



# 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

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Tuesday, December 6, 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 December 6, 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. He welcomed Boy Scout and Cub Scout Troops 332, 353, 384, 752 and 757.

### B. INVOCATION AND PLEDGE OF ALLEGIANCE

Councilmember Waldron gave the Invocation.

Scout Maroney from Troop 752 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  
Parks and Recreation Director Liz Langenbach  
Development Services Director Larry Kirch

Others Present:        Senior Planner Rudy Esquivias  
                             Public Information Officer Al Bravo  
                             Economic Development Specialist Elan Velander

#### **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 PIMMEX GENERAL CONTRACTING CORPORATION FOR PROJECT PWC2015-04 FOR THE INSTALLATION OF SOLAR STREET LIGHTS IN THE SMYTHE NEIGHBORHOOD IN AN AMOUNT NOT TO EXCEED \$325,022.50; AND THAT AUTHORIZATION BE GIVEN FOR THE MAYOR TO SIGN THE CONTRACT PENDING FINAL APPROVAL AS TO FORM BY THE CITY ATTORNEY; AND

THAT I MOVE THAT ITEMS NUMBER 9 AND 10 MOVE TO FOLLOW ITEM 6 ON THE AGENDA.

Councilmember Wilson SECONDED THE MOTION.

VOTE:    Unanimous.

The motion carried.

1.     [16-550](#)                    Consideration of acceptance of agenda.
2.     [16-551](#)                    Consideration of approval of minutes of regular meeting of November 15, 2016.
3.     [16-523](#)                    Consideration of approval of the proposed contract with Pimmex General Contracting Corporation for the installation of solar street lights in the Smythe neighborhood in an amount not to exceed \$325,022.50. This work is partially funded by the city's Fiscal Year 2015 ("FY15") State Special Project grant ("SSP") application submitted in March 2016 as requested by city council under Resolution No. 14-39.

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

None.

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

Vice Mayor Barker thanked the parks and recreation department

for a marvelous job on Saturday. There were wonderful festivities even though the snow machine did not work. They still got the snow out there. The light parade was wonderful.

Councilmember Serdy commented there was about a half mile of events from one end to the other. He would like to see more entrants in the light parade next year. Other than that it was very good and everyone seemed to be enjoying it.

Councilmember Rizzi commented a lot of people came early to get a good seat and the music was wonderful.

Mayor Insalaco announced that he, Councilmembers Serdy and Rizzi attended the Welcome Back Bash for the winter visitors at Barleen's yesterday. He wished everyone would stop calling them winter visitors as they are here six months of the year and should be called winter residents.

Mayor Insalaco commented he went to the state capital two weeks ago, invited by the Salt River and Gila River Indian Communities, regarding gaming. The governor took the contracts out of congress to take care of the gaming situation. The new compact calls for full Las Vegas gambling for all the tribes. All the tribes were there except for the Tohono O'Odham tribe. If they do not comply by January 2 they will be stuck with what they currently have.

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

### **4. [16-541](#) City manager's report.**

City Manager Bryant Powell commented on the boy scouts and cub scouts attending, the success of the light parade, a vacancy on the sewer district, reflected on the role of local government on building safety, the fire district receiving a grant for smoke alarms, the city receiving \$100,000 for the splash pad, the city being a pass through for many of the Indian Community grants and the water lease with the Gila River Indian Community.

## **H. PUBLIC HEARINGS**

### **5. [16-552](#) Consideration of application for a new license, individual, Series 12 Restaurant Liquor License for Mongolian Grill located at 300 S. Phelps Drive, Apache Junction. The next step in the process is for the city council to hold a public hearing on the application and make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.**

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

**No:** 0

City Clerk Kathleen Connelly briefed the council on the item.

Mayor Insalaco requested the applicant address the council.

Mr. Andy Nguyen, 300 S. Phelps Drive, Apache Junction, addressed the council. He stated the reason they applied for the liquor license is because many customers are asking for beer. The previous owner had a license and they are doing exactly the same thing as what had been done before.

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

Councilmember Waldron MOVED THAT THE APPLICATION FOR A NEW LICENSE, INDIVIDUAL, SERIES 12 RESTAURANT LIQUOR LICENSE FOR MONGOLIAN GRILL, SUBMITTED BY ANDY AN NGUYEN, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

6. [16-553](#) Consideration of application for an interim permit, new license, limited liability company, Series 10 Beer and Wine Liquor License for Quick & Easy Shell III located at 1571 W. Apache Trail, Apache Junction. The next step in the process is for the city council to hold a public hearing on the application and make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.

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

**No:** 0

City Clerk Kathleen Connelly briefed the council on the item.

Mayor Insalaco requested the applicant address the council. The applicant was not in attendance. Mayor

Insalaco opened the public hearing on the item. There being no one wishing to speak, he closed the public hearing and reopened the item to council discussion.

Councilmember Waldron commented we requested an extension of time.

City Clerk Kathleen Connelly stated this is the one where we never received the check. In checking with the Arizona Department of Liquor Licenses and Control, their policy is that we have to request it in writing and we received that approval in writing to the second meeting in January which is January 17. While there are no staff objections, they are not meeting the city code requirement to pay a \$50 fee.

Mayor Insalaco called for a motion.

Councilmember Waldron MOVED THAT THIS ITEM BE CONTINUED TO THE REGULAR MEETING OF JANUARY 17, 2017, AS A PUBLIC HEARING.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

7. [16-554](#) Presentation, discussion, public hearing and decision on 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 called for a five-minute recess at 7:30 p.m. He asked that when they return everyone in the audience keep their actions and volume in a civil tongue.

Mayor Insalaco reconvened the meeting at 7:35 p.m.

Senior Planner Rudy Esquivias briefed the

council on the item.

Vice Mayor Barker commented when he began he said those items in bold would have to be added.

Senior Planner Rudy Esquivias stated that is correct. Those are new, additional conditions.

Vice Mayor Barker commented they are not part of the ordinance.

Senior Planner Rudy Esquivias stated they are not part of the commission recommendation.

Vice Mayor Barker commented it is not part of the ordinance at this point.

Senior Planner Rudy Esquivias stated that is correct.

Vice Mayor Barker asked if they are part of the ordinance.

Senior Planner Rudy Esquivias stated those are new conditions that they have suggested that they have listed for them.

Vice Mayor Barker commented she is asking if a motion were to go forward all of these things would have to be included within the motion except for the date.

Senior Planner Rudy Esquivias stated they want to mention in their motion the changes and new conditions.

Vice Mayor Barker asked if this could be an administrative action.

City Attorney Joel Stern stated that is a legal issue where there is a lot of debate. There is case law that goes both ways. Tonight they have an ordinance that is zoning. There is also a landfill operative agreement. He has heard different arguments on both sides of it. The council, in its legislative capacity, acts on zoning ordinances. Some might disagree with that. Some might also disagree that they act in their capacity in a development agreement. He has seen different cases ruled different ways. He apologized for not having a real, perfect answer for her. He does not think the law is as clear as some think it is.

Councilmember Waldron commented that was the question he had, too, because they are just tweaking Ordinance

No. 1034 so it would be an administrative action. That is what he thought since they are tweaking zoning from years ago.

City Attorney Joel Stern stated that is correct but there would be some argument that there might be some new policies they are putting into this ordinance, some policy decisions that are legislative. It is perhaps an administrative act but he is sure they may find out the answer to that question in a different room. He asked the mayor if he wanted him to go through the agreement real quick.

Mayor Insalaco requested he do so.

City Attorney Joel Stern briefed the council on the first amendment to the development agreement with Apache Junction Landfill Corporation.

Councilmember Serdy asked that he refresh his memory. When the planning and zoning commission originally suggested they do everything it ended in 2025. He asked how the discussions went where they arrived at 2035.

City Manager Bryant Powell stated the current agreement they are operating under does not have a closure date. He has lived in this city near Baseline and Tomahawk for 15 years. When he started in January 2001 he was told it would be 10 to 12 years before the landfill closed. When they sat down with them over the years, because of different inflow rates, meaning how quickly that bucket is filling up at the landfill, there have been times when that tonnage has been as much as 450,000 tons before the recession. Last year we had 180,000 to 200,000 tons. At times it is one-third of the inflow rate to fill up the bucket because of the recycling we have now. There are three residential trash service providers. The inflow, or the ability to fill that bucket, has had a great variance throughout the years. When they sat down a couple of years ago to start this process, the number was again in 10 to 12 more years. He is not sure why 9 years came up at the planning and zoning but whether we enter into a new agreement with Republic or not, there will still be at least 9 years. It does not mean technologies do not change. It does not mean other things could happen. He asked Rudy to explain what the planning and zoning commission was thinking about.

Senior Planner Rudy Esquivias stated basically the commission, in their discussion with the applicant, started discussing things about fill rates and about things such as recycling and other factors that may influence the life of the landfill. There was some consideration amongst the commission members of the development of the state lands around the property. Ultimately they thought that a sooner closure date

was preferable over the 2035 date. However, they also did not review the operating agreement which spells out the contributions to the city and the closure phasing schedule in detail. That item did not go to the commission; it only went to the council. In a sense they did not have all the information that the council does. Out of those discussions with the applicant they opined it could be done 10 years sooner. The 2035 date is the maximum date. It may close sooner. He thinks they might have also focused on that.

City Manager Bryant Powell stated this is a negotiation process. He is not sure Republic would negotiate if they already have 10 years. He considered why they would do \$1.5 million at the end or increase their tonnage rate 25% and allow the community to have that opportunity for the increase rather than what it already is. That is a whole other perspective.

City Attorney Joel Stern stated back in 2012 they did have extended negotiations and he detailed those pretty good.

City Manager Bryant Powell stated they did have negotiations in 2012. At one time in 2005-2006 they were going to give some kind of increased haul. It was going to fill it up in five years and they were hurrying to have discussions. Council has been giving us direction over the years that they want a passive recreation park, similar to Silly Mountain. It has been a steady input they have received from staff. They started in 2005-2006 and tried again in 2012. We were not able to keep it going. We are here today from about a year-and-a-half ago.

Mayor Insalaco requested the applicant address the council.

Mr. Steven Anderson, 2 North Central, Phoenix, addressed the council. He was there on behalf of the Apache Junction Landfill Corporation. He also has General Manager Chris Coyle from Apache Junction Landfill Corporation with him and Environmental Manager Doug Sawyer. This is the fourth city council meeting on this item and eighth public meeting overall to consider the proposed administrative amendments to the Apache Junction Landfill zoning which is already established in the existing operations agreement. There have been two community meetings with notices far above the requirements. There has been a planning commission study session, planning commission hearing, two city council study sessions and one prior city council hearing. The case was filed in January 2016. They appreciate all the time and effort staff has put into this matter. He will limit his remarks to the issues discussed at



the last council meeting and study session. They have been addressed in the current staff report and recommendations. There are three issues. One is closure, the next is landscaping and the last is groundwater. Currently as staff already noted there is no set closure date for this facility which is the same for every Republic landfill in the state and he thinks for most of the landfills in the state. Landfills typically do not have closure dates but tonight's proposal will change that. If this is approved, this landfill will become the only Republic landfill in the state that does have a set closure date. There are such things as closure projections. They file reports with the Arizona Department of Environmental Quality that estimate closure dates. When filed they reflect the swings in the flow of trash into the landfill as Bryant talked about earlier. The 2006 report shows an estimated time frame of 2015 based on that current flow rate which was in the height of the boom. The early 2014 report has the 2013 flows with it being down to 1,100 tons per day and estimating a 2023 closure. As the city knows since it gets the host fees paid per ton, the waste flow into the landfill has continued to drop. It is much lower now than the report filed in 2014. Running a landfill is a business and it goes up and down like any other. Factors involved include competition, recycling and the general state of the economy. It is an unpredictable thing. The approximations to Arizona Department of Environmental Quality change as the business changes. This proposal changes that dynamic completely. Now Apache Junction Landfill Corporation will be intent to divert waste streams into this facility to make sure they fill the bucket. They are not going to leave it empty. The gates will close in 2035. If they do not use it, they lose it. He wanted to make sure they were aware the planning commission did not have access to the operating agreement amendment. They did not know about the extended financial opportunities the city staff has negotiated in a very complex business transaction. It is through no fault of their own; it is a reflection of their jurisdiction. They did not have the benefit of that agreement before them as it is not something they recommend on. The difference between the staff recommendation and the commission recommendation is a very important one. It is an essential part of the transaction opportunity for Republic Services. He encouraged them to accept the staff 2035 recommended date. At the last council hearing in April, the council requested staff and Apache Junction Landfill Corporation to discuss the administrative amendment to the operations agreement to provide for accelerated payments in the event the landfill closes before 2035, which may occur but they are not making promises there. Those provisions are in the agreement amendment. The landscaping issue was originally raised by the planning commission when they recommended approval of the proposals back in March. Staff developed a more precise recommendation to which they have agreed. The staff report before them this

evening proposes doubling the amount of landscaping described in that study session proposal. They understand the city's concern and they are willing to agree to the revised staff recommendation to double the landscaping. As discussed at prior hearings, the original county landfill at the center of this landfill is not lined. The portion they have developed is lined. When they designed the drainage liner under the modern part of the landfill, they designed it to try to maximize the possibility that if there were run off from the old county portion of the landfill they would try to catch that in their modern liner. Doug Sawyer is here if they want to talk to him in greater detail about that. Arizona Department of Environmental Quality has never required the groundwater at the landfill be monitored and it is not currently being done. The city council indicated at the April hearing that needs to change. Staff and Apache Junction Landfill Corporation were encouraged to work on the issue and that has been done. Both the administrative amendments before them this evening, one to change the condition of the approved zoning and the one to amend the operations agreement, now have express requirements that Apache Junction Landfill Corporation install groundwater monitoring and provide copies of the annual reports to Arizona Department of Environmental Quality to the city. They anticipate the Arizona Department of Environmental Quality will ask them to install three wells. One will be at the up gradient as part of the site in the southeast corner and two will be in the down gradient in the northwest portion of the site. That is what they think will be required. The idea is as the groundwater flows underneath the site, they will catch it as it comes in to get a baseline reading and as it leaves they will get another reading to indicate if they are having any impact on the groundwater. They anticipate having to drill the wells to a depth of 650'. They are very deep wells. They do not expect to hit water until they get to 400'. They believe this is the depth they need to go to because there are already wells in the area. There are two wells, one for an underground storage facility for injection and a half-mile off the northwest corner is a Water Utilities Community Facilities District extraction well. They pump groundwater to the surface from that well. The latter well hits water at 580'. They will not know for sure how deep their own wells will go until they start drilling. It will be an expensive exercise and they project the cost to be \$250,000 to \$300,000 to prepare the various Arizona Department of Environmental Quality regulatory documents, process them, construct and drill the actual wells. The annual monitoring and reporting costs will run about \$50,000. It has been indicated this is an essential issue, they understand that and are willing to do this. The water being pulled out of the facilities district well right now has only been found to have elevated levels of arsenic. That is quite usual for groundwater wells. They are not finding volatile organic compounds which is what

you would find if the landfill was leaking into the water table. They have not found any evidence of volatile organic compounds at that well. They have been out canvassing in the neighborhood since last Thursday and they have 475 signed statements supporting the landfill. He believes they are all south of US 60. Other issues have been discussed in prior hearings and they would be happy to answer any other questions on them from the council. They feel that staff has negotiated a thorough and balanced proposal that improves on a solid, long standing relationship that they feel they have not just with the city but also with the residents of the community. The highlights of the proposal are a set closure date, an increase in the host fee both immediately and over time, the immediate installation of the groundwater monitoring, immediate installation of the entry landscaping, substantial increase in free access to the landfill for city government purposes and the \$1.5 million obligation to fund park improvements that the city designs and controls. They would like the council to adopt the "clean" version that is in the staff report this evening. Specifically, they are comfortable with the revised stipulation number 4 with the 2035 closure date, the revised number 7, the deleted number 11 as they have already complied during this pending case, the revised number 12 which includes the doubling of the landscaping and numbers 13 and 14 regarding the groundwater monitoring and reporting. They are also in agreement with staff's latest version of the amendment to the operations agreement, in particular the doubling of the landscaping requirement as it is set forth in section K 22 of that document also before them in a "clean" format.

Councilmember Waldron commented the 2014 Arizona Department of Environmental Quality Facilities Report indicated 1,100 tons per day. He asked what the current rate is.

Mr. Chris Coyle, Apache Junction Landfill Corporation, stated about 600-650 tons per day is what they are averaging right now.

Councilmember Waldron asked what the annual is.

Mr. Chris Coyle stated he would have to do the math.

Councilmember Waldron commented that is okay as the report showed tons per day. That is what he was trying to compare it to.

Councilmember Serdy commented he is disappointed with himself for not asking these questions several years ago when they started this. He loves creative landscaping and not just the plants and vegetation out there. That is less

than \$10,000. It is a drop in the bucket. He is wondering as this is nearing the end of its life as right now it looks like a sawed-off pyramid. They would not be able to go in there and shape it and contour it because they would be dredging up old refuse. He is wondering if they should not have had it put in earlier to leave us with some contour instead of just leaving them with a giant hump out there. There will be no way to bring in heavy equipment later. They have the heavy equipment there now. If this is approved, it would be nice to leave us something flowing instead of just a big pimple-looking thing.

Mr. Steven Anderson stated the final design will have a road to the top so that will cut in to the design flow. The top will not be flat. It needs to drain for rain purposes and to be able to collect that storm water and make sure it does not pond or pool on top of the solid waste. It will have some contours to it. As long as the 3' cap is maintained, which is 6" of daily cover and 2.5' of cap, they can add soil on top of it to contour it from there.

Mr. Chris Coyle stated most of the closure provisions of this document, including the payment, are staggered. They take place over time. The idea there is that they provide the city the funding and the city provides the design. They are supposed to get the first payment five years prior to closure. If they start working on that design as soon as they get the initial investment and the city tells them what it is the city wants, they can work with them. The installment payments allow the city to tell them before the closure point is reached what they are describing.

Councilmember Serdy commented he thinks that is important. Once they get left with it they are not going to be able to dig down into it. They would be making a mess. He believes all of them might be off of this council by then. These people might not be working for this company. He thinks it needs to be addressed.

Mayor Insalaco opened the public hearing on the item. He has some Call to the Public sheets also marked for this item. If they talk at Call to the Public they would get three minutes; if they talk now they get five minutes.

Ms. Nadine Wilson, 201 E. Southern, Apache Junction, addressed the council. She stated someone did a beautiful job planning the Multi-Generational Center and the Library. This is a complex issue that should be left to the council. No one can predict the details that need to be done. The council should retain control over this and it would be a mistake to turn it over to some corporation that is only here to make money and does not have the interest of the community at

heart.

Mr. Brian Studer, 477 S. Lawson, Apache Junction, addressed the council. He stated the landfill has been a part of the community longer than the city has been here. It is necessary, hires local people and uses local equipment. It gives back a lot to the community. If we haul our trash and handle it more it is not environmentally friendly.

Mr. George Schroeder, 2444 W. Virginia, Apache Junction, addressed the council. He stated he worked for Allied Waste when they had the landfill. It was already slated for closing then. There must be a lot of money riding on this deal. They need to do something with it and scape it now. They do not care what happens to it. They are going to wait 364 days before they contact Arizona Department of Environmental Quality to get a waiver for the water monitoring. They have done it for many years now. They need to start something out there as opposed to Mount AJ in our backyard. If people have it the way they want they will build 200,000 homes between here and Florence, Queen Creek and Queen Valley. He asked how private trust land got donated to this landfill. He does not think it is good stewardship of the land. Someone is not giving them all the facts.

Mr. Matthew Spillane, 5257 E. 14th Avenue, Apache Junction, addressed the council. He stated he is in favor of the expansion of the landfill. It is good for everybody. It helps the community and generates jobs. He works for Republic Services at the landfill. He sees the community come in for free dump week. They have meetings to make sure they are safe. The company will not run away and leave a mess.

Ms. Terry Nash, 1893 E. 38th Street, Apache Junction, addressed the council. She stated she has great concerns for the environment and the groundwater. She asked they mentioned they monitor the groundwater but what are they going to do if they find anything that is harmful to the residents of the area. The people who do not live there or have monetary interests are one thing. Put yourself in the place of the people living in that environment with children growing up. Let that impact your decision and what to do with the situation.

Mr. Glen McMinn, 1159 S. Idaho, Apache Junction, addressed the council. He stated he and his wife moved here in 1971 and raised their family here. He has seen all the growth. He has seen how much Apache Junction has grown. It is unbelievable but it is small in comparison to how much the communities around us have grown. Queen Creek was a filling station and a Circle K. He asked what happened to all the growth around them and why they have not gotten as much as some

of the other communities. He thinks it is because of some of the bad decisions our city council has made over the past. They should have annexed everything in every direction as everyone else has. One of the decisions they made was to okay the landfill. It is a mile south of Southern out in the desert. No big deal, but they did not have the foresight to see what was really going to happen in the East Valley and basically all over Phoenix. That area could someday be the center of Apache Junction. This council is about to make a decision of their own. It could be a disastrous decision for the city. It will affect the value of the land around that area. No developer is going to want to come in there and build around that site. No one wants to live next to an ugly mountain of dirt. He went to the last meeting and asked the company representatives how much they made a day and in a year. No one could answer his questions. They were willing to tell me how much the city was going to get, which is one dollar a ton. They charge \$42 a ton. That is \$16,800,000. They have made enough money off the city all these years. It is time for them to go. Twenty years from now they will put a park in there. We will see that when it happens. He would bet that when the time comes they will sell to a bogus company and take off. There will be an environmental impact and the city will be stuck holding the bill. He hopes this council shows more foresight and thinks about the long term future of the city and closes this dump as soon as possible. He is asking the council to not make a bad situation even worse. We should not soil our own nest and we have been doing it for years and letting other communities come in and dump their trash as well. It should have stopped ten years ago. Apache Junction, home of Superstition Mountain, or Apache Junction, home of Trashmore Mountain.

Mr. Larry Johnson, Apache Junction Chamber of Commerce, addressed the council. They have a letter of support for the expansion and proposed amendment in their packet. The Chamber of Commerce Board of Directors has reviewed the issue and finds it to be in the best interest of the community, the city, the businesses and the residents to adopt these amendments.

Mr. Jeremy Hoenack, 500 N. Estrella Parkway #B2602, Goodyear, addressed the council. He is one of the owners of 1985 W. Apache Trail. He stated he listened to the presentation and believes a lot of consideration has been done. He was in the Los Angeles area and there was a landfill in Sepulveda Pass. It is between Beverly Hills and Westwood and involves an extensive part of San Fernando Valley. Those mountains were very steep and unusable. They made it beautiful when they filled it up and built a jillion multi-million dollar homes up there. It did not turn out to be such a bad thing. People complained about the smell from time to time but it was

finished 10-15 years ago and is a beautiful thing. He knows they line these things and do all kinds of stuff for drainage in a way that it should not impact the water. However, there is a risk in everything. As much as we like to conserve, we all use trash.

Mayor Insalaco closed the public hearing with no one else wishing to speak. He reopened the item to council discussion.

Councilmember Waldron commented one of the things they have to remember is our trash has to go somewhere.

Vice Mayor Barker commented there is someone at the podium that did not get to speak.

Mayor Insalaco commented that is what he was saying. If they filled one out on 7 or 8 not for Call to the Public, they can come up. That is why he asked if there was anybody else.

City Clerk Kathleen Connelly asked him to reopen the public hearing.

Mayor Insalaco reopened the public hearing.

Mr. Ty Taber, 2390 E. Camelback Road, Phoenix, addressed the council. He was there on behalf of the Stop Mount Trashmore Community Organization. It is interesting that they talked about the role of local government with the tragedy that happened in Oakland. It is an interesting story because it was a warehouse that was old and antiquated and not properly inspected, not properly monitored, not properly checked and it ended up causing a huge fire which resulted in a number of deaths. If it had been properly monitored and if things had run the way they should have run, all of that could have been avoided. If nothing else, the date, the end of this landfill should be 2025. Nineteen more years of this landfill in operation is not a good deal for the city. Since 1950 this landfill has never been brought into compliance with Arizona Department of Environmental Quality or federal standards. It had no underground testing, no groundwater testing, during that entire time frame. It was completely unlined at the outset and remains partially unlined to this day. It is a ticking time bomb that needs to be closed sooner rather than later for the safety of the people of Apache Junction. We have heard a lot about groundwater monitoring but one thing very interesting is there has never been any groundwater monitoring at this landfill ever. Republic took control of the landfill in 1996. They agreed with the Arizona State Land Department that they would incorporate all environmental safeguards and monitoring devices

required by state law. They did not do that. They did none of that. Instead they went to Arizona Department of Environmental Quality and asked for a waiver based on the age of the landfill to eliminate the need to do any groundwater monitoring. They never had to do it. They argued they were grandfathered in because of the age of the landfill. Some things should not be grandfathered in. Allowing a landfill to go for decades without any testing or monitoring is simply not safe. In 2007 Republic was notified to begin groundwater monitoring because they were accepting liquid waste into the landfill. Rather than do the groundwater testing they just decided to stop taking in liquid waste. They went back to Arizona Department of Environmental Quality and said since they were not taking in any liquid waste they do not need to do any groundwater monitoring and Arizona Department of Environmental Quality once again agreed. Now they say they are willing to commence groundwater monitoring in exchange for millions of tons of expansion and an additional \$165 million in revenue. As we stand here today, 65 years after the landfill opened, and some 23-25 years after Republic controlled this landfill, there has never been a single groundwater monitoring attempt ever. Republic has been in trouble with Arizona Department of Environmental Quality over the methane limits that were exposed at the plant. In June 2014 Arizona Department of Environmental Quality reached out to Republic because they were allowing asbestos material to be put into and stay in the landfill. It came from Northern Arizona University from things under construction there. The asbestos came down here and it was put into the landfill. They did an examination of it but they left it in the landfill. On October 15, 2013, the Arizona Department of Environmental Quality granted authority to Apache Junction Landfill to accept radioactive material for its disposal at its Apache Junction facility. He has a letter from the Republic to the Arizona Department of Environmental Quality that he requested they each get a copy of.

City Manager Bryant Powell asked if he gave his address.

Vice Mayor Barker commented they already have it.

Mr. Ty Taber stated 2390 E. Camelback Road, Phoenix, Arizona.

City Clerk Kathleen Connelly stated his time was up.

Mayor Insalaco commented his time was up. There is a five minute limit.



Mr. Ty Taber asked for some more time.

Mayor Insalaco apologized but commented he could not do that.

Ms. Diane Burns, 527 W. Whiteley Street, Apache Junction, addressed the council. She stated she is with the neighborhood group Stop Mount Trashmore in Apache Junction. She has submitted 158 signatures to them this evening from local residents who oppose the landfill proposal. She is also here despite representatives of Republic Services trying to buy her silence for thousands of dollars on two separate occasions, the second time just last week. She is here because she believes this is a bad deal for our residents. She is not doing this for the highest bidder. The Apache Junction landfill is over 50 years old and in 1996 it was acquired by Allied Waste, which merged with Republic Services in 2008. The landfill was built before modern day environmental regulations were established, which means part of it is unlined, potentially affecting our groundwater. This landfill is nearing its capacity with Republic Services own estimate to Arizona Department of Environmental Quality saying the landfill will close by 2023. One of her biggest concerns is that this landfill expansion will continue hazardous environmental practices less than a mile from the Apache Junction neighborhoods. The owner of the landfill has twice filed waivers with Arizona Department of Environmental Quality to avoid groundwater monitoring. One time in 1995 and again in 2007. Under this proposal the council is giving Republic Services 20 more years and millions more tons of capacity and they will just now start groundwater monitoring after 20 years of neglect. She asked if they should find out if the groundwater has been affected by this landfill before we reward them with everything they want. According to Arizona Department of Environmental Quality records in both 2009 and 2010 Republic Services admitted that explosive methane gas was migrating beneath the lined portions of the landfill and had concentrations well over the Arizona Department of Environmental Quality methane regulation limit. In 2011 radioactive materials were discovered on site. Republic Services chose to leave them to decay naturally for years rather than have a third party remove them. In 2013 asbestos was found on site. Once again, Republic Services chose to leave it in the landfill rather than being sent to a hazardous waste site. The current landfill is well past its prime. It is too close to our neighborhoods and it should be closed as soon as it is full. The deal we are being offered is Republic Services gets 20 more years to put tens of millions more cans of trash in the landfill and make over \$100 million more in profit. We finally get water monitoring 20 years too late and the land ready for economic development near the landfill will continue to sit vacant for decades. In exchange for your vote, Republic Services also is

giving the city \$1.5 million 20 years from now for a new park which is worth less than \$300,000 of today's dollars. As part of the original city ordinance, they were obligated to provide a post-closure landscape plan for the entire site by 2004. Acco

8. [16-472](#) Consideration of approval of First Amendment to the Agreement for Operation of Municipal Solid Waste Landfill and Related Offsite and Roadway Improvements with Apache Junction Landfill Corporation.

**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 needed another public hearing on this other part.

City Attorney Joel Stern stated they already had the public hearing but if he did not announce it then they would have to go through this all over again.

Mayor Insalaco opened the public hearing on the first amendment to the operations municipal solid waste landfill and related offsite improvements agreement.

Mr. Jimmy Eidson, 1309 W. 15th Avenue, Apache Junction, addressed the council. He stated he was concerned about four people being shot by Maricopa County deputies in Apache Junction and he thought murder charges should have been filed for the last two.

Mayor Insalaco commented this is not Call to the Public. This is for the other part of the landfill.

Mr. Jimmy Eidson stated he said it was Call to the Public.

Mayor Insalaco commented it is not Call to the Public. It is a public hearing.

Mr. Jimmy Eidson stated he said Call to the Public. He heard him.

Mayor Insalaco requested the city clerk address him.

City Clerk Kathleen Connelly stated it is not Call to the Public. It is a public hearing on the landfill development agreement.

Mayor Insalaco commented seeing and hearing none, he closed the public hearing and reopened the item to

council discussion. There being no further discussion, he called for a motion.

Councilmember Waldron MOVED THAT THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF APACHE JUNCTION AND APACHE JUNCTION LANDFILL CORPORATION FOR OPERATION OF MUNICIPAL SOLID WASTE LANDFILL AND RELATED OFFSITE AND ROADWAY IMPROVEMENTS BE APPROVED WITH THE FOLLOWING AMENDMENTS: THAT UNDER SECTION 22, ITEM A BE ADDED "THAT AJLC WILL CREATE A NATURAL BARRIER BETWEEN THE LANDFILL AND ALL NEIGHBORHOODS. SUCH BARRIER TO BE IN THE FORM OF TREES OR NATURAL LANDSCAPING AND TO BE AGREED UPON BETWEEN THE CITY AND THE AJLC; AND THAT ITEM B BE AMENDED TO SAY IN THE THIRD LINE SHALL INSTALL THREE, AND THE AMENDMENT IS "OR SIX" 36-INCH BOX TREES, TWELVE, AND THE AMENDMENT IS "OR 24" 5-GALLON SHRUBS.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

#### **I. OLD BUSINESS**

None.

#### **J. NEW BUSINESS**

None.

#### **K. COUNCIL DIRECTION TO STAFF**

9. [16-546](#) Council direction to staff on the donation of art from Merrill & Marla Orr to be placed near the focal point median.

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

**No:** 0

City Manager Bryant Powell briefed the council on the item.

Vice Mayor Barker asked if he brought any samples on what he is thinking about doing or putting on there.

City Manager Bryant Powell stated he has not seen any.

Councilmember Rizzi commented she believed he talked about a Kachina.

Vice Mayor Barker commented he said he would bring in some kind of illustration of what he had in mind.

City Manager Bryant Powell stated he has not seen that yet. He does not know what his plan was on that.

Mayor Insalaco commented the east pedestal is the perfect place for that.

City Manager Bryant Powell asked if he meant the one in the photo.

Mayor Insalaco commented that is correct.

City Manager Bryant Powell stated he wanted to keep the same one.

Mayor Insalaco commented there are seven up here and he is just giving his opinion.

Councilmember Serdy commented the goal is to earn money from this project to buy the piece they are looking at on the screen.

Vice Mayor Barker commented she understands that. She thought they were going to get to see what it was he is offering before they directed staff to go ahead and take it.

Councilmember Serdy commented he thought it was just a suggestion. He has been doing a show every week. He asked if he met with Liz regarding safety precautions about how it would be installed.

City Manager Bryant Powell stated this was the initial dialogue and if council wanted to give direction to staff that would be something they could continue to look at. It will work. Whatever he is looking at they will need to go out and get a foundation set like they did for the javelina. But on the west side, they need to start that, they need to get that in place as well. That dialogue has started and they are waiting for direction.

Councilmember Serdy commented he thinks the idea was to have it up there for several months and then auction it off. If it is a hideous monstrosity we will take it down in a month.

Councilmember Rizzi commented based on what

they have seen that he has brought to the council she does not think they need to worry much about that. He is a world-renowned artist.

Vice Mayor Barker commented she would disagree with her on that. Some of the pieces that he showed were not something she would want in our downtown. Others were wonderful and absolutely incredible. It seems to her that they were told by a gentleman who very kindly wanted to donate his time and his talent to this community that he would give us a general idea. He said do not hold his feet to the ground on that specific thing but that it would be somewhat like this, whatever this might happen to be. She thinks they need to see what this is.

Councilmember Serdy asked even it if is just for a short time.

Vice Mayor Barker commented that is correct. She does not see anything wrong with giving direction to staff for them to talk to him and to tell him that we are interested in doing this and to please give us an example. She does not see anything wrong with that.

Councilmember Serdy asked if they can do direction to staff to move forward but have a review first if they see examples they do not like.

City Manager Bryant Powell stated that would be at the meeting of January 17.

Vice Mayor Barker commented that would be fine.

Councilmember Serdy asked if that needed to be in the motion.

City Attorney Joel Stern stated that is correct.

Councilmember Rizzi asked if they are going to move forward is it the pedestal they are moving forward on. She asked what specifically they are moving forward on as they wait for examples.

Councilmember Serdy commented it would be for filling the pedestal in front of the focal point. It would be the featured one.

Mayor Insalaco closed the discussion and called for a motion.

Vice Mayor Barker MOVED THAT THE FOLLOWING

DIRECTION BE GIVEN TO STAFF REGARDING THE DONATION OF ART FROM MERRILL AND MARIA ORR TO BE PLACED NEAR THE FOCAL POINT MEDIAN: THAT WE CONDITIONALLY ACCEPT THIS OFFER WITH GREAT THANKS AND THAT WE WOULD LIKE TO HAVE A GENERAL IDEA OF WHAT HE HAS IN MIND BEFORE HE ACTUALLY PUTS IT THERE; AND THAT THE MONUMENT IDEA FOR THE EAST REMAIN AS PART OF THE PLANS GOING FORWARD.

Councilmember Rizzi SECONDED THE MOTION.

Councilmember Serdy asked if they wanted to put in the motion the auctioning for the funds.

Vice Mayor Barker commented this is just for the donation.

City Attorney Joel Stern stated they can add it into the motion.

There was general discussion as to whether an amendment could be made after two yes votes had been given on the original motion. The amendment would be voted on first.

Councilmember Serdy AMENDED THE MOTION TO ADD THAT THE CITY ASSIST WITH THE INSTALLATION IN THE MEDIAN ON APACHE TRAIL AND THAT AFTER AN AGREED PERIOD OF TIME THE PIECE BE AUCTIONED OFF WITH THE PROCEEDS GOING INTO A FUND THAT WILL BE DESIGNATED FOR FUTURE CITY ART PURCHASES.

Councilmember Rizzi SECONDED THE AMENDMENT TO THE MOTION.

VOTE: Unanimous.

The motion carried.

VOTE (on original motion): Unanimous.

The motion carried.

**10. [16-549](#)** Direction to staff on updates to Chapter 15 - Public Park Regulations.

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

**No:** 0

Parks and Recreation Director Liz Langenbach briefed the council on the item.

Councilmember Rizzi commented the permit for

beer needs to be issued and signed by the director of parks and recreation. She asked what would happen if the director were ill or on vacation or if the permits could be obtained online.

Parks and Recreation Director Liz Langenbach stated there is a stipulation in there that it is the director or the designee. They have multiple people that can handle a malt permit. They can certainly look into online opportunities but for a malt permit, they have to make sure they are of age and are following the legal system. It makes online a little tricky but they can look into that, a way to make their practices better. They will be moving their offices to the Multi-Gen Center shortly which will allow them to have more extended days where people can get a malt beverage permit. She thinks that will help as well.

Councilmember Rizzi asked what happens when someone goes to the park on the weekend with their family. They go on Saturday or Sunday and we are closed. Friday might be an option.

Parks and Recreation Director Liz Langenbach stated their rangers are very good. They will definitely be putting out information in the parks. They generally will try to get them educated about the new rules. They would probably need to not let them have alcohol in the park but would let them know when the next classes are and how they can do it. They will try to be as friendly as possible but it is a challenge right now. Even if a group comes out and they do not know the rule, then they cannot have the alcohol in the park at that time. But they will learn for the next time they are out there.

Councilmember Rizzi asked if they could word it to be at the discretion of the park ranger if they have a small-sized child-size tent to keep a child protected from the sun. Obviously the child is not living in the tent. It may be used to shield the child from the sun.

Parks and Recreation Director Liz Langenbach stated even now she thinks the rangers do a very good job of using their discretion and common sense to say there are some different uses of it. It could be a small toy or something to get them off the grass. She believes that tent is something they would make an exception to. It is not a common thing but if it happens they will be able to deal with that. She asked if there was anything in the rules that they feel need to be changed for the malt beverage permit.

Councilmember Rizzi commented there were just questions as to what happens on the weekends when the city is not open and they want to go to the park.

Parks and Recreation Director Liz Langenbach stated they will continue to try to make that as friendly as possible.

Mayor Insalaco closed the discussion and called for a motion.

Councilmember Waldron MOVED THAT THE FOLLOWING DIRECTION TO STAFF BE GIVEN REGARDING UPDATES TO CHAPTER 15 PUBLIC PARK REGULATIONS: THAT WE PROCEED WITH THE REDLINE VERSION AND THE CHANGES THAT WERE INDICATED LAST NIGHT.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

#### **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 commented the work session scheduled for December 19, 2016 and the regular meeting scheduled for December 20, 2016 have been canceled. The work session scheduled for January 2, 2017 has been canceled due to the New Year's Day holiday. She MOVED THAT AN EXECUTIVE SESSION AT 5:45 P.M. AND A WORK SESSION AT 7:00 P.M. BE HELD ON MONDAY, JANUARY 3, 2017, IN THE CITY COUNCIL CONFERENCE ROOM AND CITY COUNCIL CHAMBERS RESPECTIVELY.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

- 11. [16-542](#) Executive Sessions at 5:45 P.M. and Work Sessions at 7:00 P.M. for Monday, December 19, 2016 and for Monday, January 2, 2017 are cancelled.
- 12. [16-543](#) Executive Session at 5:45 P.M for Tuesday, December 20, 2016 is cancelled. The next Executive Session will be at 5:45 P.M. on Tuesday, January 3, 2017. Other meetings if necessary.

#### **M. CALL TO PUBLIC**



Mr. Jimmy Eidson, 1309 W. 15th Avenue, Apache Junction, addressed the council regarding unarmed Apache Junction residents being gunned down by county deputies and the kangaroo court in Florence. He is concerned about the city courts doing the same thing.

Mr. Brian Studer, 477 S. Lawson, Apache Junction, filled out a request but he had already left.

Mr. Jeremy Hoenack, 500 N. Estrella Parkway B2602, Goodyear, addressed the council regarding the improvements he was able to do to his commercial property with the assistance of a grant he received through the city. He also apologized for a previous appearance before the council.

Councilmember Evans directed staff to continue to work with Mr. Hoenack on the drainage.

City Manager Bryant Powell stated they will move forward with the next step.

Councilmember Serdy commented he has been over there, too, and he thinks they can make some kind of a cut to let that water out.

City Manager Bryant Powell stated he has been directed.

City Clerk Kathleen Connelly stated he has one more from Mr. Schroeder.

Mr. George Schroeder, 2444 S. Virginia, Apache Junction, addressed the council regarding the drainage between Superstition and Main that now drains through his yard.

Councilmember Serdy commented he believes Mr. Eidson meant when the out-of-city agencies serve warrants here. He would like our police to be present or even serve the warrant rather than have the other agencies come in here because they do not treat our residents like our own police treat our residents. He thinks that is what he was meaning. He requested a report from the chief on how these out-of-city warrants are being conducted. He thinks that would be useful.

Councilmember Evans requested someone check on Mr. Schroeder's property and see how we can alleviate that.

Vice Mayor Barker agreed.

City Manager Bryant Powell stated they will certainly do that. He will have the chief provide a report as well.

**N. ADJOURNMENT**

p.m.

Mayor Insalaco adjourned the meeting at 9:25