



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, November 21, 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 November 21, 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 after a brief moment of silence for the victims in Texas.

Councilmember Evans 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 Attorney Joel Stern
Public Safety Director Tom Kelly
Public Works Director Michael Wever
Development Services Director Larry Kirch

Others Present: Management Analyst Anna McCray

Senior Planner Rudy Esquivias
Deputy City Clerk Jan Mason

D. CONSENT AGENDA

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

No: 0

Councilmember Evans MOVED THAT THE CONSENT AGENDA BE ACCEPTED AS PRESENTED; AND

THAT APPROVAL BE GIVEN FOR PROFESSIONAL SERVICES AGREEMENTS FOR FISCAL YEAR 2017-2018 BETWEEN THE CITY OF APACHE JUNCTION AND APACHE JUNCTION FOOD BANK IN THE AMOUNT OF \$7,000; THE BOYS AND GIRLS CLUB OF THE EAST VALLEY-SUPERSTITION MOUNTAIN BRANCH IN THE AMOUNT OF \$30,000; COMMUNITY ALLIANCE AGAINST FAMILY ABUSE IN THE AMOUNT OF \$25,000 AND UNITED WAY OF PINAL COUNTY IN THE AMOUNT OF \$10,000 FOR A TOTAL AMOUNT OF \$72,000; AND THAT AUTHORIZATION BE GIVEN FOR THE MAYOR TO SIGN THE AGREEMENTS; AND

THAT APPROVAL BE GIVEN FOR THE CONSTRUCTION AGREEMENT BETWEEN THE CITY OF APACHE JUNCTION AND SDB CONTRACTING FOR PWC2015-08, BROADWAY AVENUE ROAD IMPROVEMENTS, THROUGH CITY OF CHANDLER COOPERATIVE CONTRACT #JOC1604-401 IN THE AMOUNT OF \$638,521.86 PLUS 10% FOR UNFORESEEN CHANGE ORDERS IN THE AMOUNT OF \$63,582.18 FOR A TOTAL AMOUNT NOT TO EXCEED \$702,374.04; AND THAT AUTHORIZATION BE GIVEN TO THE MAYOR TO SIGN THE AGREEMENT PENDING FINAL APPROVAL AS TO FORM BY THE CITY ATTORNEY.

Councilmember Waldron commented there is one correction. The Chandler cooperative contract number was actually number JOC1601-401.

Mayor Serdy called for a second with that correction.

Councilmember Barker SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

1. [17-495](#) Consideration of acceptance of agenda.

2. [17-496](#) Consideration of approval of minutes of the regular meeting of November 7, 2017
3. [17-476](#) Consideration of FY 2017-2018 human services funding contracts between the City of Apache Junction and Apache Junction Food Bank in the amount of \$7,000.00, the Boys and Girls Club of the East Valley (Superstition Mountain Branch) in the amount of \$30,000.00; Community Alliance Against Family Abuse in the amount of \$25,000.00 and United Way of Pinal County in the amount of \$10,000.00. Council directed staff at the regular meeting of November 7 to bring the contracts back for consideration on the consent agenda for November 21.
4. [17-491](#) Consideration of approval of PWC2015-08 Broadway Avenue Roadway Improvement Construction Agreement with SDB Contracting Services, in the amount of \$638,521.86 plus 10% for unforeseen change orders in the amount of \$63,852.18 for a total amount not to exceed \$702,374.04.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

None.

F. ANNOUNCEMENT OF CURRENT EVENTS

Councilmember Struble announced Imagin Prep football team made it to the state championship in the D-3 Division.

Councilmember Struble reminded everyone Saturday is Shop Local Saturday and requested everyone frequent the local businesses, especially the small ones.

Councilmember Struble announced the Apache Junction Kiwanis Club is hosting an AJ Kids Idol Program to be held at Barleen's on January 28. They are looking for kids from 4 to 18 to apply.

Vice Mayor Wilson commented the Festival of the Superstitions was very successful. He thanked the chamber and parks and recreation. The attendees enjoyed it being at Flatiron Park.

Mayor Serdy commented there will be an announcement about the Arizona Visitors Welcome Back Bash at the end of the meeting.

Mayor Serdy commented he thanked the veterans at the Veterans Day celebration but he also wants to thank the Chamber of Commerce for putting it on. It is all volunteers.

Mayor Serdy announced the local radio station at 99.1 has moved to 90.7. They are not Coyote Country anymore. Their name is now The Gold Mine transmitting from the ghost town. They are community oriented and broadcast the local sports.

They will give air time to local events.

Mayor Serdy announced tomorrow morning at 8 a.m. he will have Breakfast with the Mayor at the Well Done Grill inside Roadhaven Resort. The guard shack will give directions on how to get there.

G. CITY MANAGER'S REPORT

5. [17-492](#) City manager's report.

City Manager Bryant Powell read a note from a resident on a code compliance case and commented on the coordination of the police department and code compliance.

6. [17-503](#) Presentation and discussion on the monthly financial update.

Assistant City Manager Matt Busby gave a presentation on the monthly financial statement for October.

Councilmember Struble commended staff for watching their expenditures. They are about a third of the way through the year and pretty much everything is under budget. With continued lack of total distribution from the state of our sales tax, it is a good thing to have to watch and work under. Good job.

H. PUBLIC HEARINGS

7. [17-499](#) Consideration of application for an agent change/acquisition of control for Veterans of Foreign Wars Post #7968 located at 250 S. Phelps Drive. 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

Deputy City Clerk Jan Mason briefed the council on the item.

Mayor Serdy asked the applicant if he would like to address the council. The applicant declined. 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

Waldron MOVED THAT THE APPLICATION FOR AN AGENT CHANGE/ACQUISITION OF CONTROL FOR VETERANS OF FOREIGN WARS POST #7968, SUBMITTED BY DANIEL GREENE, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

8. [17-502](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1456 (case PZ-3-17), a request by Steve Cochrane, Trustee of the Nathan, Ethan and Adam Cochrane Residuary Trusts (owner) and George McGavin and Linda Pearson (applicants), represented by Kevin McDougall (project engineer), to rezone a 16.87-acre vacant property located at the northeast corner area of S. Tomahawk Road and US60, from RS-20/PD (Medium Density Single-family Detached Residential by Planned Development) to B-1/PD (General Commercial District by Planned Development) for the purpose of developing the property with commercial pads and a KOA-style campground.

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

No: 0

Senior Planner Rudy Esquivias briefed the council on the item.

Mayor Serdy requested the applicant address the council.

Mr. Kevin McDougall, engineer for the project, 4624 E. Maryland, Phoenix, stated the property was annexed from the county. There will be 12 acres of campground with Holiday-style amenities. The spaces will be in the center. Four acres have been set aside at the bottom for a hotel and restaurant. They have been talking to a hotel owner that is interested in the site and a restaurant that has committed to do a study on the site. That has happened in the last week. They were originally intending on pursuing them after zoning approval but they heard enough concern during the work session that they put their feelers out. The people that visit the Holiday-style campgrounds are family-types with

large RVs that cost \$250,000. They spend a lot of money at restaurants and stores, visit the area and hike the Superstitions. They help the tourism industry here. The Holiday is the middle brand of KOA. They have a hundred different criteria to measure and rate the owners on, including WI-FI and the amenities such as the pool, spa and volleyball. Different sites have different items such as fire pits, picnic tables and trees planted around it. The applicant is a current KOA owner and originally was looking to expand but could not so they are looking to acquire this site. The amenities will include a pool. A dog run will be on the east end of the project where the wash is. The city also requested a trail for connectivity for the project to the north. The cabins are like a park model. They are nice inside with a small kitchenette.

Councilmember Struble asked if they come in one or two bedrooms.

Mr. Kevin McDougall stated they are more like a studio with one bed. The bed is in the back and the food area in the front. It is like an open cabin. The amenities have different grades. They are excited about the hotel/commercial site. The owner currently owns a hotel at Dysart and Interstate 10. They are also looking at the Cracker Barrel Restaurant. They are interested in doing an evaluation on this site. He thinks it is a great location for commercial being right off the freeway with easy access in and out. He thinks it will be a good addition to the community for a lot of reasons. The existing infrastructure gives them water and sewer. There is an issue with the drainage on the east side and they have set aside two acres for the storm drain. Superstition Wash runs through there. They will utilize that open space when it is dry for a dog run and that type of thing. The utility providers are Apache Junction Water Company, Superstition Mountains Communities Facilities District, fire is Superstition Fire and Medical District, the city police, solid waste is Apache Junction Landfill Corporation, Salt River Project will be providing the electricity and MediaCom and CenturyLink will be providing communications, although most people will have cell phones. For jobs, utility providers and services will benefit from this project such as the water company, sewer company, fire district and police department. The police department will benefit through the impact fees. Solid waste is covered by the landfill. It will create jobs in construction, management, maintenance and hospitality. The visitors will support the local businesses when they come into town. It

will generate revenue for local businesses and sales tax for the city. The impact fees he estimates to be around \$460,000 for streets, police and library. The project meets all city goals. There are no public health or moral issues associated with the project. It matches the general plan. It was approved by the planning and zoning commission. The one dissenting vote, Commissioner Frank, said he would have voted for it if it was 100% cabins.

Councilmember Struble asked 100% cabins.

Mr. Kevin McDougall stated that is what he said. That would be 100% park models.

Councilmember Waldron asked if they were good with all the conditions as presented.

Mr. Kevin McDougall stated they are. The owners have agreed to the conditions.

Councilmember Waldron asked if that included the 25%.

Mr. Kevin McDougall stated as stated in the planning and zoning approval.

Councilmember Waldron commented he is not familiar with the other properties the motel that is interested has. He asked what type of motel it is.

Mr. Kevin McDougall stated it is a Quality Inn.

Councilmember Waldron asked if it is an extended stay type of motel.

Mr. Kevin McDougall stated it is a Quality Inn Suites. It is at Interstate and Dysart. They also have the property right next to it which is a restaurant which he believed was called Country Bear.

Councilmember Waldron asked if KOA is part of this project. He asked if they approved it.

Mr. Kevin McDougall stated KOA signed a letter of interest. The owner is a current KOA owner so they think it is just a matter of getting zoning and getting the paperwork signed.

Councilmember Waldron commented the September 8th letter is just a conditional thing that they sent.

Mr. Kevin McDougall stated that is correct. No one will sign a contract until you have a piece of land under zoning. They have to get the zoning before they get the approval.

Councilmember Waldron commented that is what KOA is waiting on.

Mr. Kevin McDougall stated that is correct. KOA is waiting on the zoning.

Councilmember Evans asked if the park models they plan on bringing in as permanent will be brand new.

Mr. Kevin McDougall stated that is correct.

Councilmember Evans commented everything placed in the park will be dated 2018 or 2019. There will not be anything older.

Mr. Kevin McDougall stated it will all be new improvements that will come into the park. The owner will not bring old improvements into a new park.

Councilmember Struble asked generally how many full-time, part-time, FTEs or jobs will there be with this size of KOA campground once it is up and running.

Mr. Kevin McDougall stated for KOA itself there will be two managers and probably three or four maintenance people.

Councilmember Struble asked if the managers are live-in managers.

Mr. Kevin McDougall stated that is correct.

Councilmember Struble commented they were told at the work session that they currently have a KOA here and one of the reasons why KOA is looking at putting another park in here is to cover the overflow. He asked if he knew what the service season is for the KOA here. He asked if it is all year round or mostly winter. He asked if the general impetus on this one is to get year-round since it is closer to the freeway.

Mr. Kevin McDougall stated in answer to his first question it is six months a year. This time of year everything starts filling up. In the summertime it is a ghost town. When you own a KOA you are only allowed to refer people from overflow to other KOAs. These would work together in tandem to stay full.

Councilmember Struble commented it would just be during the season when there would be overflow. He asked how can the city council and city staff be assured that it is limited to the 25% of the extended stay. He asked what the policies and procedures are for KOA to make sure that is being adhered to.

Mr. Kevin McDougall stated he thinks he would ask the city council the same question as to how they enforce their code. It is based on an honor system; it is trust.

Councilmember Struble commented he would like him to make sure when he is negotiating that they understand that he adheres to that policy of trust and honor, and that they will adhere to that policy, and that when he drives through sometime he will not be seeing someone staying there for longer periods of time than they are allowed to. He asked if the developer would be amiable to a local restaurant to expand down on that property. They currently have the Cracker Barrel saying they are interested, but he asked if they would consider talking to a local restaurant to expand down there.

Mr. Kevin McDougall stated absolutely. The object is to build it out and have a successful operation.

Vice Mayor Wilson commented he is concerned about someone staying even six months about storage. He asked what KOA's policy is on someone trying to use the outside area for a lot of storage stuff.

Mr. Kevin McDougall stated he would speak to the code. As an engineer he always goes to the code. People ask him about code every day. He would say whatever is in the code is what they are going to do. He is not sure KOA prohibits or allows anything. He knows there is special language in the provision that says there will be no metal-sided sheds over 120 sq.ft. in the language. It would be in conformance with that.

Councilmember Struble asked if KOA has

restrictions on the parking of other utility vehicles such as numerous four-wheelers. He drove through the other KOA yesterday and there was a snowmobile parked there. He asked if KOA puts a restriction on the number that are parked among the long-term stays.

Mr. Kevin McDougall stated he is not sure if they get that specific. He thinks that gets down to park management and the park manager. He cannot answer him without reading the code. He read it but he did not memorize it.

Councilmember Waldron commented a snowmobile.

Councilmember Struble commented it looked like a snowmobile but it was covered up. It could have been a Christmas tree underneath for what it looked it.

Councilmember Evans asked if he meant the city code or the KOA code when he was talking about whatever the code said.

Mr. Kevin McDougall stated the customer was referring to the KOA code and he is not sure what the KOA code is. That is what everyone is struggling with. They are talking about KOA and they are talking about city code. They are trying to get them to match up. The city code does not say anything about KOA.

Councilmember Evans commented she understands that but KOA is private property. Unless there is a code compliance issue, city code people do not go on the property. She asked if KOA allows that as far as the standards for the KOA itself.

Mr. Kevin McDougall stated there is a provision that Rudy just read that the city is allowed to have personnel on this property for emergency purposes and city personnel are allowed on.

Councilmember Evans commented there has to be a report or complaint for code compliance issues, unless she is wrong.

Development Services Director Larry Kirch stated it is a commercial property and on all commercial property staff is usually free to come and go, obviously checking in with the management first. He thinks what is being referred to is in condition 10, no storage sheds,

parking for RVs, boats or other storage purposes. If they would get a concern or complaint from a neighbor within the development or someone says there is some storage happening there, this is a zoning ordinance with planned development overlay and it would potentially be a violation of the ordinance.

Mayor Serdy commented the hotel and restaurant are contingent on getting this vote for the zoning tonight.

Mr. Kevin McDougall stated that is correct.

Mayor Serdy commented they had not heard of a \$400,000 impact fee before.

Mr. Kevin McDougall stated he did the math. It is \$3,600 times 130.

Mayor Serdy commented when talking about overflow, if someone has one of the nicer \$250,000 RVs, they are going to want to stay at this one and not the one further down on Tomahawk.

Mr. Kevin McDougall stated he believed so, the nicer, newer one.

Mayor Serdy commented he had breakfast at Carl's Jr. the last two mornings and one can hardly negotiate through there as they are so busy. He thinks that another restaurant would work there, and with 416 and 417 just passing, the north-south interconnect will be just beyond there and that will bring even more traffic down here. It seems like this could be a good project for there.

Councilmember Barker commented she is not privileged to see the information that is in front of them. Rudy said something about neighbor complaints. She asked what those complaints were about.

Mr. Kevin McDougall stated they have not heard anything about neighborhood complaints. There was one email that was furnished tonight from a neighbor that lives in Ohio.

Councilmember Barker commented that is a close neighbor.

Mr. Kevin McDougall stated they complained but they said they are still in Ohio.

Mayor Serdy commented they will be opening it up to the public. He has one request to speak on it.

Mr. Kevin McDougall asked if there were any more questions for him.

Mayor Serdy asked if he could come back if they excused him or would he be finished.

City Attorney Joel Stern stated they may excuse him but if they need to bring him back up afterwards there will have to be another public hearing.

Mr. Randall Sharman, 2652 S. Chaparral, Apache Junction, addressed the council. The property being developed is right in front of the freeway so it will have a lot of view to people driving by and for people from Jacob's Ranch. Any consideration should focus on improving the aesthetics and value of the neighborhood. He is concerned about year-round residential living in there. When put with all the cabins and all the other roofs in there, it will be like it snowed out there because of all the white roofs. He is concerned for multiple roof lines out there that are pretty much identical. He would like it to be aesthetically pleasing so they are not looking at a bunch of like mobile homes.

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

Councilmember Waldron commented when he first heard about this project with the KOA criteria, he thought of being an RVer. He and his wife recently spent two weeks in another city with an RV park that had sites where people had stuff, stored trailers, ATVs and all sorts of materials. It was not a KOA. The criteria that KOA puts on their parks is far stricter than some of the privately-owned parks. The park they were at had an RV in storage for so long that the left front tire was rotting off. It looked horrible. It was not a pleasant experience at all. He was very concerned at the work session about the fact that it did start to look like an RV park. He is glad that conditions 9 and 10 are still in there. Since he is an RVer he watches for that stuff. He will probably be one of the first ones to realize that something is going on if there is. He thinks the Holiday style KOA, the

way it is presented and with these stipulations, will keep all that to a minimum. He could foresee where it will get traffic off the freeway because they will probably go to that KOA first as opposed to the other one. As long as those conditions of approval remain in there he is good with it.

Councilmember Struble commented we are trying to, will be and have started to develop a vision for Apache Junction. It has been going on for years and we just had a vision retreat. It is very important. You say you have a letter of intent or whatever that legal jargon is about from KOA, but it is very important. Let us say we do this and KOA is not the one that comes in and builds the park. If they come up with another one in there it must adhere to what we have here and the expectations we have for the KOA. We are trying to do something here in Apache Junction to move it forward. We want people in here to invest in the community, not just come in and make an extra buck. He wants the developer to understand that he, for one, will be watching and making sure this thing is adhered to.

Vice Mayor Wilson commented his initial concern was another RV park. He has stayed in a KOA in Colorado and he understands what the KOA requirements are. He admires the restrictions they put on their management teams to keep the places looking good. As long as this is going to stay as being part of a KOA system or like that system, as it states in the conditions that it has to meet the requirements, that is what he is concerned about.

Councilmember Rizzi agreed with what each of them had said.

Councilmember Barker commented she agreed with the gentleman from the public. She is a little concerned about the year-round residents. She is even concerned about the six month stays because people can move from one area to the next and make it a year-round residence. As long as the management is going to ensure that there is not a pile of junk outside of people's places when they are staying that long then she can agree to that.

Councilmember Evans commented they have absolutely no insurance of a KOA brand or similar. She asked if that is correct. We have the letter that KOA is interested and she understands how they need to have the zoning changed in order to make it happen. But the way it is worded right now it could be KOA or a similar brand.

City Attorney Joel Stern stated that is correct. There is no guarantee that it is going to be a KOA.

Councilmember Evans commented there is no guarantee.

Development Services Director Larry Kirch stated in number 17, if KOA does not partner with the development of the campground, the developer shall still develop the lots with the Holiday brand style amenities and qualities. If it is the Good Sam Club, they will be using Good Sam's equivalent of the Holiday.

Councilmember Evans commented it does not need to be a franchise brand.

Development Services Director Larry Kirch stated it does not but whatever happens here, they have copies of the 2015 Holiday brand criteria and they will make sure they adhere to that. That is what number 17 is intended to do. There is no guarantee it is going to be KOA at this point. It is just a letter of intent.

Mayor Serdy commented all the discussions up until now have been KOA.

Development Services Director Larry Kirch stated that is correct.

Mayor Serdy commented that the owner that is pushing this is KOA.

Development Services Director Larry Kirch stated that is correct.

Councilmember Waldron commented their letter says they have approved it but they would just like to see the zoning.

Development Services Director Larry Kirch stated that is correct. The letter says it is a letter of intent. It is a conditional letter.

Councilmember Evans commented it is conditional.

City Attorney Joel Stern stated a letter of

intent is not binding on anybody.

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

Councilmember Waldron MOVED THAT ORDINANCE NO. 1456 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember Barker SECONDED THE MOTION.

VOTE: Unanimous.

(Councilmember Evans commented during the vote that as much as she does not want one more RV park in this city.

Vice Mayor Wilson and Councilmember Barker reminded her this is just for the reading.)

The motion carried.

Deputy City Clerk Jan Mason read the ordinance by title only.

Councilmember Waldron MOVED THAT ORDINANCE NO. 1456, AS READ BY THE DEPUTY CITY CLERK, BE APPROVED AND ADOPTED.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

9. [17-481](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1455, a city-initiated text amendment to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Residential Bulk Regulations, Section 1-5-2: Residential Bulk Regulations, in case AM-3-17; repealing any conflicting provisions; and providing for severability.

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.

Councilmember Struble asked what a pony wall is.

Development Services Director Larry Kirch stated a pony wall is a little 3' wall.

Councilmember Struble asked if it is a solid wall.

Development Services Director Larry Kirch stated it could be. The materials have to be compatible with the house. He continued with his briefing.

Councilmember Waldron asked about the wall not being able to exceed the width of the main structure on the street-facing frontage.

Development Services Director Larry Kirch stated whatever your street-facing frontage is. For example, the front of the house is 40' so the porch cannot be 45'.

Councilmember Waldron asked if that would be the length of the main structure instead of the width.

Development Services Director Larry Kirch stated it would be the width. The width of the lot, the frontage of your house or front of the house.

Vice Mayor Wilson asked about a home that has streets on two sides.

Development Services Director Larry Kirch stated they still have to have a front yard and this has to be put in the front yard. If they have a corner lot, they are not allowing encroachment into what they call a corner lot or a double-fronting lot. They had a question about a wraparound porch. If they have a wraparound porch around three sides of the house, those on the two sides have to meet setbacks. They are only talking in the front yard setback.

Vice Mayor Wilson asked for the definition of a setback.

Development Services Director Larry Kirch stated the front yard is where their address is. If the address is on Broadway, the front yard is the Broadway address.

Vice Mayor Wilson commented there are some

homes that, because of the Superstition Mountains, they are facing the mountains but their address is on the other side street. That is why he asked the question.

Development Services Director Larry Kirch stated it is where the address is. They have had cases where the pool ends up in the front yard and they have to do a re-addressing. The address is where the frontage of the house is.

Vice Mayor Wilson commented he just wanted to make sure that is clear.

Councilmember Evans asked what the difference is between a patio cover and a front porch.

Development Services Director Larry Kirch stated he was glad she asked that. Earlier versions of the building code had the language patio cover and they took it out. A patio cover is really an Arizona room under what he understands to be the International Building Code definition.

That is in our 2006 building code. It ends up being that a patio cover has to have a certain amount of windows. A front porch is open air.

Councilmember Evans commented we must do it different here or we call it different here.

Development Services Director Larry Kirch stated a patio cover is a one-story structure not exceeding 12' in height. Enclosure walls shall be permitted to be of any configuration. You have to have open or glazed areas on the longer wall and one additional wall, etc. The patio cover is an Arizona room and they are saying no Arizona rooms.

Councilmember Evans asked if the 10' is from the front property line. Most people do not have surveys of their lots. She asked how they would make sure they still have 10' setbacks.

Development Services Director Larry Kirch stated every site plan that comes through the door has to show their property line. They do this every day with the 33' easement, the property line going to the center of the easement and the setback then being 73'. It is 40' plus 33'. There are no surveys. Staff starts looking at right-of-way maps, any maps they may have on the street or the plat. They

go back to the plat to see how much right-of way.

Councilmember Evans commented it is something that is put onto the city to make sure it does not encroach into the other the last 10'.

Development Services Director Larry Kirch stated that is correct. They rely on subdivision plats. If it is in a private neighborhood they should know what the street right-of-way width is because they are oftentimes when the right-of-way actually extends what people think their front yard is.

Councilmember Evans commented that was her concern.

Development Services Director Larry Kirch stated a survey would be great but they do not require them.

Councilmember Struble asked if they are allowed to have a railing around it with slats every 4 or 5 inches, now that he knows what a pony wall is.

Development Services Director Larry Kirch stated they can but they have to meet the requirements. They cannot pass a spear through the railings, etc. They could have a railing. He thinks that is what the intent of the planning commission was. If it is a solid wall it has to be 3'. Usually there is a height requirement if they are above 30 inches but they can have a little split rail railing. They want it to be architecturally compatible or aesthetic.

Councilmember Struble commented so that people do not get their heads stuck in it. It has to be open air and everything. This is a compliance issue. There cannot be permanent screens. People make roll-up screens and all that kind of stuff now. He asked how they make it so those roll up screens are not there permanently.

Development Services Director Larry Kirch stated people have the roll up screens and then they will have all sorts of stuff stacked on the porch. They are opening up something that they think is good but like anything they can come back and amend the ordinance. If they run into problems that is typically what is going to happen. They think that in the morning, when the sun is coming up, they might put the screens down. When the sun is on the other side of the roof they will roll the screens up. They do not prohibit shade

screens. But screens they prohibit.

Councilmember Struble commented it is another honor system that they have to watch. He was reading something that brought back a memory back in 1991 when he bought his first house in Montana. He built onto his house and did not even think about getting a building permit. If anyone is out there listening, that was 30 years ago.

Development Services Director Larry Kirch asked if he apologized.

Councilmember Struble stated he apologized.

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. 1455 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Deputy City Clerk Jan Mason read the ordinance by title only.

Councilmember Waldron MOVED THAT ORDINANCE NO. 1455, AS READ BY THE DEPUTY CITY CLERK, BE APPROVED AND ADOPTED.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

I. OLD BUSINESS

10. [17-482](#) Presentation and discussion on telecommunications and rights-of-way enacted legislation. Overview of HB 2365 codified under A.R.S. Section 9-591, *et. seq.*

City Attorney Joel Stern briefed the council

on the item.

Mayor Serdy asked how are they going to make the cell towers look other than saguaros.

City Attorney Joel Stern stated there are different aesthetics. There is nothing mandated. They will have a choice that the city will allow.

Mayor Serdy commented they will not be allowed to be just bare towers. They will look like something cool.

City Attorney Joel Stern stated he believed so. The city engineering department will be in charge of some kind of aesthetics attached to it. There are some pictures in here of what they could look like. The company could put in a new tower or it can be placed on top of a traffic signal. Those are harder to regulate as they go with the actual traffic signal. They are not as offensive as you might think. There are pictures included that are part of the aesthetics. They can also go on top of street lights. There will be certain requirements from engineering.

Vice Mayor Wilson asked if it would add additional stress to the pole if they add them on top of our street lights or traffic signals. He asked if the poles have to meet a certain requirement for being able to handle the additional wind catching capabilities of them.

City Attorney Joel Stern stated that is correct. It is built into the regulations for the dimensions and the wind stress factors.

Councilmember Evans asked if they could make the city put them on top of our decorative street lights.

City Attorney Joel Stern stated that is a street light and they could.

Councilmember Evans asked if the city has the right to say no to those poles.

City Attorney Joel Stern stated he does not think they do based upon the law as it is written. Hopefully there will be other alternatives. He does not think the companies necessarily want to make the street lights look trashy. He is sure the engineering department would be

working with them on that issue.

Councilmember Evans asked if he is happy with what the city has on the books.

City Attorney Joel Stern asked right now.

Councilmember Evans commented with the changes.

City Attorney Joel Stern asked if she meant the ones they are going to vote on.

Councilmember Evans commented that is correct.

City Attorney Joel Stern stated the state is forcing this down their throats. Unfortunately, that is the case and it is really horrible how this went. There are some legislators that got petitioned by the industry and essentially the cities, towns and league got caught off guard. The city attorneys' association got caught up very quickly and they put a group together with the bigger cities who do this stuff 10 hours a day. This is the best it is going to get because it was a lot worse before the team got together and actually negotiated with Verizon and some of the other companies.

Councilmember Evans commented so it is as good as it is going to get.

City Attorney Joel Stern stated he thinks so. There may be amendments to this thing in the future by the state. The fees are also noted in Chapter 4. They are already on the website as required. They have to put them on the website for 60 days. December 5 is when he anticipates they will vote on this and they will have made the full 60 days. That is what they are required to do.

Councilmember Waldron commented there are some pretty severe penalties for violations on their part, as well, built in there. One is \$600 per day.

City Attorney Joel Stern stated that is the fee that we put in. Some cities did not adopt all those fees but we adopted what we could that came out of the statutes.

Councilmember Waldron commented that is

pretty hefty. That makes compliance a lot cheaper for them to do it right.

City Attorney Joel Stern stated it does, as long as there is enforcement and an enforcement effort by the city.

Mayor Serdy commented they will revisit this in December.

City Attorney Joel Stern stated this will come back on December 5 for an anticipated vote.

Mayor Serdy closed the discussion. This was a discussion item only and he moved on to the next item.

J. NEW BUSINESS

11. [17-500](#) Discussion on legal advertising agreement with the Arizona Republic for calendar year 2018. This item will be on the consent agenda for December 7 for consideration.

Deputy City Clerk Jan Mason briefed the council on the item.

Mayor Serdy called for any discussion as they have no choices on that. He closed the item with no further discussion. This was a discussion item only and he moved on to the next item.

K. COUNCIL DIRECTION TO STAFF

None.

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

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

No: 0

Mayor Serdy called for a motion.

Councilmember Waldron MOVED THAT AN EXECUTIVE SESSION AT 6:00 P.M. AND A WORK SESSION AT 7:00 P.M. BE HELD ON MONDAY, DECEMBER 4, 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,

DECEMBER 5, 2017, IN THE CITY CONFERENCE ROOM.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

12. [17-493](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, December 4, 2017.
13. [17-494](#) Executive Session at 6:00 P.M for Tuesday, December 5, 2017. Other meetings if necessary.

M. CALL TO PUBLIC

Ms. Judy Lutes, 4381 N. Ironwood, Apache Junction, addressed the council regarding the 25th anniversary of the Winter Visitors Association and they will have their Welcome Back Bash at Barleen's on December 4.

Ms. Dorian Townsend, 879 N. Plaza #101D, Apache Junction, executive director of Community Alliance Against Family Abuse, addressed the council to thank the council and human services commission for supporting their services and commented on their being featured on a Kronkite News Broadcast, chosen for a Department of Justice Office of Victims of Crime interview and finished with their upcoming events.

Mayor Serdy directed the deputy city clerk to make sure the flyers brought by Judy Lutes get into the mailbox of Councilmembers Rizzi and Barker.

Mayor Serdy announced the boys and girls club had their annual holiday Thanksgiving dinner and fed over 250 people. The volunteers were amazing.

Councilmember Barker asked the mayor to remind everyone about the Christmas parade.

Mayor Serdy announced the tree lighting and Christmas parade.

City Manager Bryant Powell stated the tree lighting is in the afternoon and the parade is at night on December 2.

Councilmember Struble stated the festival starts at 3 p.m. and goes until it gets dark.

Councilmember Barker commented it is at Flatiron Park.

N. ADJOURNMENT

Mayor Serdy adjourned the meeting at 8:30 p.m.