



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, September 19, 2017

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 September 19, 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 Waldron led the Pledge of Allegiance.

C. ROLL CALL

Present: 6 - Mayor Serdy
Vice Mayor Wilson
Councilmember Barker
Councilmember Evans
Councilmember Struble
Councilmember Waldron

Absent: 1 - Councilmember Rizzi

Staff Present: City Manager Bryant Powell
Assistant City Manager Matt Busby
City Clerk Kathleen Connelly
City Attorney Joel Stern
Public Safety Director Tom Kelly
Public Works Director Michael Wever
Development Services Director Larry Kirch

Others Present: Public Information Officer Al Bravo

Senior Planner Rudy Esquivias

D. CONSENT AGENDA

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Struble and Councilmember Waldron

No: 0

Councilmember Barker MOVED THAT THE CONSENT AGENDA BE ACCEPTED AS PRESENTED; AND THAT ITEM 14 BE MOVED TO COUNCIL DIRECTION TO STAFF.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

1. [17-371](#) Consideration of acceptance of agenda.
2. [17-372](#) Consideration of approval of minutes of regular meeting of September 5, 2017.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

3. [17-377](#) Presentation of proclamation designating October 8-15, 2017 as "A Week Without Violence".

Mayor Serdy read a proclamation designating October 8-15, 2017 as "A Week Without Violence".

F. ANNOUNCEMENT OF CURRENT EVENTS

Councilmember Waldron announced last Saturday was the celebration of life for Lucy Young at Mountain View Cemetery.

Mayor Serdy thanked everyone that came out for the Town Hall last week. It included people from Gold Canyon and Florence. They received a lot of input on how to put the community together.

Mayor Serdy announced WestJet, an airline carrier from Canada, will be coming back to Gateway Airport in October.

Mayor Serdy commented since Florida and Texas got so much damage we will have an overflow of winter visitors. He encouraged people to welcome them as a lot could end up

staying here.

Mayor Serdy announced City Attorney Joel Stern has reached twenty years of service to the city and he presented him with a certificate.

G. CITY MANAGER'S REPORT

4. [17-359](#) City manager's report.

City Manager Bryant Powell thanked Joel Stern for his service and then commented on Lucy Young, read a letter from a citizen commending Larry Kirch, Rudy Esquivias, Dave Zellner and Stephanie Bubenheim on their professionalism, commented on the city standards for customer service and professionalism and thanked all the sponsors of the town hall.

5. [17-358](#) Introduction of the police department's new community resources coordinator, Rob McDaniel.

Public Safety Director Tom Kelly introduced new Community Resource Coordinator Rob McDaniel.

Assistant City Manager Matt Busby gave a brief financial report update.

H. PUBLIC HEARINGS

6. [17-378](#) Consideration of application for a temporary extension of premises for Hitching Post, LLC located at 2341 N. Apache Trail for a Daryl Singletary concert on November 5, 2017. The next step in the process is a public hearing where the council shall make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.

Yes: 4 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker and Councilmember Struble

No: 2 - Councilmember Evans and Councilmember Waldron

City Clerk Kathleen Connelly briefed the council on the item.

Mayor Serdy requested the applicant address the council.

Mr. Mehmood Mohiuddin, 2341 N. Cortez, Apache Junction, addressed the council. He stated he read the email from Rudy and he believes there is a misunderstanding. There are two applications out - one for a temporary extension of

premises and the second one is for the conditional use permit which includes a permanent extension of premises. He had an event last March. He was told by planning and zoning that if he is repeating or doing it over again he does not have to submit the professional drawing each time they have an event. That is why he did not submit the drawing. The previous drawing had the stage location, entrance, parking, exit and all that stuff was noted on it. Vendors were also mentioned to him. There was a woman who approached him about being a vendor and he told her to get with the city and make sure they have a license. He talked to Kathy Connelly two days ago and told her if anyone comes out to be a vendor he will check with the city but if no one reported to the city he would not have a vendor. If they do not have a license or have permission from the city he will not allow them to be a vendor there. Everything else is going fine. They had a blues festival the last time and it was a huge success. They were expecting about 300-400 people and they had a record number. They had to close the doors and gates. Nobody came in while they were full to capacity. Throughout the day they had 1,700 people that came to the blues festival. Eighty percent of them had never been to Apache Junction or the Hitching Post before. It was a huge boost for our tourism and the people want to come in. They are trying to bring more tourism and more tax dollars to the city. It is good exposure for the city.

Mayor Serdy opened the public hearing on the item.

Ms. Bonnie McFarland, 1925 N. Cortez, Apache Junction, addressed the council to object to letting this happen.

Mr. Jim Duncan, 2745 E. Smoketree, Apache Junction, addressed the council. He stated he does not support the temporary extension of premises. He asked the city council to recommend denial due to the excessive noise, dust and traffic pollution that occurs in his neighborhood during these events. Contrary to the Mr. Mohuiddin's previous statement, he has not asked for his input on these concerns. He is equally concerned about public safety due to the location of the event as it is adjacent to Highway 88. Perhaps the most important reason for denial is it would allow liquor sales and consumption right next to his residentially-zoned property.

Ms. Bambi Johnson, 2319 N. Cortez, Apache Junction, addressed the council. She stated the event starts

at noon and lasts until 5 p.m. It will have amplified music and liquor sales if the extension of premises is approved. If this is approved it would constitute a zoning violation. The area for this application is surrounded by a large, walled structure located next to Highway 88. It has three separate parcels of land of which two of the smaller ones are a part of the Dash In storage business. One is vacant land. She does not support the extension and asked the council to vote no on the application and submit a recommendation of denial for the following reasons: the parcels of land identified to be used for the extension do not have an allowable land use according to the city zoning code without an approved conditional use permit and they have already been used for a temporary land use event which occurred on March 12, 2017. This second private event will constitute a violation of the city zoning laws in Section 1-2-23 of Volume II, further defined in paragraph A and Table 6. Some may say this event is allowable under Volume I, Chapter 8 events process but that ordinance is in conflict with the zoning code, wherein Volume II, Chapter 1, Section 1-1-3(D) regulates any conflict between city ordinances.

Mr. Bill Wallingford, 2055 N. Cortez, Apache Junction, addressed the council. He had some questions regarding the activities at the Hitching Post. He has called the police department on a number of occasions concerning the announcing volume and unauthorized bull riding taking place during the daytime. He asked what has happened to these police reports, if the council knows anything about them or if they have seen them. He asked why the public address system is being used on Thursday nights when Mr. Mohiuddin clearly stated on March 5, 2013, that he would not be using it on Thursday nights. He asked why the Hitching Post is being allowed to hold bull riding events during the day when it clearly states in the second amendment to the economic development agreement that the bull riding will only take place on Thursday and Saturday nights between the hours of 8 and 10 p.m. He asked why there is a semi-truck stop allowed on this B-1 commercial property when it states in the city zoning code non-residential use regulations, retail trade category, table 1-5-3, that no semi-truck stop will be allowed in the B-1 commercial zone. He feels the council should answer the questions and deal with the issues in an appropriate manner. Mr. Mohiuddin should apply for a conditional use permit to make these matters go away.

Mayor Serdy closed the public hearing and reopened the item to council discussion.

Councilmember Evans commented in the copy of the email they have from Rudy on September 6 where he stated nine different items concerning the extension of premises, one is it is not on the Hitching Post property for the development agreement with the city.

Senior Planner Rudy Esquivias stated that is correct.

Councilmember Evans commented this is Mr. Mohiuddin's property.

Senior Planner Rudy Esquivias stated that is correct.

Councilmember Evans commented but it is not part of the development agreement.

Senior Planner Rudy Esquivias stated that is correct.

Councilmember Evans commented understanding that city staff has told Mr. Mohiuddin numerous times about applying for a conditional use permit so we would not have to go through this with every event that he would like to have, it has not happened yet.

Senior Planner Rudy Esquivias stated it happened once and the conditional use permit was approved by the planning and zoning commission. It was appealed to the city council. When it was going through the city council process for reasons Mr. Mohiuddin can explain better he withdrew the request. No conditional use permit was ever officially approved.

An unidentified voice asked when that was.

Senior Planner Rudy Esquivias stated it was a couple of years ago.

An unidentified voice asked if there was anything recently.

Senior Planner Rudy Esquivias stated recently there has not been any conditional use permit applications submitted. They have talked about it but they have not received one recently.

Councilmember Evans asked if they have in the past done extension of premises on property that is not listed as an event-type venue.

Senior Planner Rudy Esquivias stated they have.

Councilmember Evans commented volleyball, a gazebo and a waterfall are on this property where once again we had no knowledge of this being put in. She asked if anything had been addressed on that issue yet.

Senior Planner Rudy Esquivias stated he thinks that is the item of miscommunication Mr. Mohiuddin mentioned earlier. Staff saw those things on the application and their concern was those things had not been approved on the separate property. Staff does not want there to be any illusion that this action tonight or any other action has officially approved any of those things. That is why they said if he wants to do other activities on the adjacent parcels he should probably do a conditional use permit or a planned development rezoning. Just before the meeting Mr. Mohiuddin explained to him that it was a site plan from when he was thinking of a conditional use permit and that is the one that ended up in the packet. He is not actually proposing to do those activities with this event or as a permanent activity in general. That is his understanding.

Councilmember Evans commented from what he submitted, as far as his drawing goes, in one of the notes that she read it looked like people were going to be able to drive through where the event was taking place. She asked if that is correct.

Senior Planner Rudy Esquivias stated that is the way staff interpreted the drawing.

Councilmember Evans commented that is horrible spacing.

Senior Planner Rudy Esquivias agreed. The property does have other entrances but their drawing shows that is the entry point.

Councilmember Evans commented the email from Troy Mullender on September 5 stated the police department had not received a request from the Hitching Post to assist with security and traffic. She asked if that is still so.

Public Safety Director Tom Kelly stated that still stands as far as he knows.

City Clerk Kathleen Connelly stated Mr. Mohiuddin did come in and scratch that out on the application. They did not receive the corrected page in their packet.

Councilmember Evans asked where he scratched what out.

City Clerk Kathleen Connelly stated the reference to where the police department would provide the Hitching Post security. He did black out AJPD.

Councilmember Evans commented she is looking at the September 5th email from Troy Mullender to Janet Mason. So that is as of that time.

City Clerk Kathleen Connelly stated as of that time that is correct. She wanted to clarify that question number 11 on the application deals with security for alcohol sales only. It has nothing to do with traffic.

Assistant City Manager Matt Busby stated but on your official application, on line 11, AJPD is listed.

City Clerk Kathleen Connelly stated just for that question number 11 but it does not address any kind of traffic control or traffic restrictions.

Public Safety Director Tom Kelly stated just for their clarification there has not been any communication on security.

Councilmember Evans commented any security or any police for traffic, nothing.

Public Safety Director Tom Kelly stated that is correct.

Councilmember Barker commented the recommendations that came from planning and zoning show 8 very specific recommendations on lighting, sound, checking with the police to discuss any safety or circulation issues that might arise, having sufficient port-a-johns, etc. She asked if all of those have been addressed with Mr. Mohiuddin.

Senior Planner Rudy Esquivias stated he

believed Mr. Mohiuddin got copies of all the recommendations made by staff.

City Clerk Kathleen Connelly stated the one that came from Rudy, absolutely.

Senior Planner Rudy Esquivias stated they are pretty standard. Things they have mentioned before, not only with regard to Mr. Mohiuddin's property but similar ones.

Councilmember Barker commented they usually do this with everyone. She asked if they do ask them if they have read this and done these things.

Senior Planner Rudy Esquivias stated he has not personally spoken to Mr. Mohiuddin up until this evening but they have communicated about these issues in the past. Every time he holds an event we talk about basically the same things.

Councilmember Barker commented she is very awed by the knowledge of the people who came up to the podium. She asked Larry if the readings of the codes were accurate and if they apply as was stated.

Development Services Director Larry Kirch stated people disagree with this. The way they have handled requests for special events is they treat this property no different than they treat another property. This property is zoned B-1 just like a VFW hall where they have outside events such as tailgate parties for the Super Bowl. They come in and they might go through the special events process and the process for one of the two different liquor licenses, whether they are an owner or nonprofit. He has opined, and people can challenge that through the Board of Adjustment, that they can have up to four events per year. The average has been maybe one or two. He thinks he said after that they would need a conditional use permit. As they are looking at the code through the planning and zoning commission through the fall and winter, there are inconsistencies with the code internally. Whether there is an inconsistency between chapter 8 and the zoning code, those are things for people to look at. As far as staff is concerned, they view this as any other piece of property that is allowed to have a special event. In addition, there was correspondence between his predecessor and Al's predecessor as to who gets what. For Christmas trees and things like that, they will do an administrative use permit. He has not processed a Christmas tree sale in the three years

he has been here. That would also include pumpkin sales. Special events have been going through the public information officer's office. There is a separate process for those. He has never issued an administrative use permit for any type of these events. It is not to say that some of these processes cannot be looked at.

Councilmember Evans asked when he referenced B-1 if that was for the Hitching Post proper or the vacant parcel where he wants to hold the event.

Development Services Director Larry Kirch stated there are five parcels. They overlap when you look at where fences are and things like that. The house is zoned B-1.

Councilmember Evans commented the parcels where the extension of premises is to go are also considered B-1.

Development Services Director Larry Kirch stated all of the five parcels that he owns are B-1.

City Clerk Kathleen Connelly stated this is an application for a temporary extension of premises. It is not a special event. It is not a civic event. It is not a community event. It has no relationship to chapter 8 of the city code.

Development Services Director Larry Kirch stated in the past they have run events through there but that is because there is no nonprofit involved.

City Clerk Kathleen Connelly stated that is not correct.

Development Services Director Larry Kirch asked if she was saying that anything that previously went through the committee did not have to go through the committee.

City Clerk Kathleen Connelly stated that is something he would have to discuss with Al Bravo.

Councilmember Barker commented she was just trying to get that information out there.

Mayor Serdy closed the discussion with no

further comments and called for a motion.

Vice Mayor Wilson MOVED THAT THE APPLICATION FOR A TEMPORARY EXTENSION OF PREMISES FOR HITCHING POST, LLC FOR NOVEMBER 5, 2017, SUBMITTED BY MEHMOOD MOHIUDDIN, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Barker SECONDED THE MOTION.

VOTE: 4-2 (Councilmembers Waldron and Evans voted in opposition.)

The motion carried.

7. [17-386](#) Presentation, discussion, public hearing and consideration of proposed Resolution No. 17-27 (case SD-1-16), a request by MHP #7 LLC, Keith VanderHout, President, represented by Lauren Proper-Potter and Charles Huellmantel of Huellmantel and Affiliates, for approval of the final plat map for the proposed 115-lot Boardwalk Estates Subdivision located at 2200 N. Delaware Drive. (This case is being presented concurrently with case PZ-13-16.)

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Struble and Councilmember Waldron

No: 0

Senior Planner Rudy Esquivias briefed the council on the item.

Councilmember Waldron asked if he got an answer to the question how the vote would work for the homeowners association because the property owner owns 60% of the property. They could conceivably outvote anybody.

Senior Planner Rudy Esquivias stated they did not specify conditions of when ownership should turn over to a homeowners association. He has seen 51% and he has seen 75%. That is not something the city typically proposes to control. However, there are some planned development items where we would like to see reference language in the CCRs as they get closer to recording the plat. That question could probably be better answered by Ms. Lauren Proper.

Councilmember Evans commented they have other mobile home parks that are subdivisions. She asked if there is anything in place where larger RVs cannot be brought in here.

Senior Planner Rudy Esquivias stated only the setbacks. That is a good question because there are different sized lots. It is really important that someone who is considering buying one of these lots check with staff so that they can give them information on what the lot size is. A 70-footer or 80-footer might not fit on some of these lots. They need to know that before they go out and purchase a unit. The only thing that controls what is going in there is the setbacks themselves. They have to be HUD certified units, it needs to fit on the lot and meet the setbacks.

Councilmember Evans commented there is a difference between RVs and mobile homes.

Senior Planner Rudy Esquivias stated there are no RV spaces in this park.

Councilmember Evans commented as far as the assurance that one of those will not go in there.

Senior Planner Rudy Esquivias stated that is correct. That would be checked at the time of permit review.

Councilmember Evans commented the lots that they know are noncompliant are the smaller lots. She asked if the city or developer is going to record any documents so that if someone goes to buy that lot they already know that unit on top of there is undersized. They have the big book of all the nonconforming lots.

Senior Planner Rudy Esquivias stated he would hope that the seller relays that information. They can always check with the city and should always check with us. They will often run someone a copy of the plats so they know what their lot dimensions are and if it curves or not.

Councilmember Evans commented she knows.

Senior Planner Rudy Esquivias stated staff does not get involved in the sale and whether a person is buying lot number one or number one fifteen.

Councilmember Evans commented it is not the sale itself. We have a big book with all of the nonconforming properties throughout the city in it. It needs to be recorded basically so everyone knows it, not just a few. People do not typically come in to the city before they buy something. They rely on the title company. The title company is the one that

says this is an undersized lot and be careful or buyer beware. We are not going to do anything additional.

Senior Planner Rudy Esquivias stated he hesitates to use the term undersized lot. There are different sized lots and each size will be limited by its size and its width and its depth. The nonconformities that he is currently aware of seem to be occurring in a certain part of the subdivision where in the larger lots somebody applied to put in a carport. It was compliant on the drawing. The building inspector goes away and the carport gets bigger. That is how they end up with nonconformity a lot of times. As mentioned in the conditions of approval, when somebody goes to do something on that lot, build a new awning or put in a new manufactured home, those nonconformities will need to be corrected at that time. Some of the narrower lots, those that cannot accommodate a doublewide, it is buyer beware. People do need to do their homework before they buy into those because they may not get a two-car carport or an awning on both sides. It is on a case by case basis.

Councilmember Evans commented one of her problems is that this is backwards. It seems like there are more possibilities for error.

Senior Planner Rudy Esquivias stated different size lots will present different challenges.

Councilmember Evans commented normally a builder would determine what size or model would go on the smaller lot. Now we do not have any safeguards nor would a buyer as far as if they bought something ahead of time.

Senior Planner Rudy Esquivias stated that is correct. The surprises will become evident at the time of permit review.

Vice Mayor Wilson commented it would be straightened out when the permit comes to us. We would let them know what the problems are.

Senior Planner Rudy Esquivias stated that is correct.

Mayor Serdy requested the applicant address the council.

Ms. Lauren Proper-Potter, P.O. Box 1833,

Tempe, addressed the council. She stated they have been working with staff very hard over the last few years. Rudy did a great job summarizing the case. This is an additional opportunity for home ownership in the city. They worked hard to make Boardwalk Estates better. For the most part it will function exactly as it does today. The park appearance will be improved. There will be improvements on Lost Dutchman, Delaware and Foothill and they will be constructing a wall on the western property line to match the other three walls. They raised some concerns about the CCRs. They are prepared to work through them with staff as they go through the Department of Real Estate process. It will be a multi-step process. Before they can subdivide the property they need council approval. The CCRs are drafted in the next phase and they are required by the Department of Real Estate. Another concern raised tonight was notice to future property owners of what their requirements will be. They would agree to a condition of approval added that would require some type of notice to be recorded against these properties so that future property owners are aware. They fully intend to work with the property owners that come in to make sure that everything is going to work out and their homes will fit. It will require working together. She thanked them for the opportunity. They had unanimous support from planning and zoning. They are happy to have had staff support.

Councilmember Waldron commented 60% of the properties are owned by Boardwalk Estates. He asked if that would give them 60% of the vote every time for the homeowners association.

Ms. Lauren Proper-Potter stated they have not formulated all the nitty gritty, finer details of the CCRs in terms of voting rights and how that is going to work. That is something the Department of Real Estate has the final say in. They review a draft that is submitted with their report. They will continue to work with staff on a number of items in the CCRs. They do not have anything specific tonight as the process is continuing to evolve.

Councilmember Evans asked if it is Silver King's intent, with the 60 that they own, to sell those or will they continue to rent them.

Ms. Lauren Proper-Potter stated there are currently 8 vacant lots. Those will be the first lots going to people who are not residents. The rest of the lots will be offered for current residents. If they have a home in

Boardwalk Estates today, they would have the opportunity to purchase the lot. If they do not want to purchase the lot, that is fine. They can continue renting. Some of the people there own their homes. It will not change if they own their own homes. They will also be offered the same opportunity to purchase.

Councilmember Evans commented she understands that part of it. According to the internet there is a loan on the entire parcel. She asked if the existing loan is going to be removed to do lot releases, like in a subdivision.

Ms. Lauren Proper-Potter stated she did not know.

Councilmember Evans commented the existing loan company is willing to do that.

Mr. Charles Huellmantel stated they will have to go through the process of potentially refinancing the property to make this happen. They have to do this in a linear fashion which may seem uncomfortable as it certainly does to them. They first have to get the proper zoning from the city. The Department of Real Estate controls what happens next. They cannot come up with CCRs on their own. They cannot decide how to break the property up. They have to get permission from the Department of Real Estate to do that. Once that is done, they will come back and work with city staff and handle the CCRs and other questions. At that time they will have to figure out how to best finance it. They will reach out to all the people who live there now and find out what their intentions are. Figuring out how many people want to continue to rent and how many people want to own will help them to figure out what their strategy is. They do not know the answer today or they would tell them.

Councilmember Evans commented they must understand that this is also backwards for them. Say they go ahead and approve this subdivision and the Department of Real Estate has not done so yet.

Mr. Charles Huellmantel stated if the city separates it, it will become different parcels. What the Department of Real Estate will do is look at how they will sell to people. Their goal is to make sure that if there are individual lots, which is the decision the council makes, that the process of selling those individual lots is a fair one. That is their purview.

Councilmember Evans asked why, with all the other mobile home parks they own, they are trying to do this here.

Mr. Charles Huellmantel stated the answer is it is the best candidate. It has large lots that will provide homeowners the most amount of flexibility. It is a phenomenal location with beautiful views.

Councilmember Struble commented the last time they brought up the sewer. Currently the water is on a main meter and metered out according to each lot. There was a question about how the sewer would be handled.

Ms. Lauren Proper-Potter stated they did some research and the way it will be handled is each lot is apportioned that fee so the fee will accordingly be flat.

Councilmember Struble asked if each lot is currently hooked up to the sewer system or is the whole property hooked up to the sewer system and then singled.

Mr. Charles Huellmantel stated the whole property is hooked up to the sewer system and each individual lot is hooked up to the main line. It is currently based on what the sewer district charges for a single family. It is a set fee.

Councilmember Struble asked if someone who buys a lot will have a hook up fee with the sewer district.

Mr. Charles Huellmantel stated they have already paid all that. They just start paying their fee.

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 RESOLUTION NO. 17-27, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A FINAL SUBDIVISION PLAT FOR THE "BOARDWALK ESTATES SUBDIVISION", IN CASE SD-1-16, BY MPH #7 LLC, REPRESENTED BY LAUREN PROPER-POTTER AND CHARLES HUELLMANTEL, BE APPROVED.

Councilmember Barker SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

8. [17-384](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1451 (case PZ-13-16), a request by MHP #7 LLC, Keith VanderHout, President, represented by Lauren Proper-Potter and Charles Huellmantel of Huellmantel and Affiliates, to rezone the existing Boardwalk Estates Manufactured Home Park, located at 2200 N. Delaware Drive, from MHP (Manufactured Home Park) to RS-7M/PD (Medium/High Density Single-family Detached Residences, Conventional or Manufactured Homes by Planned Development), for the purpose of converting the 20-acre property from a rental-space manufactured home park to a platted subdivision with lots available for individual ownership. (This case is being processed concurrently with case SD-1-16.)

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Struble and Councilmember Waldron

No: 0

Senior Planner Rudy Esquivias briefed the council on the item.

Councilmember Struble commented they are limiting the new units to having to be no more than 10 years old. He asked if they have something like a vehicle identification number.

Senior Planner Rudy Esquivias stated they do.

Councilmember Struble asked where they are registered.

Senior Planner Rudy Esquivias stated that is information that is typically given to them at the time of permit. They can also check vehicle identification numbers. There is a title that comes with the manufactured home with the year it is made and the vehicle identification number.

Mayor Serdy requested the applicant address the council.

Ms. Lauren Proper-Potter, P.O. Box 1833, Tempe, addressed the council for any questions. There were no additional questions.

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. 1451 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. 1451, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

9. [17-379](#) Consideration of Ordinance No. 1449, amending the City Tax Code by changing the fee for the city transaction privilege tax license and use tax license to \$2.00 annually from the current \$50.00 annually. If approved, this change would be effective December 1, 2017.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Struble and Councilmember Waldron

No: 0

City Clerk Kathleen Connelly briefed the council on the item.

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 ORDINANCE NO. 1449 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember Waldron SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

City Clerk Kathleen Connelly read the ordinance by title only.

Councilmember Evans MOVED THAT ORDINANCE NO. 1449, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

10. [17-380](#) Consideration of Resolution No. 17-21, declaring as a public record that certain document on file with the city clerk entitled "2017 Amendments to the Apache Junction City Code, Volume I, Chapter 8 Business". This resolution declares the proposed changes to Chapter 8 of the city code with regard to businesses, business licenses, events and mobile food vendors as a public record.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Struble and Councilmember Waldron

No: 0

City Clerk Kathleen Connelly briefed the council on the item.

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.

Vice Mayor Wilson MOVED THAT RESOLUTION NO. 17-21, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOUCMENTD FILED WITH THE CITY CLERK AND ENTITLED "2017 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 8 BUSINESS", BE APPROVED.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

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11. [17-381](#) Consideration of Ordinance No. 1450, amending Apache Junction City Code Chapter 8 Business in the areas of business licensing, businesses, events and mobile food vendors to include applicable fees. As discussed at the July 17 Work Session, council direction at the July 18 meeting and discussion at the September 5 meeting, these changes would restore the business license program as it existed prior to July 2007, would make changes to the events process and update requirements for mobile food vendors to meet county standards.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Struble and Councilmember Waldron

No: 0

City Clerk Kathleen Connelly briefed the council on the item.

Councilmember Struble asked if any clarification was done or how they were going to address the issue of what a city business day is.

City Clerk Kathleen Connelly stated last time they talked about that being addressed in the brochures and clarify it that way. If it is put in the code and the hours are changed the city would have to go to the expense of changing the code. There is also that the police department has different hours from the city clerk's office.

Councilmember Struble asked if it will be in the material the people will receive when they are applying for permits.

City Clerk Kathleen Connelly stated it will also be on the website. By making it a city business day and not a regular calendar day this gives individuals more time.

Councilmember Struble commented everybody out there has different business days. He wanted to make sure they had it all under control. The issue of a person who is just doing it as a hobby has a limit of less than \$3,000 for the year.

City Clerk Kathleen Connelly stated that is correct.

Councilmember Struble asked how they would know that.

City Clerk Kathleen Connelly stated initially they will trust them but if the same vendor appears at twelve events in the course of a year, they will take a look at them.

There is a tool called a tax audit that will come into play.

Councilmember Struble asked if they would be relying on the state to give them information or if the City of Phoenix contract will give us that information.

City Clerk Kathleen Connelly stated we will go to the state for approval to do the audit. The vendor then has to provide the data to us. If they are unable to do so the city can do estimates.

Councilmember Struble commented it is one of those gray areas that they will have to watch. They will have to rely on peoples' honesty to get that.

City Clerk Kathleen Connelly stated that is correct.

Councilmember Struble commented he wanted to follow up on the issue of getting that information from the state. He asked how that is going.

City Clerk Kathleen Connelly stated on occasion we get some accurate information from the state but not always. She has very good people working in her department. One is a former department of revenue staff member. She knows what to ask for to get the information from the state that would be used not just in the audit of a vendor but in any tax audit.

Councilmember Struble commented the state is putting out information that they are providing a good service to our community and to the business owners. Their information is not correct. It is obviously a picture they want to paint to make themselves look good. They put out an article in the paper and sent out emails to practitioners saying that the state has collected an increase of 3.3% of sales tax revenue for the year up to date. It paints an inaccurate picture because the actual revenue, the state increase in revenue, is about between 2.5%, 2. whatever up to 3.3% in actual increased revenue. According to that, the sales tax collection would be appropriate right around 3.3% also, and so it is not like the state is doing anything special or their processes are not collecting any more revenue, sales tax revenue, than they should be anyway. Also, as stated earlier, the lapse in actual sales tax coming back to the city is lacking. It is not really a question. He was just making a statement to get it out there.

City Clerk Kathleen Connelly stated that is correct.

Councilmember Struble commented hopefully somebody out there who is working for the state or representing the community will hear that and actually do something about it in the next legislature.

City Clerk Kathleen Connelly stated the vendors will be given the benefit of the doubt as to what their gross revenues would be. If they misstate those, there is a higher authority than the city that can get involved in that. It is called the Internal Revenue Service.

Councilmember Struble commented that is another level.

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. 1450 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 Barker MOVED THAT ORDINANCE NO. 1450, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilmember Struble SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

I. OLD BUSINESS

None.

J. NEW BUSINESS

12. [17-325](#) Presentation, discussion and possible consideration of proposed Resolution No. 17-22 amending the Development Fee Study, Land Use Assumptions, and Infrastructure Improvements Plan.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Struble and Councilmember Waldron

No: 0

Assistant City Manager Matt Busby briefed the council on the item.

Mayor Serdy called for a motion.

Councilmember Evans MOVED THAT RESOLUTION NO. 17-22, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE DEVELOPMENT FEE STUDY, LAND USE ASSUMPTIONS AND INFRASTRUCTURE IMPROVEMENTS PLAN, BE APPROVED.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy called for a short break.

Mayor Serdy reconvened the meeting.

13. [17-374](#) Consideration of annual appointments and reappointments to the Board of Adjustment, Library Board, Parks and Recreation Commission and Planning and Zoning Commission. Council interviewed applicants at the September 18 Work Session and may wish to use the opportunity to appoint applicants at this time.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Struble and Councilmember Waldron

No: 0

Mayor Serdy commented this is about filling the board positions that are vacant. A couple of things have changed. Kathy is going to talk about the changes and then they will state the order they will go in.

City Clerk Kathleen Connelly briefed the council on the item. They have a revised series of motions that reflect the fact that Chester and Nancy Burgess have withdrawn their names from further consideration and from their current positions. They will see some motions that are

three years and two that are shortened as whoever that person is will fill the position vacated by one of the Burgesses. They can take them in any order they like. They were given a sample that they can mix around if they choose.

Mayor Serdy commented they will do planning and zoning first. He will go back and forth asking for motions. He called for a motion on the first planning and zoning.

Councilmember Barker MOVED THAT STEPHEN KRIDLER BE APPOINTED TO THE PLANNING AND ZONING COMMISSION FOR A TERM TO EXPIRE OCTOBER 31, 2020.

Councilmember Waldron SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy called for another motion.

Councilmember Evans MOVED THAT PETER HECK BE REAPPOINTED TO THE PLANNING AND ZONING COMMISSION FOR A TERM TO EXPIRE OCTOBER 31, 2020.

Councilmember Barker SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Councilmember Waldron MOVED THAT WILLIE HOWARD BE REAPPOINTED TO THE PLANNING AND ZONING COMMISSION FOR A TERM TO EXPIRE OCTOBER 31, 2020.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy commented they would continue going up the page. He called for a motion for parks and recreation.

Councilmember Evans MOVED THAT JESSE GAGE BE REAPPOINTED TO THE PARKS AND RECREATION COMMISSION FOR A TERM

TO EXPIRE OCTOBER 31, 2020.

Councilmember Barker SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy called for another motion.

Councilmember Waldron MOVED THAT JUDY BOREY BE APPOINTED TO THE PARKS AND RECREATION COMMISSION FOR A TERM TO EXPIRE OCTOBER 31, 2020.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy called for another motion.

Councilmember Evans commented they need one more for parks and recreation.

Mayor Serdy commented this will be the shortened term.

Councilmember Barker MOVED THAT LUCIANO BUZZIN BE APPOINTED TO THE PARKS AND RECREATION COMMISSION FOR A TERM TO EXPIRE OCTOBER 31, 2019.

Councilmember Waldron SECONDED THE MOTION.

VOTE: 5-1 (Councilmember Struble voted in opposition.)
(During the vote Councilmember Struble commented he had someone else in mind so he would vote no.)

The motion carried.

Mayor Serdy asked if that is all the positions there.

Councilmember Barker commented that is correct.

Mayor Serdy called for a motion on the library board.

Councilmember Evans MOVED THAT BRADEN BIGGS BE APPOINTED TO THE LIBRARY BOARD FOR A TERM TO EXPIRE OCTOBER 31, 2020.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy called for another motion.

Councilmember Waldron MOVED THAT FRANK SCHOENBECK BE APPOINTED TO THE LIBRARY BOARD FOR A TERM TO EXPIRE OCTOBER 31, 2020.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy commented they have one more spot for the shortened term.

Councilmember Evans MOVED THAT LUCIANO BUZZIN BE APPOINTED TO THE LIBRARY BOARD FOR A TERM TO EXPIRE OCTOBER 31, 2018.

Councilmember Barker SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy commented that leaves us with the board of adjustment and there will be four positions here. He called for the first one.

Councilmember Evans MOVED THAT BRADEN BIGGS BE APPOINTED TO THE BOARD OF ADJUSTMENT FOR A TERM TO EXPIRE OCTOBER 31, 2020.

Councilmember Waldron SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy called for a motion on the next position.

Councilmember Waldron MOVED THAT LUCIANO BUZZIN BE APPOINTED TO THE BOARD OF ADJUSTMENT FOR A TERM TO EXPIRE ON OCTOBER 31, 2020.

Councilmember Struble SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy commented there is one more full term on the next motion.

Councilmember Waldron commented they are out of names.

Councilmember Evans commented they have two vacancies that they do not have anyone for.

Councilmember Waldron commented they may be able to pull some names from the next meeting.

Councilmember Barker commented maybe the next time around.

Mayor Serdy asked who is on there now. His reason for the question is he wanted to know if Jesse Gage and Judy Borey were already on there. They are both eligible.

Councilmember Evans commented Jesse Gage is on there.

Assistant City Manager Matt Busby stated Frank Schoenbeck is on there but Mike Weller is not.

Mayor Serdy commented they could put Mike Weller at one of the positions.

Councilmember Waldron MOVED THAT MICHAEL WELLER BE APPOINTED TO THE BOARD OF ADJUSTMENT FOR A TERM TO EXPIRE OCTOBER 31, 2020.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.
The motion carried.

Councilmember Evans commented since Judy is not here they could go ahead and put her on there.

Mayor Serdy commented she would be good at it.

Councilmember Evans MOVED THAT JUDY BOREY BE APPOINTED TO THE BOARD OF ADJUSTMENT FOR A TERM TO EXPIRE OCTOBER 31, 2019.

Councilmember Barker SECONDED THE MOTION.

VOTE: Unanimous.
The motion carried.

K. COUNCIL DIRECTION TO STAFF

None.

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

14. [17-365](#) Selection of date, time and location for a joint meeting of common community interests between the City of Apache Junction City Council and Town of Superior Town Council.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Struble and Councilmember Waldron

No: 0

Mayor Serdy called for a motion.

Councilmember Barker MOVED THAT WE DIRECT STAFF TO CONTACT SUPERIOR AND GET SEVERAL DATES WHEN THEY WOULD BE AVAILABLE TO DO THIS AND PLACES AND TIMES, ET CETERA.

City Manager Bryant Powell stated he did get a November 3 for them. He got the one date from them but he will get some more.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.
The motion carried.

15. [17-360](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, October 2, 2017.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Struble and Councilmember Waldron

No: 0

Councilmember Evans MOVED THAT AN EXECUTIVE SESSION AT 6:00 P.M. AND A WORK SESSION AT 7:00 P.M. BE HELD ON MONDAY, OCTOBER 2, 2017, IN THE CITY COUNCIL CONFERENCE ROOM AND CITY COUNCIL CHAMBERS RESPECTIVELY; AND

THAT AN EXECUTIVE SESSION AT 6:00 P.M. BE HELD ON TUESDAY, OCTOBER 3, 2017, IN THE CITY CONFERENCE ROOM.

Councilmember Barker SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

16. [17-361](#) Executive Session at 6:00 P.M for Tuesday, October 3, 2017. Other meetings if necessary.

M. CALL TO PUBLIC

Mr. George Schroeder, 2444 W. Virginia, Apache Junction, addressed the council to announced he has been invited to run for the Superior Court Level One Justice of the Peace position in 2019, he will set this city straight and his filing for the disbarment of City Prosecutor Eric Yuva to be followed by City Magistrate Hazel.

N. ADJOURNMENT

Mayor Serdy adjourned the meeting at 8:50 p.m.