esquivias

RESOLUTION NO. 16-10, EXTENSION OF
LOCAL ALTERNATIVE EXPENDITURE
LIMITATION - HOME RULE OPTION)

) Mayor Insalaco called for a motion.

Councilmember Waldron MOVED THAT RESOLUTION NO. 16-10, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, PROPOSING AN EXTENSION OF THE ALTERNATIVE EXPENDITURE LIMITATION - HOME RULE OPTION, BE APPROVED.

Councilmember Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

11. [16-188](#) Public hearing, discussion and consideration of Resolution No. 16-04, declaring as public record that certain document filed with the City Clerk entitled "2016 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 10: Engineering Standards".

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

No: 0

City Engineer Emile Schmid briefed the council on the items.

Mayor Insalaco opened the public hearings on the items. There being no one wishing to speak, he closed the public hearings and reopened the items to council discussion. There being no further discussion, he called for a motion.

Vice Mayor Barker MOVED THAT RESOLUTION NO. 16-04, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOUCMENT FILED WITH THE CITY CLERK ENTITLED "2016 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME II LAND

DEVELOPMENT CODE, CHAPTER 10 ENGINEERING STANDARDS, BE APPROVED.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

12. [16-174](#) Public hearing, discussion and consideration of Ordinance No. 1423, amending Apache Junction City Code, Volume II, Land Development Code, by repealing Chapter 10: Engineering Design Guidelines and Policies in its entirety; and adopting by reference a new Chapter 10 as more fully detailed in that certain document entitled "2016 Amendments to the Apache Junction City Code, Volume II, Chapter 10: Engineering Standards"; repealing any conflicting provisions; providing for severability; providing for penalties; and establishing an effective date.

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

No: 0

Councilmember Waldron MOVED THAT ORDINANCE NO. 1423 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Vice Mayor Barker SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

City Clerk Kathleen Connelly read the ordinance by title only.

Councilmember Waldron MOVED THAT ORDINANCE NO. 1423, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

13. [16-189](#) Public hearing, discussion and consideration of Resolution No. 16-05, declaring as a public record that certain document filed with the City Clerk and entitled "2016 Amendments to the Apache Junction City Code, Volume I, Chapter 13: Public Works"; and establishing an effective date.

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

No: 0

Mayor Insalaco called for a motion on Resolution No. 16-05.

Vice Mayor Barker MOVED THAT RESOLUTION NO. 16-05, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "2016 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 13 PUBLIC WORKS, AND ESTABLISHING AN EFFECTIVE DATE, BE APPROVED.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

14. [16-175](#) Public hearing, discussion and consideration of Ordinance No. 1424, amending Apache Junction City Code, Volume I, by repealing Chapter 13: Public Works in its entirety; and adopting by reference a new Chapter 13: Public Works more fully detailed in that certain document entitled "2016 Amendments to the Apache Junction City Code, Volume I, Chapter 13: Public Works"; repealing any conflicting provisions; providing for severability; providing for penalties; and establishing an effective date.

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

No: 0

Mayor Insalaco called for a motion on Ordinance No. 1424.

Councilmember Waldron MOVED THAT ORDINANCE NO. 1424 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

City Clerk Kathleen Connelly read the ordinance by title only.

Councilmember Waldron MOVED THAT ORDINANCE NO. 1424, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilmember Evans SECONDED THE MOTION.
VOTE: Unanimous.

The motion carried.

15. [16-176](#) Public hearing, discussion and consideration of Ordinance No. 1425, amending Apache Junction City Code, Volume I, by repealing Chapter 4: Fees, Article 4-6: Public Works Fee Schedule in its entirety; and adopting new Chapter 4: Fees, Article 4-6: Public Works Fees Schedule; repealing any conflicting provisions; providing for severability; establishing an effective date; and a revolving sixty month review period.

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

No: 0

Mayor Insalaco called for a motion on Ordinance No. 1425.

Vice Mayor Barker MOVED THAT ORDINANCE NO. 1425 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember Waldron SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

City Clerk Kathleen Connelly read the ordinance by title only.

Vice Mayor Barker MOVED THAT ORDINANCE NO. 1425, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilmember Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

16. [16-182](#) Public hearing, presentation, discussion and consideration of proposed Ordinance No. 1428, case PZ-2-16, a proposed Planned Development Major Amendment request by Apache Junction Landfill Corporation,

represented by Stephen W. Anderson and Lindsay Schube of Gammage and Burnham PLC, to amend the conditions of their Heavy Industrial by Planned Development with a Special Use Permit for a Municipal Solid Waste Landfill (B-5/PD) zoned, 129-acre property at 4050 S. Tomahawk Road, to establish a final closure date, certain development standards and infrastructure obligations related to the design and financing of the closure, and post-closure use and activities.

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

No: 0

Mayor Insalaco asked if they could have one public hearing on the item.

City Attorney Joel Stern stated they could have one public hearing but they must have a separate vote on each item.

Senior Planner Rudy Esquivias briefed the council on Ordinance No. 1428.

Mayor Insalaco asked what would happen to everybody's trash if this closes.

Senior Planner Rudy Esquivias stated he believes Mr. Coyle will address that question. Basically, if the landfill closed today, there would probably be a transfer station constructed somewhere. They would have to go through the city processes if they wanted to construct it in the city. Everybody's trash would go to a transfer station and then be hauled to one of the other surrounding landfills in the metropolitan area.

Councilmember Wilson commented he had a tour out there. Currently there is no water monitoring in the area at all. They are not required to do it. It is basically grandfathered in due to the age of the original facility. They are doing a lot to try to mitigate any problems but there is no water contamination being evaluated at all. He would like to see what it would take to add that to the conditions. He asked how they could go about doing that.

Senior Planner Rudy Esquivias stated they could add another condition to the zoning or address it in the item Larry will be talking about, the host agreement. There are a couple of places where they could cover that. Perhaps the city attorney could advise on which would be the best place to put it.

City Attorney Joel Stern stated they could put

it in both. Larry will be presenting the development agreement in a moment where they can also talk about it.

Councilmember Evans asked why planning and zoning asked to change it from 2035 to 2025.

Senior Planner Rudy Esquivias stated there was a lot of back and forth discussion about whether the 2035 date relates to the progress of waste coming into the landfill. It is an open-ended question best addressed by Mr. Anderson or Mr. Coyle. It might even close sooner; there is also the possibility if there is no closure date it might close later. There were also questions whether 1,723 feet had anything to do with the physics of the landfill itself. The 2035 date was a negotiated date in early discussions with city staff and landfill staff. We all thought it was a fair date when arrived at. He believes the commission would like to see it closed sooner. He does not recall there being a hard reason to move it from 2035 to 2025.

City Attorney Joel Stern stated one of the issues was they were going to miss out on development for an extra ten years. That issue was brought up by two or three members.

Senior Planner Rudy Esquivias stated that concern was also brought up by the one citizen who spoke at the meeting. Some folks have a vested interest in town and they are interested in seeing it close sooner rather than later.

Councilmember Waldron asked if they would need to go to Arizona Department of Environmental Quality for specific wording for the agreement if they start looking at the water issue.

City Attorney Joel Stern stated he would recommend that. They have certain specifics they would probably want to see as a condition.

Councilmember Waldron commented they would have to approach them and it would take a little bit of time to get a response.

City Attorney Joel Stern stated he would recommend it but he does not know how long they would take or the Arizona Department of Water Resources. It would take a while. They do have a lack of employees. But it would have to be done.

Councilmember Evans asked if anyone included how State Land might feel about having a closure date or not, or

if they would prefer 2025 to 2035. She asked if they had any input.

Senior Planner Rudy Esquivias stated they sent a complete copy of the staff report to the contact at State Land. Staff did not receive any comments back from her. He believes no comment means they are fine with what is being done.

City Manager Bryant Powell stated Lisa Atkins, the current State Land commissioner, was in Apache Junction three weeks ago. He asked for her thoughts on this. She stated the current footprint is what it is; it is a scar. They do not have a lot to say on it. However, the inability for the community to have a closure date is something that is not there. The ability to have a date, to be able to say that to developers is something that they have an interest in. That was her comment. She did not say they would engage and they have not seen a letter. She was glad to hear the city and landfill are working together on coming up with a plan.

Councilmember Wilson commented when he first came on the city council one of their first meetings had a discussion on the landfill with its potential closure and what they would need to do and look into for the future on addressing solid waste. That was over 8 years ago. At that time they were looking at 8 to 10 years into the future. Today it is still 8 to 10 years in the future that they are proposing as they have had a decrease in usage or deliveries. We are doing more in recycling than we were 8 years ago. He understands it. Even if they say it is 8 to 12 years into the future now, they could even take it out even further than that because of the decreasing usage. He likes the idea of having a solid date but he is very concerned about adding water monitoring in any way, shape or form where they can get it done. He knows they are doing a terrific job in using the liners coming up against the old, basic footprint. They still have the basic footprint started that has nothing and that is something they inherited. It was not something they did.

Councilmember Serdy commented several of them had tours down there. As landfills go, it is probably one of the nicer ones. Republic has been a great partner. They would not have had Fourth of July celebrations the last few years without them. Regarding the comment about whether State Land cares or not, they do not develop anything. The people that would by buying and possibly putting something nice there would care for the kind of things he would like to see there. He has wanted to see a resort go in. We do not have anything out here other than Gold Canyon and he questions if they would want to go in next to this. He is leaning towards sooner rather than later.

There was general discussion between the mayor

and the city attorney on the order of who would be speaking when.

Development Services Director Larry Kirch briefed the council on the operating agreement and the first amendment to the agreement.

Councilmember Waldron asked if the same time frame triggers kick in under the proposed agreement if the firm closure date is set in 2035 but it fills up quicker than that such as five years for an earlier closure date. He asked if they would start with the increased payments five years earlier.

Development Services Director Larry Kirch stated he believed they would. The trigger is there. He is not sure if it is specific language, it is the intent. If they close in 2030, then in 2025 we would start getting those payments. He thinks that is how it is worded. At the same time, the other revenues do not show up either because it is closed early.

Councilmember Evans asked if the monies received from Republic Services go into the general fund or some other part of the budget.

City Manager Bryant Powell stated they go into the general fund.

Councilmember Evans commented there is no place around here where the city would receive that income to move a dump to.

City Manager Bryant Powell stated that is correct. There is a transfer site across the street on Royal Palm that Right-Of-Way Disposal has, but there is no other site and there is no agreement with them. They are in a county island. We need to prepare financially and fiscally as that day will come. Currently, under the current agreement, if nothing changes, that \$250,000 or \$270,000 or \$220,000, depending on the year, will be gone.

Councilmember Evans asked if that is a percentage of the general fund budget.

City Manager Bryant Powell stated the general fund revenues run about \$25,000,000 a year. It would be around 1% plus or minus. The non-tax revenue is around 5%. It is not insignificant. It would be a work around to figure out how they are going to do it. They would have to prepare for it. It would be a revenue loss.

Councilmember Evans commented it would be a

revenue loss but it would also be an additional charge to the citizens for wherever the new dump will be.

City Manager Bryant Powell stated it will be a double whammy of if they wanted to keep the current level of service. They would have to find revenue or manage that one. When it closes, nobody really knows how much of an increase there will be to the service. Currently the residents are charged \$15 a month and get single stream recycling, curbside recycling and trash pickup once a week. He can promise that will change. It will be increased but he does not know what it will be. They are talking years in advance and future dollars. That is another consideration in this.

Councilmember Rizzi commented she thought it was a great presentation.

Mayor Insalaco requested the applicant address the council.

Mr. Steven Anderson, attorney with the law firm of Gammage and Burnham, addressed the council on behalf of Republic Services. General Manager Chris Coyle and Environmental Manager Doug Sawyer of Republic Services were also in attendance. They have two items on the agenda this evening regarding the landfill: an amendment to the current operations agreement and an amendment to the current planned development zoning. Staff has provided them with a detailed report on the proposals that were discussed at the work session two weeks ago. He will not reiterate the details of the staff report, but he will highlight the issues he believes should be touched upon. He wanted to emphasize the current confirmation from city staff on the point of current compliance. Apache Junction Landfill Corporation and the city both have been and remain in compliance with the current operations agreement and planned development zoning that currently exists on the site. Regardless of what happens this evening, those two items will remain in place tomorrow morning and they will continue to comply with them until otherwise notified. They believe they have operated the facility in a responsible manner and as part of that operation have attempted to keep the city regularly apprised of what is happening at the landfill. He showed them an aerial photograph of the site. He also had a detailed photograph that was labeled. It had a little more detail than the one showed by Rudy Esquivias. It has specific activities that occur on the site labeled. They also brought a 3D printer model of the landfill and he passed that up to the council. There are three aspects to the proposed amendment to the operations agreement that he wanted to present. The first of those is closure. The proposals before them this evening establish a closure date. The proposal are from staff and the negotiated one they agreed

to is December 31, 2035. At this time no closure date exists for this landfill. If this is approved this evening, it will become the only Republic landfill in the state with a publicly set closure date. Filling a landfill is subject to a wide range of factors: the state of the economy, fuel prices, recycling and competition. When entering this amendment, Republic will replace a rubric in which all of those factors are a part of the decision on how the landfill operates with a primary goal of filling this landfill by a certain date. It will change the way they operate the facility. The second thing he wanted to discuss are the financial commitments that are a part of the operations agreement amendment. The proposals increase the current financial commitments they are willing to make to the city. There is an immediate and indexed increase in the tonnage fees, the creation of the free dumping rights for the city throughout the year and the creation of closure funding payment of \$1.5 million. None of these obligations currently exist at the facility. The planning commission did recommend approval of the planned development amendment but through a jurisdictional quirk of this process the planning commission does not have jurisdiction over the operations agreement amendment. They never saw that or heard Larry's presentation. They did not have all the information before them. They remain ready to commit to the 2035 closure date. In their mind it is part of a complex and completely negotiated agreement. That is why they differ with the planning commission's recommendation with regard to condition number four. However, they are willing to agree to and actually welcome their recommendation for the additional landscaping stipulation that some landscaping be done at this time. The language in the staff report is acceptable to them as an additional stipulation as part of approval. The final item is the groundwater monitoring with regard to the various amendments before the council. Currently this is a grandfathered site. Arizona Department of Environmental Quality does not require this landfill to have groundwater monitoring at this time. If they approve these proposals tonight, Republic would be required to amend its current operating documents with Arizona Department of Environmental Quality. It is their 100% expectation that Arizona Department of Environmental Quality will, as part of such an amendment, require Republic to begin groundwater monitoring. If they see fit to add something into the approval of either of the documents that are before them, he would estimate they would have Arizona Department of Environmental Quality groundwater monitoring within one year of approval. It would be fully consistent with what they expect to have to do anyway. They do view this as an Arizona Department of Environmental Quality process, not an Arizona Department of Water Resources process. He recommends they defer to Arizona Department of Environmental Quality. As part of city approval, they are already required to comply with Arizona Department of Environmental Quality regulations. If they do have to do that,

it will be a six-figure cost to Republic in order to install the necessary groundwater monitoring wells and all the equipment that is involved in that effort as an initial startup. There is then an ongoing annual compliance cost. It is something that is not without financial impact on Republic and it is indeed part of the calculus that was part of their negotiated approach to this process. He commented on the community outreach that Rudy was talking about previously. The red circle is the required city notice under their ordinances. They went half a mile more north to Baseline and then an additional quarter mile in each direction on Tomahawk for the notifications. They appreciate the fast acknowledgement of their efforts. To date there has been a neighborhood mailing, a community open house, a planning commission study session, a planning commission hearing and a city council study session. There have been five separate occasions for public input thus far. Prior to today they were aware of three people who had expressed concerns about the proposals and they were primarily expressed to the city. Mr. Ken Johnson sent in a letter in response to an original neighborhood mailer two months ago and they sent him a responsive letter. Ms. Diana Burns sent a letter to the city two weeks ago with six questions that were addressed at one of the two staff presentations just heard. He would address those items if requested. If they had come up at the open house or in response to the neighborhood mailing they would have addressed those questions at that time. The letter from two weeks ago contained no responsive contact information. The post card over the weekend from Ms. Burns did have a phone number and they called her yesterday and left a message. She had not responded but she may not have had the opportunity to do so. The gentleman engaged the most is Mr. Andy Kunasek. He does not live in Apache Junction; he lives in Paradise Valley. He was forthright about his motivations with the planning commission at the hearing last month. He is a real estate investor and potential competitor to Republic with regard to this facility. His information is a matter of public record. He has an investment in the Silverado Landfill in Pinal County. He showed them a map for their approval in Pinal County and an aerial photograph showing their location which is about 24 miles away. It seems like is as a long way away in a typical zoning case but when it comes to a landfill it is actually a next door neighbor. He showed them deeds for the site with Mr. Kunasek's signature operating through Mineral Mountain LLC, a limited liability company that he has for maintenance of the site. He got the original approval from Pinal County in January 2008. They have not done an exhaustive review of all of his approvals. The map is simply related to his original approval in 2008. They understand that nothing has happened on that site since that time. He is waiting for an opportunity to begin development or a buyer. He is not someone who has been in the waste disposal business on a day-to-day, routine basis. He showed the council

the approvals from planning and zoning and industrial use permit that are very similar to the city approvals with much of the same requirements imposed. There were a few he wanted to highlight. He has a schedule of development with an opening day about two years away in 2018. He does not have a closure date. It is typical to not have a closure date in a landfill approval. He has an odd stipulation that Republic does not have that requires him to be able to support his landfill through transfer station sites. Stipulation number twelve actually says that he has to have a transfer station site included in Apache Junction. To the best of his knowledge, such a site has not been developed at this point but it is in there. Mr. Kunasek's investment risk is not really the business of Apache Junction but he thought they would be interested to know the specifics about his approvals. To date, in their minds, the people who have really been interested here before this evening have been the council and city staff. Some of them took the time to come to our community open house and they appreciated that time. Some of them have taken the time to tour the landfill and they appreciate that as well. They sat through a detailed study session two weeks ago. They have sat through an hour of presentation from staff and him this evening. He appreciated their interests and efforts.

Vice Mayor Barker asked them to explain how they are going to mitigate that area from the earlier landfill with the moisture seepage.

Mr. Chris Coyle, Republic Services, 4050 S. Tomahawk, Apache Junction, general manager for the Apache Junction Landfill Corporation, addressed the council. The original portion of the landfill is the center 40 acres. The original landfill was a trench landfill where they dig a trench about 25 feet deep, fill it with trash, cover it and dig another trench next to it and keep moving along like that. They have an assumption of where the bottom of that trash is as they did not keep records in the 50s and 60s. To be safe they dug below where they believe the bottom of the landfill was and installed the liner there all the way around the landfill. They have one last segment to do. The theoretical assumption is that anything that migrates from that original landfill will be captured by liner underneath the landfill. It will also capture all the water that has gone through the trash. They have a landfill gas system that is over the entire landfill.

Vice Mayor Barker commented they then pull the moisture out from the liner.

Mr. Chris Coyle stated they pull the moisture out from the liner. They have four subdrains and subpumps in the landfill. They pump it out and use it as dust control for

the lined areas along the landfill.

Councilmember Rizzi commented the tour was fascinating and educational. She never thought it would be that interesting and he had answers to all the questions. It would be interesting for other people to take it and get educated. They had talked about how thick the liner is and the unlikelihood that it should tear. Should it tear, there is a material that if water somehow hits it, it becomes concrete.

Mr. Chris Coyle stated it is a composite liner. The liner below it has a geotech soft fabric that has a bettanite layer below it. Once bettanite gets wet it solidifies and essentially turns into concrete. On top of that is a 60 mil plastic they use in all their landfills across the country unless local regulations require it to be higher. From there they put two feet of dirt to make sure the plastic does not get damaged. They then put waste on top of the solid waste to protect the liner. If something does happen to get through the plastic, it would be solidified underneath there.

Councilmember Rizzi commented they are grandfathered in and not required to monitor the groundwater. In their conversation he commented he was prepared to do that and he was willing to do that.

Mr. Chris Coyle stated absolutely. If they have approval from the council this evening or in the future they would have to do a modification. They have to apply for a modification with Arizona Department of Environmental Quality. They fully expect Arizona Department of Environmental Quality to impose groundwater monitoring requirements on the site. They have budgeted for it and prepared for it. They will have one up gradient well and two down gradient wells to make sure the water, whatever travels underneath the landfill, remains consistent before and after.

Councilmember Waldron asked if it is his understanding in the proposed agreement that should the landfill close prior to 2035 proposed date, that the five year trigger would kick in. For instance, if it will close in 2030 it would kick in in 2025.

Mr. Chris Coyle stated he does not remember the specific language but one way or another if it closes early they will have all the funds when it closes.

Councilmember Waldron commented it is the same for the park.

Mr. Chris Coyle stated that is correct. They

can work that out with staff. Sometimes it is hard to project when five years will be but they will have a trigger in there to where if they do close early and they have only made one or two payments, they will have a trigger in there were all funds become due.

Councilmember Rizzi commented they had also talked about the height increase and comparisons. She asked for an idea to give her a visual. He compared the height increase to two basketball hoops.

Mr. Chris Coyle stated it is essentially. It was about 23 feet from where they were sitting and right on top of the landfill.

Councilmember Rizzi commented they are not going bigger and wider. They are going the equivalent of two basketball hoops.

Mr. Chris Coyle stated that is correct.

Councilmember Wilson commented he had asked him what the height difference is between the 1723 and Silly Mountain. When he looked it up he found that Silly Mountain is 5 feet taller.

Mr. Chris Coyle stated he went back and looked at that. The trailhead of Silly Mountain, where you actually start to go up, is the elevation of 1727. You could stand there and look back at the site and it is below you.

Mayor Insalaco opened the public hearing on the item. He asked everyone to be courteous. There is a time limit and they will see it pop up. He asked if there was anyone who would like to speak on the item.

Mr. Larry Johnson, chief executive officer of the Apache Junction Chamber of Commerce, 567 W. Apache Trail, Apache Junction, addressed the council regarding Republic Services being a member of the chamber, last year being voted Large Member of the Year, and listed a number of events they have sponsored and supported. He spoke in favor of the plan.

Mr. Joe Durbala, 673 E. Kachina, Apache Junction, addressed the council to speak about the closure date, to try to get a transfer station in the city and recycling.

Mr. Tom Aulik, 503 E. Montebello, Apache Junction, addressed the council regarding his concern for a closure date, a well put in next door, putting the issue of what to do with the landfill to a vote, having a transfer station, his distrust for corporations, the council vote and his concern

for the hazards.

Ms. Thressa Kelly, 2900 W. Superstition #99, #58, #5, #8 and #6, Apache Junction, addressed the council regarding her concerns for recycling alternatives, giving the garbage to other people and a concern for the aquafir.

Mr. Paul Winkman, Royal Palms, addressed the council to commend the people who take care of the place. He was concerned about where the trash would go once it is closed and it would be good to keep the landfill open as long as possible.

Ms. Karen Kunasek-Taylor, 3344 E. Camelback, Phoenix, representing DMV Associates, commented on the Eastmark property and the future of Superstition Vistas and Lost Dutchman Heights, the existing capacity for the landfill and the closure date.

Ms. Sandy Reed, 2221 E. 36th Avenue, Apache Junction, addressed the council regarding her opposition to all the development due to her concern for water and yard debris that could be composted in the future.

Pinal County Supervisor Todd House, 5027 E. Hidalgo Street, Apache Junction, addressed the council regarding economic development being easier with a park than with a landfill. He thinks future development would help to pay to develop that into a park.

Mr. Tim Waters, 2207 E. Baseline, Apache Junction, addressed the council regarding his concern about the landfill remaining there. He would like to see a park.

Mr. Rory Blakemore, Kowie Companies, 1242 E. Jackson Street, Phoenix, owners of Silver Bar Mine Regional Landfill, addressed the council regarding the alternatives to Republic, their expansion request and the possibility of briefing the council on their company at a future meeting.

Mr. Clark Smithson, 1700 S. Weaver Drive, Apache Junction, addressed the council regarding his concern for the monies needed to turn the landfill into a recreational area and long term obligations secured by bonding.

Ms. Diane Burns, 527 W. Whitely, Apache Junction, addressed the council regarding questions by the residents that included concerns for cancer risk, the underground water table, environmental hazards, the unlined aspect, property values going down, debris causing flat tires and exploring the alternatives. She urged they vote against

this or delay it until they have the answers.

Mayor Insalaco closed the public hearing on the item and reopened the items to council discussion.

Vice Mayor Barker commented this is not an expansion. Many people who came up here described this as an expansion. The land that has been there for many years has always been the landfill. It was simply in two different parcels, like your house and the house next door. All they want to do is pull the two parcels together. That is what this is about; it is not an expansion. If they vote no tonight, the landfill could go on for the next fifty years if they wish. They only have one point that is up to the height of Ordinance No. 1034. It can go on forever if that is what it takes to the point of recycling. We do have recycling but we do not recycle garbage. To her knowledge that methodology does not currently exist. State law prohibits the city from prohibiting the use of plastic bags. It is a state law so they cannot do it. It is a good point and she would love to do it but they cannot do that. The reason they do not see landfills in Mesa is because those landfills are now covered by parks and retail areas. We are only 39 years old. Mesa is 139 years old. They have had the opportunity to cover their landfills and to build their parks, etc. We are babies when it comes to the age and the opportunities to do these things. She resents the comment to the point of being selfish. This council is thinking about the future of this city and what the kids and grandkids, etc., will have. The whole goal in whatever decision we make here, and this is not a done deal, we have not cornered ourselves somewhere and said we are all going to do this, we have not done that. But whatever we do, each and every one of us is looking at the future of this city, a future that some of them will not be alive to see more than likely. However, they have an obligation to do what we see as the very best for this community. The State Land person, when she came out, gave us absolutely no indication that there will be any development of our state land for a very long time. She was pretty clear about it in a very convoluted manner. That is something they also need to keep in mind. She commented it is really cool to be looking through it with developers' eyes if money is all they are worried about. We are also worried about quality of life, with what is going to happen with health; we are worried about all those things. That is not economic development. It is a piece of it but it is not. She cannot look at her city strictly through the eyes of economic development. She has got to look at it through every lens she can find because that is the only way they are going to have a future in this community that is good for as many people as possible. That is their goal, for the most people possible.

Councilmember Rizzi commented when they went on the tour Chris was just so informative on answering questions. From her understanding, anyone that has questions that are unanswered and they would like a tour as the council had, they can call and get that. They can get those questions answered and they can take the tour. There are safety mechanisms in place for this seepage people are concerned about. Someone had mentioned prescriptions at the police department. The police department has a very successful prescription take back program. If they are not aware of that, maybe it is a good time to make people aware of it. They do it four days a week. Many police departments do it once a month. She heard something about flat tires. There are requirements to have the load covered. She knows because she goes there frequently. There is a requirement that the load be covered. If the load is not covered there is a fine. She has received phone calls from citizens with concerns. They are very concerned that the cost for trash removal is going to go up. The cost of fuel will go up. Desert dumping will be increased. As Vice Mayor Barker mentioned, there is a plan for a park. Anybody that is willing to contact Republic Services, go on the tour and get educated, do so. The view from the top is absolutely amazing. It is a 360° view. As far as development goes, she would like to see if they can pull up pictures of Mt. Trashmore Park. She wanted to show the public what the possibilities are. She asked if anyone knew where it is located.

Mayor Insalaco commented it is in Norfolk, Virginia. It is a park built on top of a landfill. So far as it being an eyesore, this was planned for the future and future generations.

Councilmember Wilson commented one of the things he is concerned about for future generations in protecting them is that right now there is no requirement for monitoring. If they say no or do not look at this or try to negotiate this, they do not have to monitor the groundwater because they are grandfathered in because of the original date when this landfill was established. He thinks more than anything else it is very important they look at that and the positives in this. He understands the Silver Bar Mine wants to have their

17. [16-191](#) Public hearing, presentation, discussion and consideration of the First Amendment to the Agreement for Operation of Municipal Solid Waste Landfill and Related Offsite and Roadway Improvements agreement.

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

No: 0

Vice Mayor Barker MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING THE FIRST AMENDMENT TO THE AGREEMENT FOR OPERATION OF MUNICIPAL SOLID WASTE LANDFILL AND RELATED OFFSITE ROADWAY IMPROVEMENTS AGREEMENT: THAT THE AGREEMENT BE CONTINUED UNTIL THE NOVEMBER 14TH WORK SESSION AND THE DECEMBER 6TH REGULAR MEETING, AND, IN THE MEANTIME, THAT STAFF WORK WITH THE LANDFILL CORPORATION AND ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY ON GETTING WATER MONITORING EQUIPMENT AND SO FORTH ON THE PROPERTY.

Councilmember Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Insalaco called for a ten minute break at 9:15 p.m.

Mayor Insalaco reconvened the meeting at 9:33 p.m.

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 Insalaco, Vice Mayor Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Serdy, Councilmember Waldron and Councilmember Wilson

No: 0

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 2, 2016, 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 3, 2016, IN THE CITY COUNCIL CONFERENCE ROOM.

Councilmember Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

18. [16-162](#) Executive Session at 5:45 P.M. and Work Session at 7:00 P.M. for Monday, May 2, 2016.
19. [16-163](#) Executive Session at 5:45 P.M. for Tuesday, May 3, 2016. Other meetings if necessary.

M. CALL TO PUBLIC

None.

N. ADJOURNMENT

Mayor Insalaco adjourned the meeting at 10:15 p.m.