



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, January 17, 2017

7:00 PM

City Council Chambers

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

A. CALL TO ORDER

The regular meeting of the City Council of the City of Apache Junction, Arizona, was held on January 17, 2017, at the Apache Junction City Council Chambers pursuant to the notice required by law.

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

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Wilson gave the Invocation.

Councilmember Struble led the Pledge of Allegiance.

C. ROLL CALL

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

Staff Present: City Manager Bryant Powell
Assistant City Manager Matt Busby
City Clerk Kathleen Connelly
City Attorney Joel Stern
Public Safety Director Tom Kelly
Public Works Director Giao Pham
Parks and Recreation Director Liz Langenbach
City Engineer Emile Schmid
Development Services Director Larry Kirch

Others Present: Public Information Officer Al Bravo

Captain Arnold Freeman
Management Assistant Heather Hodgman
Building Office Dave Zellner
Senior Planner Rudy Esquivias

D. CONSENT AGENDA

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

No: 0

Vice Mayor Wilson MOVED THAT THE CONSENT AGENDA BE ACCEPTED AS PRESENTED.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

1. [16-586](#) Consideration of acceptance of agenda.
2. [16-587](#) Consideration of approval of minutes of January 3, 2017.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

None.

F. ANNOUNCEMENT OF CURRENT EVENTS

Vice Mayor Wilson commented he was invited by Representative Townsend to the opening session of the joint state legislature. He saw the activity behind the scenes. He met the governor and was impressed he knew where Apache Junction is.

Councilmember Barker announced she, Vice Mayor Wilson, Mayor Serdy and Councilmembers Rizzi and Waldron attended the Governor's Breakfast and the Pinal Partnership Mayors Breakfast this week. They also had a neighborhood meeting this week and they have been good at attending Chamber of Commerce ribbon cuttings. Something was done every day this week.

Councilmember Barker commented she sat at a booth at the Superstition Mountain Heritage Festival.

Councilmember Rizzi announced the Chamber of Commerce is holding a business expo at Dolce Vita from 10 a.m. to 2 p.m. There will be lots of vendors and giveaways.

Mayor Serdy welcomed Troop 253 from Mesa to the meeting to see how government works.

Mayor Serdy commented he was invited by Representative Coleman to his swearing in ceremony. He worked the house floor and was introduced to several people by Congressman Gosar's aide whom she thought would be helpful to us out here with our unique problems.

Mayor Serdy commented on Carl Lawson passing away. He was a unique character and husband to police department employee Carlena Lawson.

G. CITY MANAGER'S REPORT

3. [16-609](#) City manager's report.

City Manager Bryant Powell commented on the support being given to Carlena Lawson and introduced Kevin Camberg to give the report on the Comprehensive Annual Financial Report.

4. [16-547](#) Presentation and discussion with Kevin Camberg of Fester and Chapmen regarding the 2015/2016 Comprehensive Annual Financial Report (CAFR) - Annual City Financial Audit.

Mr. Kevin Camberg of Fester and Chapman gave a presentation on the 2015/2016 Comprehensive Annual Financial Report.

Councilmember Barker commented on several occasions the report mentioned that we do not have an investment policy. She asked him address its importance or lack thereof.

Mr. Kevin Camberg stated they have talked about that over the years. Most of the investments are conservatively invested with the state. Having council define how they want their assets invested is important. They have good controls over preventing the misappropriation of the investment balances. The importance of having a thoughtful discussion to come up with a policy to possibly increase or at least to point to an increase in the rate of return if possible and reduce the risk of loss are the two things. It would not be haphazard; it would be directed by council with their advisors. He thinks it is relatively important. They have implemented other things they have recommended.

Councilmember Barker asked if he would recommend that.

Mr. Kevin Camberg stated definitely. It is not vital but it does make it so they are following a plan and not being haphazard.

Councilmember Struble commented he pretty much answered all his questions. He asked if his firm does a number of cities and towns our size.

Mr. Kevin Camberg stated they do six different municipalities and a number of special districts and a sewer district. They do the Apache Junction sewer district as well. They are all roughly this size but some are smaller and some slightly bigger.

Councilmember Struble asked if our accounting software is in compliance.

Mr. Kevin Camberg stated it is not the newest version but staff makes do with it. It is all about the end product being accurately accounted for and having control over your assets and he thinks the city has that. The program is not a new program.

Councilmember Barker asked if they are looking at a new program.

City Manager Bryant Powell stated they are.

Mr. Kevin Camberg stated there is a cost benefit analysis they will have to go through.

City Manager Bryant Powell stated they are.

H. PUBLIC HEARINGS

5. [16-592](#) Consideration of approval of special event liquor license application for Elks Lodge #2349 for a beer and brat feast to be held February 23, 2017 at 2455 N. Apache Trail. The next step in the process is for the council to hold a public hearing and make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.

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

No: 0

City Clerk Kathleen Connelly briefed the council on the item.

Mayor Serdy requested the applicant address the council.

Ms. Cindy Pierson addressed the council for any questions. It has been an annual event for about 10 years. It is one of their major fundraisers. She invited them to come out

and have a good time, especially if they like to polka dance. They will hopefully have good weather.

Mayor Serdy commented he does not think they have ever had a problem with the Elks. He 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 Rizzi MOVED THAT THE APPLICATION FOR A SPECIAL EVENT LIQUOR LICENSE FOR ELKS LODGE #2349 FOR FEBRUARY 23, 2017, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

6. [16-593](#) Consideration of approval of a special event liquor license for Elks Lodge #2349 for a rodeo dance to be held February 25, 2017 at 2455 N. Apache Trail. The next step in the process is for the council to hold a public hearing and make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.

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

No: 0

City Clerk Kathleen Connelly briefed the council on the item.

Mayor Serdy requested the applicant address the council.

Ms. Cindy Pierson stated they do the rodeo dance every year.

Mayor Serdy 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 Barker MOVED THAT THE APPLICATION FOR A SPECIAL EVENT LIQUOR LICENSE FOR ELKS LODGE #2349 FOR FEBRUARY 25, 2017, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

7. [16-595](#) Consideration of application for a special event liquor license for Salt River Wild Horse Management Group for January 28, 2017 at 2910 W. Apache Trail. The next step in the process is for the council to hold a public hearing and make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.

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

No: 0

City Clerk Kathleen Connelly briefed the council on the item.

Mayor Serdy requested the applicant address the council.

Ms. Robin Peak-Jones addressed the council. They are putting on a ride for the Salt River wild horses which starts at American Legion Post #58 in Fountain Hills. They will ride through the lower Salt River and end up at Superstition Harley-Davidson for a party. They will raise funds to protect the wild horses.

Councilmember Barker commented it sounds like fun.

Ms. Robin Peak-Jones stated it is a lot of fun. This is their second year. She did not apply for a permit last year.

Mayor Serdy asked how many people participated last time.

Ms. Robin Peak-Jones stated 500 people signed up.

Councilmember Rizzi asked if one needs a motorcycle to participate.

Ms. Robin Peak-Jones stated you do not. You can drive your car or if you do not want to go on the ride you can show up at Superstition Harley-Davidson.

Mayor Serdy 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 Rizzi MOVED THAT THE APPLICATION FOR A SPECIAL EVENT LIQUOR LICENSE FOR SALT RIVER WILD HORSE MANAGEMENT GROUP FOR JANUARY 28, 2017, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Waldron SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

8. [16-588](#) Consideration of application for an interim permit, new license, limited liability company, series 10 liquor license for Quick & Easy Shell III located at 1571 W. Apache Trail. This item was continued from the December 6, 2016 meeting. The next step in the process is for the 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 Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Waldron

No: 0

City Clerk Kathleen Connelly briefed the council on the item.

Mayor Serdy requested the applicant address the council. The applicant was not in attendance. He 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 asked Rudy to address the noncompliant sign issue.

Senior Planner Rudy Esquivias stated the monument sign on the northwest corner of the property, otherwise the southeast corner of Apache Trail and Ironwood, has been there for a number of years. When the Ironwood road improvements were made and it was widened staff discovered part of the sign is in the right-of-way. A number of years ago there was a board of adjustment case to ask for a variance for the location for the sign. It was not approved because the sign is in the right-of-way. Over the years the city attorney and

planning have tried working with the property owners to resolve the sign issue. It has not happened. There is a question of whether or not drawings they have available are accurate drawings. There has not been a definitive survey done on the property yet. As best as they can tell there is an encroachment issue in the right-of-way. When that sign needs to be replaced or is otherwise removed it would need to be replaced in a conforming location. Part of the issue had to do with the widening of Ironwood but it is also encroaching on the Apache Trail side.

Councilmember Barker commented that does not create an issue for this particular request.

Senior Planner Rudy Esquivias stated it is a separate zoning issue they have been trying to clear up for a long time.

Vice Mayor Wilson asked if they would need to have it properly surveyed to determine whether or not it is actually out there and how far.

Senior Planner Rudy Esquivias stated it would definitely help but he thinks that is one of the reasons they have not wanted to do it because it might reveal something they do not want to know.

Councilmember Struble commented he may be misunderstanding something as they have an email from the building department that recommends they reject it based on a site map being incorrect.

City Clerk Kathleen Connelly stated the building official would prefer a more detailed site map. The State of Arizona does not require that for this type of application. That needs to be handled separately between the building official and that particular business. It is not a requirement for this application and it is not something the state would be looking for in order for them to act on the license.

Councilmember Struble asked if there is a reason why the proprietor did not show up.

City Clerk Kathleen Connelly stated staff always sends letters. She could not respond to that. He did not show up the last time, either.

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

Councilmember Rizzi MOVED THAT THE APPLICATION FOR AN INTERIM PERMIT, NEW LICENSE, LIMITED LIABILITY COMPANY, SERIES 10 LIQUOR LICENSE FOR QUICK & EASY SHELL III, SUBMITTED BY RAJKAMAL GILL, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

9. [16-603](#) Consideration of application for an interim permit, new license, corporation, series 10 liquor license for Shell Foodmart located at 420 N. Apache Trail. The next step in the process is for the council to hold a public hearing and make a recommendation for approval or denial to the Arizona Department of Liquor Licenses and Control.

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

No: 0

City Clerk Kathleen Connelly briefed the council on the item.

Mayor Serdy requested the applicant address the council. The applicant was not present. He 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 Barker MOVED THAT THE APPLICATION FOR AN INTERIM PERMIT, NEW LICENSE, CORPORATION, SERIES 10 LIQUOR LICENSE FOR SHELL FOODMART, SUBMITTED BY KUDLIP SHERGILL, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

10. [16-585](#) Public hearing, presentation, discussion and consideration of Ordinance No. 1440, case AM-1-16 amending and readopting sections of Apache Junction City Code Volume II, Chapter 8: Wireless Communications, requested by Novation Group Consulting Ltd., represented by Alex Novak. The text

amendment proposes to allow aeriels intended for commercial, office, industrial, and public/semi-public use in Manufactured Home Park (MHP) and Recreational Vehicle Park (RVP) zoning districts, subject to a conditional use permit.

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

No: 0

Assistant Planner Stephanie Bubenheim briefed the council on the item.

Councilmember Waldron asked if there is any requirement that the tower be located a certain distance from any buildings in the event of a collapse or anything like that.

Assistant Planner Stephanie Bubenheim stated she was not sure. She is not sure if the company is required to be a certain distance from them as well. She has not come across that personally but she has not had a lot of experience. A lot of these towers are in developed sites so they have to be near other buildings. She has not seen a distance from buildings within that site.

Mayor Serdy asked if there is a spokesman here.

Mr. Alex Novak, Novation Group Consulting, addressed the council. He represents Verizon Wireless and SBA Communications in the areas of zoning and permitting of cell towers. SBA Communications is one of the largest cell tower infrastructure owners in the country. They are in a current built-to-suit agreement with Verizon. This proposal was born out of a specific need for a site in northwest Apache Junction. They have tried to come up with viable options over the past year. The only thing they could come up with was a potential text amendment to the zoning code. There were no properties within their search area zoned for this and only one commercially-zoned property available to the northwest. They had an interested landlord but it would not work for Verizon's purpose. The area they are looking at is primarily residential. There is no infrastructure for cellular communications in the immediate area. The customers are having to pull off from adjacent towers from different directions. There are too many users for the current infrastructure which results in reduced data feeds and dropped calls. There is also a public safety issue as 70% of 9-1-1 calls are made on mobile phones. If that caller cannot give an address the dispatcher has to triangulate what tower the call is coming from. They could be a mile off. Staff has been helpful in determining the text amendment. They stated the code needs to be updated which will occur sometime in

2017 so they came up with this text amendment to solve the problem. The tower they are proposing will be a modern eucalyptus tree with the antennas hidden in the foliage. It will not be a standard issue monopole. They will be coming back with a conditional use permit application.

Councilmember Struble commented technology is always improving. He asked if at some point technology will improve enough to where the cell towers could be farther apart.

Mr. Alex Novak stated the technology is going in the opposite direction. Because of more users sites have to be lower to the ground and closer together. In the mid-90's they were building them along highways with 300' boomer towers. They only needed highway coverage. Now everybody is in their homes using tablets and phones and eliminating landlines. It is quite the opposite. The 5G is moving towards small cell which is designed to cover the areas where they cannot build towers. The fatal flaw is they need utility poles to put the antennas on with a right-of-way to put the equipment on as they are ground equipment plus antennas. They explored that option here but there are no poles or right-of-way space.

Mayor Serdy 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 ORDINANCE NO. 1440 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember Barker SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

City Clerk Kathleen Connelly read the motion by title only.

Councilmember Waldron MOVED THAT ORDINANCE NO. 1440, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

11. [16-589](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1441, case PZ-11-16, a request by CMH Homes Inc., represented by Waleed Hammad, to rezone a .24 acre property at 2888 W. 16th Avenue from Medium/High Density Single-Family Detached Residential by Planned Development (RS-7/PD) to Medium/High Density Single-Family Detached Residential, Manufactured or Conventional Home Permitted by Planned Development (RS-7M/PD). This rezoning seeks to allow one manufactured home on a lot that was previously approved for a lot split to allow two conventionally built two-story homes.

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

No: 0

Assistant Planner Stephanie Bubenheim briefed the council on the item.

Councilmember Waldron commented it is too bad this came back as it was a good plan before.

Councilmember Barker commented their recommendation is saying staff is recommending denial of the proposed rezoning request as submitted and recommends option 3 which approves the staff recommended motion. She asked where the staff recommended motion is.

Assistant Planner Stephanie Bubenheim stated it might be a little confusing on this part but staff, after working with the applicant and acknowledging there is a wall encroachment and that this company does manufactured and modular homes, met in the middle with all of these conditions. The applicant still requested in their submittal just one lot with one manufactured home. They wanted to acknowledge all options to show staff is not approving what they submitted but we feel the wall encroachment issue, if it is not looked at, the next developer that comes to develop the site still has that wall encroachment issue. It needs to be figured out. It will eventually require a planned development amendment again.

Councilmember Evans commented staff is really in favor of option 4.

Assistant Planner Stephanie Bubenheim stated they went with option 3 to acknowledge that we were working with the applicant and that they do have modular homes. There is also an option 4 which is what the planning and zoning commission went with.

Councilmember Evans asked her to explain what happened with this deeding after we did this the last time. It was not completed.

Assistant Planner Stephanie Bubenheim stated for a land split application with the city a survey has to be done and it has to be approved and signed by the development services director. That was done. The applicant then takes that to Pinal County to record the map and that approves the map.

Councilmember Evans commented she is saying that Hud Hassell did not do that.

Assistant Planner Stephanie Bubenheim stated he recorded the map.

Councilmember Evans commented he did record the map.

Assistant Planner Stephanie Bubenheim stated that is correct. Part of the land split application process is that one lot had one legal description so it now has two legal descriptions. When the map gets approved, it just approves the map. In order to complete the split and create the two parcels the new deeds have to be recorded. Hud Hassell or anyone can transfer that into their own name and sign a new deed that shows it is one, separate parcel so there would have been two new deeds instead of just one. Or, many times when the lot is sold to someone else is when the deed gets recorded. When he sold the property, instead of two deeds being recorded to make the split it was just one deed. Something happened where it did not split the lots into two.

Councilmember Evans commented what she is saying is that once the city approves a zoning it does not record these. It is left totally up to the applicant to record the new deed.

Assistant Planner Stephanie Bubenheim stated that is correct.

Councilmember Evans commented he did record the new map so the current applicant bought it with the recorded map in existence. It was just the legal descriptions that were not correct.

Assistant Planner Stephanie Bubenheim stated they were not recorded.

Councilmember Evans commented that the map was.

Assistant Planner Stephanie Bubenheim stated the map was recorded with Pinal County. The applicant will say that when this property was listed it was not listed as what it should have been. It was listed for manufactured homes when it

was not.

Councilmember Evans commented we do not have any control over how it was or was not listed. The fact is that he did see the new map with the current recordation on it. Just the deeds were different.

Assistant Planner Stephanie Bubenheim asked if she meant Hud Hassell or the applicant.

Councilmember Evans commented the applicant.

Assistant Planner Stephanie Bubenheim stated she is not aware if they ever saw the map.

Councilmember Evans commented to trust her, he saw the map.

City Attorney Joel Stern stated at the planning and zoning meeting the applicant had an explanation. She can ask him when he gets up.

Mayor Serdy requested the applicant address the council.

Ms. Sharon Salisbury, representing Clayton Homes, addressed the council with Waleed Hammad.

Councilmember Evans commented understanding what their business is and why they purchased this property to begin with, they saw the map.

Ms. Sharon Salisbury stated they did not.

Councilmember Evans commented they bought a property and never saw a parcel map.

Mr. Waleed Hammad asked if they could do their quick slide show. They will see what they looked at, give them an idea of where they are at and why they are here. It makes a lot of common sense rather than take face value on those restrictions. They will show the council what they looked at and will give them the background on why they are doing this.

Ms. Sharon Salisbury stated they are requesting to change the zoning on the property back to its original zoning prior to 2013. If approved, they will deed 4' to the property owner to the east that is in question. It is currently encroaching on their property and making it only 96' wide. They would put one home on the property that is ground set with a block foundation, landscaping and a circular driveway. She showed a slide of what it would look like. They purchased both

lots and they were listed as manufactured home lots. They inquired from the seller and title company about a third lot and were told the split was started but never completed. They treated it as two lots as it is the only way the title company would be able to do it. Pinal County records show it as one parcel. It is consistent with all of the lot sizes in the area. She showed what it looks like on the plat map. The affidavit of property value only shows one parcel number. They closed and recorded both properties in the same day. The first lot with an address of 2952 was sold and has already had a home built on it with the owner moving in. They had no issues through the permit process. The second lot is 2888. When they applied for the building permit they were told about the zoning issues. The lot has been rezoned to split the 100' lot into two 50' wide lots. The neighbor has their fence 4' into their property. The actual split would be 48' wide on each. The city advised the 4' might be grandfathered in and they might not be able to get that back. The 48' wide lot is to include a two-story home with an attached garage on each one. None of the changes were recorded in the county records nor did they show in the title search. County records still show one parcel number. It also shows residential manufactured housing. They were told to apply for rezoning and were charged just under \$1,500. They posted the sign and sent out approximately 40 letters. The city advertised the public hearing. They received very few responses. They had two supportive phone calls and one non-supportive call. The non-supportive call does not want manufactured homes in the vicinity. They showed a picture of a previous home at the planning and zoning meeting that had a piece of furniture leaning against the side of the house and a comment was made that Clayton Homes is a drop and go which resulted in some members voting against the project after they had indicated it made perfect sense. They were unsure if they are allowed rebuttal comments. The end result was two in favor and five against. She showed the pictures that were presented. The customer had just moved in when the pictures were taken. They are an affordable housing solution and customers cannot always afford patios, carports or garages. She commented on the person who bought the home at 2952. She showed pictures of what sites looked like before they removed the previous home and what they look like now. The customers chose to do their own landscaping. She commented on the local contractors they use. They hoped the council would find their request for a manufactured home on the site reasonable as it conforms with the neighborhood and will blend in very well. There are manufactured homes north, east, west and most of the south. None of the lots in the area are 48' wide as it is much too small. No homes in the area are two-story homes and they would be overlooking others. The lot has been vacant for years and is being turned into a dump site. It was brought up that their corporation does build modular two-story homes. Those are

through their commercial division. They are not here in Arizona. The area is a mixed use of site built and manufactured homes and most people they talked were expecting a manufactured home.

Councilmember Evans asked what the age is of the mobile home that was set up next door.

Ms. Sharon Salisbury stated it is new built in 2016.

Councilmember Evans asked what the age is of the one intended for the other lot.

Ms. Sharon Salisbury stated 2017.

Councilmember Evans asked if they are brand new and ground set.

Ms. Sharon Salisbury stated that is correct.

Councilmember Evans commented she said they went to a title company.

Ms. Sharon Salisbury stated that is correct.

Councilmember Evans commented that the title company did not see a discrepancy between the legal description and map that was recorded.

Ms. Sharon Salisbury stated it was not brought to their attention.

Councilmember Evans commented that would be a title company problem at that point.

Ms. Sharon Salisbury stated that is correct.

Councilmember Struble asked what the property would sell for.

Mr. Waleed Hammad stated somewhere between \$160,000 to \$180,000.

Councilmember Struble asked if that is when it is completed and if it is landscaped or not.

Mr. Waleed Hammad stated it would be a completed package. The one next door was about \$160,000. If they add a concrete, circular driveway to the front, landscaping and a covered porch it would be about \$185,000. In regards to the title company, they can go by the parcel number. Pinal

County only shows one parcel number, not two, with one legal description.

Councilmember Evans commented she understands that. Knowing that the public records are not always the most accurate and that it sometimes takes a while for the county to update their new maps and new legal descriptions, the fact of the matter is that it was recorded. It did show up the way it is set for the new development. She understands what they are trying to do and that it is their business to do this. It is the council's duty for the city to have what they had planned for that area. There are two-stories in the area and along 16th Avenue in a brand new development. They are selling for about the same price as they just mentioned for this modular house. They know that stuff gets dumped on vacant lots and she hates to say this, but that is on them because they own it now.

Mr. Waleed Hammad stated of course and they will take care of it. As far as the master plan, they have quite a few customers here, including Miss Maria, who are recent customers in Apache Junction. The master plan is their planning manufactured homes. She should not have bought the house because next door is a master plan that they are not going to switch to two-story homes with a two-car garage on a 48' wide lot. It is literally smaller than from this wall to the other wall in this building.

Councilmember Evans agreed.

Mr. Waleed Hammad stated they tell them or Mr. Powers there that they should have bought a house.

Councilmember Evans commented she thinks they are caught in the middle of two different kinds of property. They are kind of in a squeeze. She gets it. But the council also has a vision of what, with the rezoning process they want through, they anticipated. She is not crazy about why it was just up to the owner if the city does the land split for the city to not record it as that land split. Not recording the deed per se, but the map was recorded without a legal description. She finds that an unusual circumstance.

Mr. Waleed Hammad stated when you look at them they do the closing, taking over the ground and they leave. But that is not the case. They serve a wide variety of people and have served them for over 20 years. They have done hundreds of houses in Apache Junction and this is their first time going through this. Every home they sell has a story. They look at it this way. The neighbor on the left or the neighbor on the right or the neighbor behind them had any kind of site built they have enough experience to say there could be a question.

But when all three are manufactured homes and looking at the front it is a manufactured home, there is nothing there to lead them to say otherwise. They did not know it would be anything else and now they have to come to this.

Councilmember Evans commented one of the things she is really tired of hearing people say is they did not know or they did not understand. They have bought real estate. They knew there was something on that, something different from what they wanted. They chose to go ahead and close on this without changing this ahead of time. There are not a lot of places left in the valley. She has sold real estate for 30 years now. There are not a lot of places left to put mobile homes. She gets it. There is a great need out there for them and a desire for them. However, the council has to combine that with what the city anticipated going there. She understands they did not have all the information. She understands what looks like, should be, may be is not necessarily so.

Mr. Waleed Hammad stated with all due respect, saying they knew and still bought it, it is not the case. Had they known they would not have bought it. They have plenty of land right now with the zoning department. There is plenty of land in Apache Junction. They did not know this lot had any issues until they applied for the building permit. The fact is, the lot next door, 2952 for Miss Maria, they bought them all together. When they applied for the permit for 2952, everything went good. They had no clue this lot had an issue. If they had known that it had an issue they would have walked away. They paid extra for the lot. They would have walked away from it with no problem. They build about 125 houses a year. They do not need that one and they do not need to spend their time with the county and city trying to rezone a property when there is more in Pinal County and the city in general that is mixed use.

Councilmember Evans commented she understood.

Mr. Waleed Hammad stated he was just affirming they did not know. They do not want to imply they knew and decided to take up a fight. That is not the case.

Councilmember Evans commented they knew the map was recorded and there was enough information there.

Mr. Waleed Hammad stated the map did not show that.

Councilmember Evans commented there was something changed.

Mr. Waleed Hammad stated it showed earlier

there are two addresses to the property. It was listed as a manufactured home lot. Pinal County showed it as a manufactured home lot. It showed it as one parcel. She has been in real estate and everything is pulled up by the parcel number. The plat map Sharon just presented showed it as one lot. It did not show two lots. This plat map exists today in Pinal County.

Mayor Serdy commented he knows this is very important for those involved. He thinks there are other people who want to speak in opposition. He asked if they have any final questions.

City Clerk Kathleen Connelly commented they made reference to their sales tax payments. She asked if those payments were made to the City of Apache Junction.

Mr. Waleed Hammad stated they were tax payments made for their tax identification for their store.

City Clerk Kathleen Connelly stated their location is on Apache Trail. She asked if that is within the city limits of Mesa or if it is in unincorporated Maricopa County.

Mr. Waleed Hammad stated they are within the city limits. A portion of the taxes go to Pinal County and to the city. There are two tax licenses.

City Clerk Kathleen Connelly asked if he would mind if she checked on that tomorrow.

Mr. Waleed Hammad stated he did not mind. He does not mind at all. They were stating how much they paid in sales tax.

City Clerk Kathleen Connelly asked if they would give her a copy of the portion of their powerpoint regarding their contractor payments.

Ms. Sharon Salisbury stated she would.

City Clerk Kathleen Connelly stated that was all she had.

Mayor Serdy opened the public hearing on the item.

Ms. Gail Gonsalves, 1525 S. Cedar, Apache Junction, addressed the council. She stated she is kitty corner from the lot that has the new manufactured home on it. She spoke in opposition of the rezoning, stating she would like to

see everything that comes in be better than what it was before. She showed pictures of the new home and the neighborhood.

Ms. Tess Nesser, 1511 S. Cactus, Apache Junction, addressed the council. She stated let the buyer beware. The developer only had to speak to planning and development and they would have been told. They implied she voted to deny the request at the planning and zoning commission meeting because of the pictures shown. She voted no because the Villagio subdivision is across the street with stick built homes and they are trying to improve their neighborhoods.

Ms. Becky Meeter, 2940 W. Tepee, addressed the council. She spoke in favor of the applicant. She lives in one of their homes and is very satisfied with the construction and treatment of the company.

Mr. Rick Powers, 2603 W. Ohio, Apache Junction, addressed the council. He bought the house six months ago and spoke in favor of the company.

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

Councilmember Waldron commented Stephanie had been talking about recommendation number three. He asked if that is what the proposed ordinance is based on.

Assistant Planner Stephanie Bubenheim stated they worked on the proposed recommendations for this ordinance based off of Ordinance No. 1394 by altering a few of the conditions such as the lot width and adding a number two which calls out that either conventional or modular homes can be permitted. Number three is the same from the old ordinance. Number one is acknowledging the new 48'. Number four is from the old ordinance. Number five was a setback section of the old ordinance with the setbacks looking at the modified 48' lot width. They added number six and number seven was the same as the old ordinance.

Councilmember Waldron commented she stated she met with the applicant. He asked if this is the compromise.

Assistant Planner Stephanie Bubenheim stated they met with him a few times before the planning and zoning commission meeting and noted the modular homes when they said they could do modular homes. She added in modular home examples in the planning and zoning commission meeting from off of their website. They later told staff they could not do those types of homes because the factory that does modular homes is on the east coast. It is not feasible for the Arizona site.

Councilmember Waldron asked if there are modular homes manufactured out here.

Assistant Planner Stephanie Bubenheim stated she would have to get Waleed to confirm again if they make any kind of modular homes out here.

Councilmember Barker commented Councilmember Waldron asked if the conditions were a part of this ordinance already. She asked if the proposed ordinance includes the seven conditions.

Assistant Planner Stephanie Bubenheim stated the seven conditions are in proposed Ordinance No. 1441.

Councilmember Barker commented she is not thrilled with two-story houses there, either. She does not know why that has to be a part of this.

Councilmember Waldron commented he is still concerned about the last part of it. Councilmember Evans confused him with facts. The ordinance, if passed, would require the lots be split. He asked if that was correct.

Assistant Planner Stephanie Bubenheim stated that is correct. Because of the issues in the past and the fact there is a new home on the property to the west that was added into the land split that was not fully completed. Staff would require that if that condition was approved a new land split application would have to be applied for.

Councilmember Waldron asked if the fence issue would be resolved if the land split occurred.

Assistant Planner Stephanie Bubenheim stated the new land split will not resolve the fence issue.

Councilmember Waldron asked what they would have to do to build one home on those two lots.

Assistant Planner Stephanie Bubenheim stated Ordinance No. 1394 would have to be amended with a new ordinance that states that lot does not have to be split. It could then be just one lot. Right now the ordinance is still in effect saying it has to be split into two lots.

Councilmember Waldron commented Ordinance No. 1441 says that, too.

Assistant Planner Stephanie Bubenheim stated it does but the city council is able to propose changes to

conditions or to keep the ones that are proposed.

Councilmember Waldron commented part of his concern, and he is not wild about manufactured homes but that is not it at all, is that they have to have a building to build a home on these lots. This would require a lot split which means they would not be able to build a home there. They have to build two homes.

Assistant Planner Stephanie Bubenheim stated that is correct. The lot split will make it two lots so there would be two homes.

Councilmember Waldron asked what the down side of it would be if they did not do the lot split.

Assistant Planner Stephanie Bubenheim stated if they do not do the lot split they are keeping the property as one lot. They would need a new ordinance to show it is not requiring it to be two lots any more.

Councilmember Waldron asked if that is because of Ordinance No. 1394.

Assistant Planner Stephanie Bubenheim stated that is correct. It gets confusing.

Councilmember Rizzi commented she does not think anyone on the council wants to squash anyone's dreams of having an affordable home. They do not want to do that. They are trying to make changes to the community. They have made rules and they have made rules for a reason. When she goes to Walmart and purchases something or purchases a car she checks it out before she buys it. She looks into what she is getting. They have rules in his area. They are trying to make improvements in this area. It is not being mean or being hard on anybody or trying to take anything away from anybody. If anything, they are trying to add to the community. She is really caught because she has to agree with Councilmember Evans on that. It is buyer beware. Before one makes a purchase one has to know what they are buying. We have avenues here in the city to do that. She is having a tough one on this.

Councilmember Struble commented he is new at this so he is trying to catch the whole drift. It appears they are asking for this to stay as two lots where two homes will be built if they choose to build them.

Assistant Planner Stephanie Bubenheim stated that is correct.

Councilmember Struble commented the current owner purchased it, but he cannot argue who knew what, where, why, when and all that kind of stuff as he was not in the discussion at the time. They are asking us to zone it so it can be one lot so they can put in one manufactured home.

Assistant Planner Stephanie Bubenheim stated that is correct. That is their request. She wanted to note planning staff does work with Clayton Homes often on many building permits to place homes. They work with them on each one with setbacks and easements. This lot just happens to be an issue because of that planned development.

Councilmember Struble asked if someone were to make a motion to keep it as one lot instead of having a split, they could stipulate that the home would be built with landscaping and such.

Assistant Planner Stephanie Bubenheim stated that is correct. The council has the choice to alter conditions or create new conditions to ordinances.

Councilmember Struble commented that is kind of the neighborhood where he lives and he understands the need for new developments there south of 16th Avenue. Everything north of that really is older. His house was built in 1978. He asked if the properties around there can be bought and sold just as they are. There is no stipulation that when they are sold, if it is a manufactured home, that it must be torn down and something else built up. Anybody can sell their property just as it is. The properties there could currently, the modular homes, the manufactured homes, the single story homes could all be lived in for the next 50 years.

Assistant Planner Stephanie Bubenheim stated that is correct.

Councilmember Struble commented if we chose to have two, side by side, two-story homes sitting next to the manufactured homes and one-story stick built homes, not that it is aesthetically pleasing but they would be the only two like homes there. They would be surrounded by manufactured or one-story stick built homes.

Development Services Director Larry Kirch stated just to the north of this there are three stick built homes. There was a notion that everything south of 16th Avenue was all conventional homes. This area historically has been manufactured homes and mobile homes, but there are three stick built homes. The picture showed right behind the fence, where the white car was, that was a conventional home. From staff perspective, they were looking at what the history of the

property was, how the character of the neighborhood is changing and in 2013 this council chose to improve the area. The same developer was involved in Casa Villa and Villagio. That developer came in and told the council he was going to give them what he gave them down the street. Staff is coming at it from that perspective. They can talk about it later that when a lot split gets recorded that maybe the city should be recording it and hand deliver the deeds to Florence. For lot splits, the person actually doing the lot split records the map. The city does not even record the map. The person doing the lot split records the map. There are stick built homes, three fairly new ones, to the northwest of this property. This single lot has different zoning than the rest of the neighbors. Everybody else has RS-7M even though you can build conventional or manufactured homes throughout this area. This single lot was given special zoning of the planned development based on the notion that it will clean up the area and look a lot like the conventional homes across the street.

Councilmember Struble asked if that lot was purchased by the people or company that built Villagio and stuff.

Assistant Planner Stephanie Bubenheim stated that was correct.

Development Services Director Larry Kirch stated he was the developer. He came in and presented Casa Villa and Villagio. While he was in the neighborhood and the city was trying to get the right-of-way, cleaning up 16th Avenue and putting in sidewalks, he acquired the property, came in with a proposal to build two conventional homes, and then, speculatively, to resolve this encroachment issue, bought the lot next door, did not seek a rezoning, put a manufactured home on that one, got the lot split approved but never recorded the deed. The city gave an option to allow something to go forward. That is what our recommendation is, to deny the request as submitted but allow narrower lots, go in with conventional homes whether they be two-story or single-story, they can change that, but it would allow two 48' lots and it would resolve the 4' encroachment on the east.

Councilmember Barker commented when they determined they wanted Villagio and the other area that is there, when they fixed 16th Avenue and put sidewalks in and lights up, the council at that point did say their goal was to clean this area up, to bring it up. This is a very old area. It has been here forever, since she has been here. It is working. We have seen improvements in property all the way down 16th Avenue. We have seen more stick built homes. They can keep reselling those manufactured homes. But if we set the

example and continue to set the example as people move in and move out, they will gradually get to the point where they would want to bring themselves to the same level. She is not putting down manufactured homes but the stick built would become more of a type of home in that area. If we continue to say yes to manufactured homes then all we are doing is degrading what we started to begin with by saying okay. She has nothing against the homebuilder; he sounds like a wonderful person. But this area is an area we did pick as a council to try very hard to bring up and it is working. She would like to see it continue to work. She would like to do it with a one-story home.

Councilmember Rizzi commented she is not against manufactured homes. She lives in one herself, but they cannot keep going back on their rules they have set. This is tough. We are not trying to take away anyone's dream, we are just trying to move forward in the community. There are other areas where manufactured homes are zoned.

Mayor Serdy commented they have the planning and zoning commission to make these recommendations. Once you are inside these homes they are very nice and cozy.

Councilmember Evans commented she, too, is not against mobile homes by any means. They fill a great need in every community. One of the things that is different about them is they are considered personal property and can be moved at any time, even with an affidavit of affixture placed on the property. That can be reversed and it can be moved out of there. To continue the domino effect of new development, to continue moving into that area what has been designated, it is best if they stick with their original plan. She feels bad for Clayton Homes as they kind of got caught up in this. She does not know what legal avenues they have as far as with the title company and the previous owner. But they certainly feel they have been aggrieved in a way.

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

Councilmember Barker commented here is her problem with a motion. She still does not comprehend what this ordinance says. She realizes both of them tried to clarify it for her but she still does not comprehend it. She asked if the ordinance subsumes those conditions that are in the slide show.

Development Services Director Larry Kirch stated it does.

Councilmember Barker commented this is number three as it sits here.

Councilmember Waldron commented it does change the zoning.

Development Services Director Larry Kirch stated that is correct.

Mayor Serdy asked if this has to have a decision tonight or can it go back to planning and zoning.

City Attorney Joel Stern stated the mayor is the ultimate decision maker on this one. If he feels they need additional time to think about it they move to continue it to a date certain. They can certainly do that if they like.

Mayor Serdy commented it does not look like they will get a motion.

Councilmember Barker commented if they look at th

12. [16-475](#) Public Hearing and consideration of Ordinance No. 1434, an ordinance of the mayor and the city council of the City of Apache Junction, Arizona, amending Apache Junction City Code, Vol. I, Chapter 16: Security Alarm Systems, Section 16-1-3: Alarm User Permit Required and Section 16-1-5: False Alarms, Nuisance Declared, Administrative Penalties and Permit Revocation; repealing any conflicting provisions; providing for severability; providing for penalties; and declaring an emergency.

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

No: 0

Captain Arnold Freeman briefed them on the item.

Councilmember Evans asked if this is just for within the city limits or do they respond into the county.

Captain Arnold Freeman stated typically they do not answer false alarms or alarms period in the county unless Pinal County calls us because they have no units in the area. We will respond to cover for them until they can get on the scene.

Councilmember Evans commented even the county islands that are surrounded city limits they do not go to.

Captain Arnold Freeman stated they would respond and hold the scene until they arrived. Occasionally

they will answer a home alarm on Mountain View Drive just because county units are out of place and cannot respond in time. They would respond and cover the scene until the county can get there.

Councilmember Evans asked if they pay us back.

Captain Arnold Freeman stated they should but they do not.

Councilmember Rizzi asked what the zero for burglary means for Mesa. It is all the way across on the chart for false alarms.

Captain Arnold Freeman stated they do not allow any false alarms. They fine you the first time.

Councilmember Rizzi asked why it says for burglaries, so if they actually had a burglar there.

Captain Arnold Freeman stated if they have a burglar alarm on a business and it is a false alarm, then they will get fined. They only allow one panic or duress alarm which would be like when you work in a bank and you have a panic button under the counter. If it is depressed more than one the bank will be fined.

Mayor Serdy commented it is a pretty small fee but other than Buckeye they would be the only one who charges businesses more than homes. He asked for the reasoning there.

Captain Arnold Freeman stated they are actually dropping the false alarm increment assessments. If they have a false alarm it will actually go to a third with education. If you notice the others typically do not have that education component. They typically go to either the first one or the second one.

Councilmember Evans commented she is hooked up to service. They call the service if they cannot get hold of her and then they come out. She asked if that is considered a false alarm if they cannot get hold of her.

Captain Arnold Freeman stated if a burglary occurred it would not be false.

Councilmember Evans asked if the false alarms are mainly from people who do not have a service. They get calls and they just go straight to the police department.

Captain Arnold Freeman stated typically it is

from people they do not even know have alarms. They fail to register them and they continue to have it and they continue to go on false alarms. In the past they have not been aggressive in enforcing the ordinance in the books. They plan on changing that because, as an example, the computer-aided dispatch calls for service last year were approximately 44,000. This year they have already had over 51,000 calls for service for 2016. The calls for service are rising and they have to do something to help offset that.

Councilmember Evans commented these people that have an alarm but not a service or a permit are hoping a neighbor calls if someone hears this when it goes off and the police department responds.

Captain Arnold Freeman stated they often get audible alarms. Even on businesses they get audible silent alarms and the neighbor will call because it is very annoying.

Councilmember Evans commented like a barking dog. She asked what a common cause is.

Captain Arnold Freeman stated a common cause would be a lightning strike or anything that is weather related that could set off several alarms, not just one alarm. When they get a series of alarms in one block they would surmise that it is probably an electrical issue, either a downed power line or something that created the alarm situation. They would not go in there and go after each individual homeowner.

Councilmember Struble commented he gave them the number of calls they went on last year. He asked if those were false.

Captain Arnold Freeman stated they were not. There were almost 51,000 total calls for service. This is a very small component of it.

Councilmember Struble asked how many false alarm calls were responded to.

Captain Arnold Freeman stated 636.

Councilmember Struble asked how many of those were not registered.

Captain Arnold Freeman stated he had not broken those down in to terms of those registered and those not. That is just the total false alarms. The problem with a false alarm is when officers go to repeat calls over and over again they get complacent. Considering that Arizona is a polite society there

could be issues with the homeowner being there and an officer rolling up on the scene because we are a very strong second amendment state. There could be a problem with that. They do not want those issues because it could result in a bad situation.

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

Councilmember Waldron MOVED THAT ORDINANCE NO. 1434 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember 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. 1434, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

- 13. [16-476](#)** Public hearing and consideration of Ordinance No. 1435, an ordinance of the mayor and city council of the City of Apache Junction, Arizona, amending Apache Junction City Code, Volume I, Chapter 4: Fees, Article 4-7, Public Safety Fee Schedule, Section 4-7-1, Public Safety Fee Schedule, Subsection J, Security Alarm Permit Fees; repealing any conflicting provision; providing for severability; providing for penalties; declaring an emergency; and establishing a revolving sixty month review period.

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

No: 0

Councilmember Barker MOVED THAT ORDINANCE NO. 1435 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

City Clerk Kathleen Connelly read the ordinance by title only.

Councilmember Barker MOVED THAT ORDINANCE NO. 1435, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

I. OLD BUSINESS

None.

J. NEW BUSINESS

14. [17-001](#) Interview of applicants for the vacancy on the Superstition Mountains Community Facilities District #1 Board of Directors.

Mayor Serdy commented they would interview the applicants in alphabetical order. He commented Anthony Bowler could not attend this evening.

Mr. Luciano Buzzin gave a brief presentation on his educational background, his work history and his volunteerism.

Councilmember Rizzi asked why he wanted to be on the board.

Mr. Luciano Buzzin stated he thinks it is a very important position. He has experience in the construction field and architectural drawing. He has been a secretary/treasurer so he is aware of budgets.

Councilmember Waldron asked what knowledge he has of the sewer district and its operations.

Mr. Luciano Buzzin stated he does not have knowledge of the sewer district operation but he has worked in cleaning up industrial construction. They cleaned up a lot of the sewage claims, including sandblasting and cement. He is familiar with that. He does not know what system they have here.

Councilmember Waldron asked if he is familiar with wastewater facilities and their processes.

Mr. Luciano Buzzin stated he did not go over there to get familiar with it. It is only what he has read about it. He believes everything is up to date. He has a general idea but does not have the technical knowledge.

Councilmember Waldron commented the board of directors is asked to evaluate and approve large scale repairs and improvements, reviewing and adopting the district's annual budget which exceeds \$6.5 million and for setting the annual rates. He asked if he would be comfortable with that.

Mr. Luciano Buzzin stated he is. He worked for a contracting company before with a budget over \$6 million annually. He was the secretary/treasurer.

Councilmember Waldron asked what his impression of the sewer district is.

Mr. Luciano Buzzin stated there has been a big improvement from where it used to be eight years ago. He is looking forward to more improvements.

Councilmember Struble commented he currently serves on the planning and zoning commission and industrial development. He asked if he understands the meeting schedule for the sewer district.

Mr. Luciano Buzzin stated he understands it is during the day and not at night.

Councilmember Struble commented in December the board approved having the meetings on the fourth Tuesday of every month. He asked if he would be able to attend the Tuesday evening meeting.

Mr. Luciano Buzzin stated he would have no problem with that as his schedule allows him to do that.

Councilmember Struble commented they also have special work sessions and such things.

Mr. Luciano Buzzin stated there would be no problem as he is retired now. He devotes his time to helping out the community and he enjoys it.

Councilmember Struble asked if he would stay on the planning and zoning commission at the same time.

Mr. Luciano Buzzin stated he would.

Mayor Serdy requested Terry Dunn address the council.

Mr. Terry Dunn gave a brief presentation on his work history, volunteerism and what he has learned about the district.

Councilmember Waldron commented he had no questions as he must have listened to the last interview as he has already answered all the questions. He was very good.

Councilmember Struble commented he had said he served on some other boards, not necessarily on city boards, things like churches.

Mr. Terry Dunn stated that is correct.

Councilmember Struble asked if he has had to deal with personnel issues.

Mr. Terry Dunn stated he has dealt with personnel, budgets and facility improvements.

Councilmember Struble commented the sewer district is a complete, separate entity. The only thing the council has is appointment authority. He will have the authority to make those kinds of decisions. He asked if he would be comfortable with doing those.

Mr. Terry Dunn stated he has been in a position of hiring and firing before. He has had leadership training through other work positions to work with personnel to either improve their understanding of what they are not doing competently or in other areas. There is always the downside for financial reasons that people have to be reassigned.

Mayor Serdy commented this was a discussion item only.

City Manager Bryant Powell stated they anticipate the appointment will be on the February 7 agenda.

15. [16-555](#) Presentation and discussion on proposed Resolution No. 16-34, allowing the city to enter into an Intergovernmental Agreement with Pinal County for funding of senior services.

City Manager Bryant Powell briefed the council on the item.

Councilmember Struble asked if there are ongoing discussions for future funding.

City Manager Bryant Powell stated at this time he does not have anyone doing that but if he would please have that continued discussion with Pinal County elected officials it would be great.

Mayor Serdy commented this was a discussion item only and moved on to the next item.

16. [16-577](#) Presentation and discussion on the proposed Intergovernmental Agreement between the city and the Pinal County Public Works Department to include Pinal County residents to partake in the city's annual household hazardous waste event for a term of three (3) years with an option to renew for an additional two (2) years. Pinal County shall reimburse the city for costs attributable to county residents participation up to an amount not to exceed \$10,000.00.

Management Analyst Heather Hodgman briefed the council on the item.

Councilmember Barker asked if she had an estimate on how much it costs the city to do Pinal County versus just ourselves.

Management Analyst Heather Hodgman stated she has done this event for 9 years. It averages about \$23,000 but that always included some Pinal County residents. She could not give a true cost estimate. Last year was the first time and it was up about \$8,700.

Councilmember Barker asked how she gauged \$8,700.

Management Analyst Heather Hodgman stated the city pays for \$22,000. Anything over that Pinal County is paying for.

Councilmember Barker asked why they are stating an amount not to exceed \$10,000. She asked why it was not just \$10,000.

Management Analyst Heather Hodgman stated that is the verbiage from Pinal County.

Councilmember Waldron commented it does equal \$28,000 from the previous intergovernmental agreement. Now it is only \$8,000.

City Manager Bryant Powell stated as time goes

by they should be able to keep the data and determine exactly what our cost per person is and then apply that. They can tell the county that is the cost per person if they want to provide what that number is. We can do the math and make sure they get that in.

Councilmember Evans commented with this being a three year contract they will know before those two extra option years if this is enough or if we need more or not.

City Manager Bryant Powell stated that is correct.

Councilmember Struble asked to have hazardous materials defined as computers were mentioned previously.

Management Analyst Heather Hodgman stated computers are electronic waste. A hazardous material would be paints, thinners, pesticides, spray cans, propane tanks, lighter fluid, fire extinguishers and things like that. The electronic waste is computers, monitors, televisions and things of that nature.

Councilmember Struble commented there are costs associated with the disposal of all those. He asked if they try to salvage things like the electronics.

Management Analyst Heather Hodgman stated the city entered into an agreement with a vendor for the hazardous materials part. They try to recycle as much as they can from whatever materials they receive. The electronic waste is the same way. They do recycle it. Unfortunately the cathode ray tubes which are the big, thick ones will cost an amount to get those recycled.

Mayor Serdy commented this item does not need a motion and he moved on to the next item.

K. COUNCIL DIRECTION TO STAFF

17. [16-584](#) Presentation, discussion and possible direction to staff on proposed amendments to Apache Junction City Code, Volume II, Chapter 5: Floodplain Management and Stormwater Regulations, Article 5-1 Floodplain Management to reflect code and process consistencies, clerical modifications, requirements by the Arizona Department of Water Resources and state/federal law changes.

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

No: 0

City Manager Bryant Powell stated as these are presented from staff, the intent tonight is to get their direction. They do not plan on going through every detail. This is an opportunity to get the items out and get staff researching the material.

City Engineer Emile Schmid briefed the council on the item.

Mayor Serdy called for a motion.

Councilmember Waldron MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING CHAPTER 5 FLOODPLAIN MANAGEMENT AND STORMWATER REGULATIONS, ARTICLE 5-1 FLOODPLAIN MANAGEMENT: THAT THE CITY ENGINEER AND APPROPRIATE CITY STAFF REVISE CHAPTER 5 AS APPROPRIATE TO COMPLY WITH NFIP (NATIONAL FLOOD INSURANCE PROGRAM) AND FEMA (FEDERAL EMERGENCY MANAGEMENT AGENCY) REGULATIONS AND MAKE A RECOMMENDATION TO THE MAYOR AND CITY COUNCIL AT A FUTURE MEETING.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

18. [16-594](#) Presentation, discussion and possible direction to staff to proceed with two city-initiated corrective rezonings for the purpose of correcting non-conforming lots, setbacks, and lot widths through the use of a Planned Development Overlay. They are the Hughes Place and Evelyn's Subdivisions which are located on S. Ocotillo Drive and S. Main Drive between W. 1st Avenue and W. Broadway Avenue. The proposed zoning on both subdivisions will change from Medium Density Single-Family Residences, Conventional Housing Permitted (RS-10) to Medium High Density Single-Family Residences by Planned Development, Conventional Housing Permitted (RS-5/PD).

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

No: 0

Development Services Director Larry Kirch briefed the council on the item.

Mayor Serdy called for a motion.

Councilmember Barker MOVED THAT THE FOLLOWING

DIRECTION BE GIVEN TO STAFF REGARDING TWO CITY-INITIATED CORRECTIVE REZONINGS FOR THE HUGHES PLACE AND EVELYN'S SUBDIVISIONS: THAT STAFF PROCEED WITH BOTH CORRECTIVE REZONINGS FROM RS-10 TO RS-5/PD.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

19. [16-578](#) Presentation, discussion and possible direction to staff to revise and amend Apache Junction City Code, Volume I, Chapter 4, Fees, Article 4-4, Planning, Zoning Review, and Subdivision § 4-4-1 through 4-4-12 with regard to planning, zoning, subdivision, excavation and grading and building fees.

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

No: 0

Development Services Director Larry Kirch stated the next 6 presentations all relate to amending the city code. The first 3 relate to Volume I and the last 3 are land development code. Building Official Dave Zellner will talk about the building fees.

Building Official Dave Zellner briefed the council on the item.

Councilmember Waldron commented in his staff report he indicated there was a fee for donation recycle bins to allow for better tracking. He asked if we charge a fee for those to be placed.

Building Official Dave Zellner stated at this time we do not.

Councilmember Waldron asked why they would have to be tracked.

Building Official Dave Zellner stated they are required to register all of them by Chapter 8. They are problematic on the code enforcement side because they become a collection point for dumping. The mattress that does fit inside the little door gets left beside. He believes they had a toilet left at one in Fry's Plaza. One of the reasons for tracking those and getting them registered is so the city has somebody they can get hold of and tell them they need to clean this up. Otherwise the city becomes the party that cleans them up. With the registration fee they will research ownership. The state

now requires there be a notarized affidavit showing the property owner gives permission to a person. There are several of these bins that belong to organizations that are not nonprofit. They are for profit centers and do not pay anybody. They junk up the city and cause us problems.

Councilmember Waldron commented he also states he is going to look at the Phoenix Metro area. There is a list of comparable cities that has been used by human resources and stuff. He would like those cities contacted because they are closer to what we have here as opposed to Phoenix and the metro area.

Building Official Dave Zellner stated from a building side, if he is building in this valley area then the fees relate. There are some areas that would be outside of that but the fees are not necessarily reflective by city size because of the services being used.

Councilmember Waldron commented if we use the comparable list we are being consistent with everything we do. Those fees will fit somewhere.

City Manager Bryant Powell stated he is not sure Dave is familiar with those comparables. They are Phoenix Metro valley cities, except for Casa Grande.

Councilmember Waldron commented what he is saying is it would provide consistency for what we check. We should continue to use that list as opposed to Phoenix.

City Manager Bryant Powell stated they can make sure they have them in house.

Mayor Serdy called for a motion.

Councilmember Barker MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING THE REVISION AND AMENDING OF CITY CODE VOLUME I, CHAPTER 4 FEES, ARTICLE 4-4 PLANNING, ZONING REVIEW AND SUBDIVISION, SECTION 4-4-1 THROUGH 4-4-12 WITH REGARD TO PLANNING, ZONING, SUBDIVISION, EXCAVATION AND GRADING AND BUILDING FEES: THAT THE DEVELOPMENT SERVICES DIRECTOR AND APPROPRIATE STAFF REVIEW AND RESEARCH THOSE FEES FOR DONATION RECYCLING BINS, PLANNING, GRADING, DRAINAGE AND WIRELESS COMMUNICATIONS AND RECOMMEND ANY CHANGES TO THE CITY COUNCIL AT A FUTURE MEETING.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

20. [16-579](#) Presentation, discussion and possible direction to staff to revise and amend Apache Junction City Code, Volume I, Chapter 7: Buildings, including the creation of a new administrative code and to adopt the new 2015 International Code Council series of codes for Building, Fire, Residential, Plumbing, Mechanical, Fuel Gas, Energy Conservation, Existing Buildings, Swimming Pools and Spas, and the 2014 National Electrical Code, along with the appropriate revisions and amendments to make them functional local codes and regulations.

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

No: 0

Building Official Dave Zellner briefed the council on the item.

Mayor Serdy called for a motion.

Councilmember Rizzi MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING DRAFTING AMENDMENTS TO VOLUME I, CHAPTER 7 BUILDINGS: THAT THE BUILDING SAFETY MANAGER AND OTHER APPROPRIATE CITY STAFF COMPLETE THE ASSESSMENT OF OTHER METRO REGION MUNICIPALITIES WITH REGARD TO THE 2015 CODES, AND REVISE CHAPTER 7 AS APPROPRIATE; TO MAKE A RECOMMENDATION TO THE COUNCIL AT A FUTURE MEETING.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

21. [16-580](#) Presentation, discussion and possible direction to staff on proposed amendments to Apache Junction City Code, Volume I, Chapter 9: Health and Sanitation, Articles 9-1, 9-3, 9-4, and 9-5 and adopt the 2015 Property Maintenance Code with amendments to address multiple issues with application and enforcement and to reflect code and process consistencies, clerical modifications and state/federal law changes.

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

No: 0

Building Official Dave Zellner briefed the council on the item.

Development Services Director Larry Kirch additionally briefed the council on the item.

Mayor Serdy called for a motion.

Councilmember Barker MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING THE PROPOSED AMENDMENTS TO CITY CODE VOLUME I, CHAPTER 9 HEALTH AND SANITATION, ARTICLES 9-1, 9-3, 9-4 AND 9-5 AND THE ADOPTION OF THE 2015 PROPERTY MAINTENANCE CODE: THAT STAFF CONDUCT RESEARCH OF OTHER METRO REGION AND OUR SPHERE OF INFLUENCE MUNICIPALITIES, SUMMARIZE ISSUES WITH THE CITY'S ADOPTED CODE, AND PROCESS AND REVISE CHAPTER 9 AS APPROPRIATE AND MAKE A RECOMMENDATION TO THE MAYOR AND CITY COUNCIL AT A FUTURE MEETING.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

22. [16-581](#) Presentation, discussion and possible direction to staff on changes to Apache Junction City Code, Volume II, Chapter 1, Zoning Code, to reflect code and process consistencies, clerical modifications and state/federal law changes pertaining to group homes and sign code regulations.

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

No: 0

Development Services Director Larry Kirch briefed the council on the item.

Mayor Serdy called for a motion.

Councilmember Waldron MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING CHANGES TO CITY CODE VOLUME II, CHAPTER 1 ZONING CODE PERTAINING TO GROUP HOMES AND SIGN CODE REGULATIONS: THAT THE DEVELOPMENT SERVICES DIRECTOR AND OTHER APPROPRIATE CITY STAFF PROCEED WITH PREPARING SUGGESTED AMENDMENTS TO THE ZONING CODE FOR REVIEW AND RECOMMENDATION TO THE PLANNING AND ZONING COMMISSION TO INCLUDE CODE AND PROCESS CONSISTENCIES, CLERICAL MODIFICATIONS AND STATE-FEDERAL LAW CHANGES AS APPROPRIATE FOR COUNCIL'S CONSIDERATION AT A FUTURE MEETING.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

23. [16-582](#) Presentation, discussion and possible direction to staff on changes to Apache Junction City Code, Volume II, Chapter 2, Subdivision Regulations necessitated by amendments to Volume II, Chapter 10, Engineering Design Standards in 2016 as well as to reflect code and process consistencies, clerical modifications and state/federal law changes.

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

No: 0

Development Services Director Larry Kirch briefed the council on the item.

Mayor Serdy called for a motion.

Councilmember Barker MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING CHANGES TO CITY CODE VOLUME II, CHAPTER 2 SUBDIVISION REGULATIONS: THAT STAFF PROCEED WITH PREPARING SUGGESTED AMENDMENTS TO THE SUBDIVISION REGULATIONS FOR REVIEW AND RECOMMENDATION BY THE PLANNING AND ZONING COMMISSION TO INCLUDE CODE AND PROCESS CONSISTENCIES, CLERICAL MODIFICATIONS AND STATE/FEDERAL LAW CHANGES AS APPROPRIATE FOR COUNCIL'S CONSIDERATION AT A FUTURE MEETING.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

24. [16-583](#) Presentation, discussion and possible direction to staff on proposed amendments to Apache Junction City Code, Volume II, Chapter 8: Communications, Article 8-1 Wireless Communications Facilities to reflect code and process consistencies, clerical modifications and state/federal law changes (preemption by the Federal Communications Commission).

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

No: 0

Development Services Director Larry Kirch briefed the council on the item.

Mayor Serdy called for a motion.

Councilmember Waldron MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING PROPOSED AMENDMENTS TO CITY CODE VOLUME II, CHAPTER 8 COMMUNICATIONS, ARTICLE 8-1 WIRELESS COMMUNICATIONS FACILITIES: THAT THE DEVELOPMENT SERVICES DIRECTOR AND OTHER APPROPRIATE CITY STAFF PROCEED WITH

PREPARING SUGGESTED AMENDMENTS TO THE WIRELESS REGULATIONS FOR REVIEW AND RECOMMENDATION BY THE PLANNING AND ZONING COMMISSION TO INCLUDE CODE AND PROCESS CONSISTENCIES AND STATE/FEDERAL LAW CHANGES FOR THE CITY COUNCIL FOR CONSIDERATION AT A FUTURE MEETING.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

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

- 25.** [17-003](#) Selection of meeting date(s), time, and location for Fiscal Year 2016-2017 City Council Special Work Session.

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

No: 0

Mayor Serdy commented they are going to have a council retreat. He called for a motion.

Vice Mayor Wilson commented they would like to have a retreat and MOVED THAT WE HAVE A RETREAT ON SATURDAY, FEBRUARY 11, 2017, STARTING AT 10 A.M., LOCATION TO BE SELECTED BY THE CITY STAFF FOR THE FISCAL YEAR 2016-2017 CITY COUNCIL SPECIAL WORK SESSION.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

- 26.** [16-607](#) Executive Session at 5:45 P.M. and Work Session at 7:00 P.M. for Monday, February 6, 2017.

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

No: 0

Councilmember Barker MOVED THAT AN EXECUTIVE SESSION AT 5:45 P.M. AND A WORK SESSION AT 7:00 P.M. BE HELD ON MONDAY, FEBRUARY 6, 2017, 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,

FEBRUARY 7, 2017, IN THE CITY COUNCIL CONFERENCE ROOM.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

27. [16-608](#) Executive Session at 5:45 P.M for Tuesday, February 7, 2017. Other meetings if necessary.

M. CALL TO PUBLIC

Mr. James Boerigter, 1054 E. Roosevelt, Apache Junction, addressed the council regarding the problems that were at 978 E. Roosevelt have moved to Junction Street and requested teeth be put in the laws.

Mr. George Schroeder, 2444 W. Virginia, Apache Junction, addressed the council regarding his concern with the city attorney office and the flooding behind his house.

N. ADJOURNMENT

Mayor Serdy adjourned the meeting at 10:39 p.m.