



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 16, 2018

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 January 16, 2018, 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

Councilmember Waldron gave the Invocation.

Councilmember Struble led the Pledge of Allegiance.

C. ROLL CALL

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

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

Others Present: Public Works Manager Shane Kiesow

Senior Planner Rudy Esquivias
Captain Arnold Freeman
Management Assistant Anna McCray

D. CONSENT AGENDA

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

No: 0

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

THAT THE AWARD OF BID FOR PS2017-25, BROADWAY AND SOUTHERN AVENUE SLURRY SEAL, BE AWARDED TO VIASUN CORPORATION THROUGH PINAL COUNTY COOPERATIVE CONTRACT NO. EC15-008-4 IN THE AMOUNT OF \$300,564.02 PLUS 10% IN THE EVENT OF UNFORESEEN CHANGE ORDERS IN THE AMOUNT OF \$30,056.40 FOR A TOTAL AMOUNT NOT TO EXCEED \$330,620.42; AND THAT AUTHORIZATION BE GIVEN TO THE MAYOR TO SIGN THE CONTRACT; AND

THAT APPROVAL BE GIVEN TO RESOLUTION NO. 17-32, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE CITY OF APACHE JUNCTION, ARIZONA, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH PINAL COUNTY, ARIZONA, DEFINING RESPONSIBILITY FOR ROAD MAINTENANCE OF SUPERSTITION MOUNTAIN DRIVE, SOUTH MOUNTAIN VIEW ROAD AND SOUTHERN AVENUE.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

1. [18-004](#) Consideration of acceptance of agenda.
2. [18-005](#) Consideration of approval of minutes of regular meeting of December 19, 2017.
3. [18-003](#) Consideration of approval of award to Viasun Corporation for street maintenance work on select portions of Broadway Avenue and Southern Avenue within the city, in partial fulfillment of fiscal year's 2017-2018 Street Maintenance Plan. The work would be through the Pinal County Cooperative Contract No. EC15-008-4 for \$330,620.42, including a ten percent contingency.
4. [18-002](#) Consideration of approval of Resolution No. 17-32 on an intergovernmental agreement with Pinal County defining responsibilities of each party for road

maintenance of Superstition Mountain Drive, South Mountain View Road and Southern Avenue.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

5. [18-006](#) Presentation of proclamation designating January 2018 as National Human Trafficking Awareness Month.

Mayor Serdy read a proclamation designating January 2018 as National Human Trafficking Awareness Month and presented it to Community Alliance Against Family Abuse Executive Director Dorian Townsend who gave a brief presentation on the statistics for the Phoenix area.

Councilmember Barker commented this is a very important topic and it is one that people do not like to talk about. She hopes this becomes more well-known and we all become more aware of this issue.

F. ANNOUNCEMENT OF CURRENT EVENTS

Councilmember Struble commented he and Councilmember Waldron attended the Youth Advisory Council meeting last week where they reviewed the city's vision and mission. They did an awesome job and presented ideas to staff.

Councilmember Struble commented he attended the Apache Junction Unified School District board meeting last week. They talked about a Gallup Poll they did among the students dealing with what they thought of the school district and what their future is.

Councilmember Struble commented he attended the sewer district's strategic plan meeting last week. There are a lot of new members on the board and they have a great plan.

Councilmember Struble announced the Kiwanis Club will be holding the AJ Kids Idol on January 28 from 6-8 p.m. at Barleen's.

Councilmember Rizzi commented she takes groups of children to our senior centers in the city a couple of times a year. There were Christmas cards made this year and they were handed out. They also sang some Christmas carols.

Councilmember Rizzi commented on the Light the Trail competition, advising they have the information available online for people to vote for their favorite business. It

will close Thursday at midnight and the winner will receive a rotating plaque at a future council meeting.

Mayor Serdy announced they will be seeing some construction on Apache Trail at a new crossover to allow people to get into the businesses located by the old Fry's.

Mayor Serdy announced the Renaissance Festival will be coming up next month.

Mayor Serdy commented the museum had a big event last week and they have one about every week. They are just outside the city and cars park along the side of the highway with the assistance of Pinal County.

Mayor Serdy announced there will be a Blues Festival coming up at Flatiron Park.

Mayor Serdy announced there will be a taste of Apache Junction coming up at Flatiron Park where all the restaurants will be invited to come out with their food fairs.

Mayor Serdy announced February 7 will be the first State of the City address at the Performing Arts Center at the high school. The school district and fire district will also present. It is open to the general public.

G. CITY MANAGER'S REPORT

6. [17-548](#) City manager's report.

City Manager Bryant Powell commented on Calista Smith, the Youth Advisory Committee, the Blues, Brews and Arts Festival, Flatiron Park and the introduction of Marieke Curley from Republic Services who was ill and could not attend.

7. [17-547](#) Presentation and discussion with Senator Farnsworth.

City Manager Bryant Powell commented Senator Farnsworth is not here and may still be in session.

Mayor Serdy commented since they are in session and he drives all the way from Phoenix, he requested they insert that later into the meeting after he has arrived.

8. [17-539](#) Introduction of Marieke Curley, the new general manager of the Republic Services landfill, successor to Chris Coyle.

9. [18-032](#) Presentation and discussion on the monthly financial update.

Assistant City Manager Matt Busby gave a presentation on the monthly financial update.

Councilmember Struble commented he did not have any questions. He had talked to Finance Director Donna Meinerts earlier today and she was very helpful. It always goes back to our continued lack of reimbursement from the state and all that is going on. They may be able to have a discussion on that with Senator Farnsworth when he comes in.

H. PUBLIC HEARINGS

10. [18-007](#) Consideration of application for an acquisition of control liquor license for Pizza Hut located at 240 S. Phelps Drive. The next step in the procedure 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 Rizzi, Councilmember Struble, Evans and 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 then 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.

Vice Mayor Wilson commented he was disappointed they could not find out about these major violations the fire department found, what they were and what needs to be done to correct them.

City Clerk Kathleen Connelly stated it is very unusual for the fire district to make this kind of recommendation. They usually say they found violations and they are working on them. In this case they actually said major violations. She does not know what that might mean.

Councilmember Struble asked for some clarification. She had said that the deadline is February 2. He asked if the process has to start all over again.

City Clerk Kathleen Connelly stated if they

do not make a recommendation to the state one way or the other they will presume approval and they will approve the license regardless of any objections. She does not know what the state would do. Maybe the city attorney can step in. If they were to recommend disapproval, they would have to give reasons and that is what we would send to the state.

Mayor Serdy commented for the public to understand, the council is not approving this liquor license. We only recommend to the state. There have been times when the city has not approved and they have approved them anyway.

Vice Mayor Wilson asked if they can make a statement that basically recommends that this not be approved until the major violations found by the fire district be corrected.

City Attorney Joel Stern stated they can but in addition to that they can say, if they are going to recommend no on this, they recommend non-approval of this because it has not been proven to the mayor and city council that all remarks from the fire district have been complied with and approved by the fire district.

Councilmember Rizzi asked if the state has requirements they have to meet if this magically gets approved again, as the mayor has said we are just a recommending board, not the approval board, whether we approve or deny with the recommendation. She asked if that would be an issue with the state that they have these violations or could they just approve it anyway.

City Attorney Joel Stern stated the alcohol board is appointed by the governor and is a recommending body. Typically, he would think if there are fire or safety code violations they would abide by the city council's review, but sometimes they do not.

Councilmember Rizzi commented depending on how the council recommends, she asked what recourse would the city have if they do go ahead and approve even with these violations. When they have the fire department saying that, they are talking about the safety of the people. Their safety is in jeopardy.

City Attorney Joel Stern stated the city has an intergovernmental agreement with the fire district where we would take a criminal prosecution long form complaint. Eric

could go on for an hour or two explaining how that is done. He is here tonight but not for that. He can talk about the process. However, if the fire district still says there are violations, his office will get it and the city will prosecute to the fullest extent, especially if there are health and safety serious violations.

Councilmember Rizzi commented that we do have recourse.

City Attorney Joel Stern stated if the fire district gives them a memo and a request for prosecution, we will take it seriously, absolutely, despite the fact they might have their liquor license.

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

Councilmember Waldron MOVED THAT THE APPLICATION FOR AN ACQUISITION OF CONTROL LIQUOR LICENSE FOR PIZZA HUT, SUBMITTED BY THERESA MORSE, BE RECOMMENDED FOR DENIAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL BECAUSE OF THE MAJOR VIOLATIONS FOUND BY THE FIRE DISTRICT, THE LACK OF RESPONSE FROM THE APPLICANT HERE THIS EVENING AND NO PROOF THAT THE VIOLATIONS WERE CORRECTED.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

(During the vote Mayor Serdy commented in his nine years on council he has never voted to deny any of these because he wants people to buy pizzas here, but he thinks by voting yes that they will send a message that we want them to comply, so yes.)

The motion carried.

11. [18-021](#) Consideration of application for a permanent extension of premises for the Fraternal Order of Eagles #3850 located at 2315 S. Coconino. The next step in the procedure 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 Rizzi, Councilmember Struble, Evans and Waldron

No: 0

City Clerk Kathleen Connelly briefed the

council on the item.

Mayor Serdy requested the applicant address the council.

Mr. Bill Kimball, Lost Dutchman #3850, addressed the council. He stated they are in the process of building a patio for if the state decides they are going to take smoking away from private clubs like the Eagles, Moose and others. If they decide to do that, they will already have the patio in place for smokers to have a place to smoke.

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 THE APPLICATION FOR A PERMANENT EXTENSION OF PREMISES FOR FRATERNAL ORDER OF EAGLES #3850, SUBMITTED BY MICHAEL REED, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

12. [18-009](#) Consideration of application for an interim permit, new license, limited liability company, series 10 liquor license for A&D Shell located at 420 N. Apache Trail. The next step in the procedure is for the council to hold a public hearing on the application 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 Rizzi, Councilmember Struble, Evans and 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.

Vice Mayor Wilson asked if they have already

applied for a permit.

Senior Planner Rudy Esquivias stated the applicant has not yet applied for a permit. Code compliance staff has contacted the applicant and they are getting him into the process of coming into compliance.

Vice Mayor Wilson asked if it is a safety issue or just something general.

Senior Planner Rudy Esquivias stated he believes it is a safety issue. It is a damaged building.

Councilmember Evans asked if these are the same tiles that were loose before.

Senior Planner Rudy Esquivias stated this appears to be new damage. It is not the first time it has been hit.

Vice Mayor Wilson commented this was hit.

Senior Planner Rudy Esquivias stated that is correct, by a truck backing up or maybe a tall RV, and it has been hit before.

Councilmember Rizzi commented this is outside. It is the canopy on the outside that is damaged. Just for clarification purposes for the public, this is not the building inside where people are going in to purchase things.

Senior Planner Rudy Esquivias stated it is the gas canopy.

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

Councilmember Waldron MOVED THAT THE APPLICATION FOR AN INTERIM PERMIT, NEW LICENSE, LIMITED LIABILITY COMPANY, SERIES 10 LIQUOR LICENSE FOR A&D SHELL, SUBMITTED BY ANDREW EL DAYE, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

(During the vote Vice Mayor Wilson commented since this is

just basically the permit to repair the gas canopy and has nothing to do with the safety of the building, going in and out to the liquor, he will vote yes.)

The motion carried.

13. [18-024](#) Consideration of application for a special event liquor license for Salt River Wild Horse Management Group to be held on January 27, 2018 at 2910 W. Apache Trail. The next step in the procedure 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 Rizzi, Councilmember Struble, Evans and 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. 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 27, 2018, SUBMITTED BY ROBIN PEAK-JONES, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

14. [18-008](#) Consideration of application for a special event liquor license for the Superstition Mountain Rotary Club for Lost Dutchman Days to be held February 23-25 at 1590 E. Lost Dutchman Boulevard. The next step in the procedure 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 Rizzi, Councilmember Struble, Evans and Waldron

No: 0

City Clerk Kathleen Connelly briefed the council on the item.

Mayor Serdy requested the applicant address the council.

Mr. Michael Cowan, 17844 Picana Court, Gold Canyon, addressed the council to state they will be selling beer for Lost Dutchman Days like they did last year although the weather was not that great. They are hoping for the 80s or 90s.

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 SUPERSTITION MOUNTAIN ROTARY CLUB FOR FEBRUARY 23-25, 2018, SUBMITTED BY MICHAEL COWAN, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

15. [18-022](#) Consideration of application for a special event liquor license for the Apache Junction Chamber of Commerce for a special event on March 24, 2018, at Flatiron Park, 100 N. Apache Trail. The next step in the procedure 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 Rizzi, Councilmember Struble, Evans and Waldron

No: 0

City Clerk Kathleen Connelly briefed the council on the item.

Mayor Serdy commented he sees several applicants in the audience. He asked if any of them would like to address the council.

City Clerk Kathleen Connelly stated the applicant is the Chamber of Commerce.

Mr. John Chavez, AM Events, the event

promoter, addressed the council. This is the second annual Superstition Blues and Brews Festival. Last year's event was a sellout. They have partnered with the Chamber of Commerce for a bigger and better location. They are excited to be bringing the festival to Apache Junction.

Councilmember Rizzi commented he said it had been a sellout. She asked if people have to purchase tickets to attend and are they limited.

Mr. John Chavez stated that is correct on both.

City Clerk Kathleen Connelly stated the council changed the rules and procedures last year for events. She suggested he spend some time with Mr. Bravo and herself for the information out there.

Mr. John Chavez stated they have all the new parameters for the vendors and whatnot.

City Manager Bryant Powell stated as an organization we are working very diligently on anything they consider a gathering, event, craft fair, bazaar or anything like that. There are two people on staff that are organizational experts that we need to start the conversation with. They have been doing this. This is on parks and recreation departmental land/City of Apache Junction. Liz Langenbach and Jeff Kopp have been part of this discussion for six or seven months. He thanked them both for working through that process. In addition to that, Al Bravo works with any of the private ones that might not be on parks and recreation land. Anything that we hear on those categories should be sent to Jeff Kopp or Al Bravo.

Mayor Serdy asked if they had any tips or recommendations. For instance, there is no seating. He asked if people should bring their own chairs or shade.

Mr. John Chavez stated camping chairs would be welcome.

Mayor Serdy commented there will be vendors but can they bring coolers as well.

Mr. John Chavez stated no coolers will be allowed. There will be a bonanza of food trucks available for everybody.

City Manager Bryant Powell asked where they can get tickets and how much are they.

Mr. John Chavez stated tickets will be available at SuperstitionBluesFest.com and pre-sales are \$10, some group tickets are available and day of show will be \$15. It is a bargain. They cannot say no at that price.

Mayor Serdy asked if they have secured the parking behind the hardware store and the focal point.

City Manager Bryant Powell stated they have. They have worked closely with our private sector partner and the landowner.

Mayor Serdy commented the last time we had an event there it was great in the morning but as the day wore on it got dusty. He hoped they would be able to water that somehow as it is dirt. Maybe it will be moist anyway.

City Manager Bryant Powell stated that is definitely part of the plan. He knows parks and recreation will have something to work on.

Mr. John Chavez stated they are going to have a water truck out there the day of to water it down before and whenever needed.

Mayor Serdy asked if the splash pad is closed and can people still go to the park and use what is available there when an event like this is going on.

Mr. John Chavez stated he has asked for the splash pad to be off for the day.

Councilmember Rizzi asked if it will be rain or shine. She asked if the event will go on even if it sprinkles out there.

Mr. John Chavez stated most of his events are rain or shine.

Mayor Serdy commented they are all acoustic guitars so they do not get electrocuted.

Mr. John Chavez stated they will be electrified.

Councilmember Struble asked if they would be having a stage.

Mr. John Chavez stated there will be a stage. They are partnering with the parks department to bring their's in.

Councilmember Struble asked if they already have the number of acts.

Mr. John Chavez stated there will be four to five blues bands and approximately 60 arts and crafts vendors. They are hoping to have a half dozen food trucks. They have four or five confirmed at this point with a nice variety of stuff. They are trying to make this more community-oriented. Their business model is bringing communities together through the universal language of music and the arts. It seems like that fits in with what is happening at Flatiron Park. They are offering free vendor spaces to any nonprofits in the area, they are trying to spotlight any of the chamber businesses by offering them a couple of free booth spaces to some of the chamber businesses, and if any of the councilmembers know of any worthy causes that would like to be part of the festival they will give them a free booth space. They can hand out flyers to help with community awareness with what is happening in this area.

Councilmember Rizzi commented that is great.

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 THE APPLICATION FOR A SPECIAL EVENT LIQUOR LICENSE FOR THE APACHE JUNCTION CHAMBER OF COMMERCE FOR MARCH 24, 2018, SUBMITTED BY ALLYSON DUNN, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Resolution No. 18-01 (case PA-1-17), a request by Wayne Barker (property owner) for Council approval of a private access way which will serve proposed and existing single-family residential-zoned lots, as part of land split map case LSM-2-17, located at 3025 W. Manzanita Street.

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

No: 1 - Evans

Senior Planner Rudy Esquivias briefed the council on the item.

Mayor Serdy requested the applicant address the council. The applicant declined to speak at this time. 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 Evans commented she has a lot of discussion. She added she did not know if anyone else has any questions first.

Councilmember Barker commented the motion, as it is written, does not include the double layer of asphalt.

Senior Planner Rudy Esquivias stated that is correct. The staff recommendation was for the chip seal treatment on the entire easement within the private property and also to the edge of Cedar. The applicant is requesting a lesser treatment within his private property.

Mayor Serdy asked the city attorney if that has to be addressed in this motion.

City Attorney Joel Stern stated they have to address what they are requiring.

Councilmember Evans commented this is one of the areas in town where we inherited a lot of it from the county.

Senior Planner Rudy Esquivias stated that is correct.

Councilmember Evans commented to call it a cluster is kind of general. There are roads that do not go through. She could not figure out why we have a street sign on Manzanita at Meridian that is a dirt driveway.

Senior Planner Rudy Esquivias stated there are actually quite a few of those. There are city street

signs on private roads and easements. She would have to ask the city engineer about that.

Councilmember Evans commented the corner property on Meridian and Manzanita has a Manzanita address but the one next to it has a Meridian address. And the one next to the east of it has a Meridian address. The addresses are even screwed up. Mr. Barry has the center lot. He actually has two different documents recorded giving him legal access back there. He is not landlocked.

Senior Planner Rudy Esquivias stated the document he recorded most recently the city does not recognize.

Councilmember Evans commented that is the one last year.

Senior Planner Rudy Esquivias stated that is correct. The city does not recognize that document because he did not go through this process.

Councilmember Evans commented there is another that he recorded in 2001. That is plenty of time for him to prove his easement from Meridian. She asked if that is correct.

City Attorney Joel Stern stated that is correct.

Councilmember Evans commented it is from 2001 until now.

City Attorney Joel Stern stated it is a ten-year time period that you have to move before a superior court judge.

Councilmember Evans commented it is seventeen years so he has access to both of his properties that he is calling on Manzanita. It is a Manzanita alignment. It is not even a right-of-way.

Senior Planner Rudy Esquivias stated they could not find any federal patented easements for Manzanita between Cedar and Meridian.

Councilmember Evans commented to split this north/south creates another cluster.

Senior Planner Rudy Esquivias asked if she meant an east/west fashion.

Councilmember Evans commented no, it should be done in an east/west fashion instead of doing it in a north/south split.

Senior Planner Rudy Esquivias stated she would like a lot to the north and a lot to the south.

Councilmember Evans commented there is a lot there but it does not take up as much room. There is still plenty of room there for two sites. It is only on the far border. With splitting it on an east/west you have two accesses on Cedar. They do not need to create any more private easements or any more badly configured properties in neighborhoods.

Senior Planner Rudy Esquivias stated that was in their staff report. They mentioned they had discussed several options with Mr. Barker. A north/south lot split was proposed. Mr. Barker contends there is a private water line easement along the south five feet of his property. Creating a west lot and an east lot is more cost effective. If we required him to do a north lot and a south lot Arizona Water Company will make him extend a water main. He spoke with Joe Staples of Arizona Water Company today and he confirmed that. He confirmed the existence of the easement, the extent of the line and that the extension would need to be a main.

Councilmember Evans commented in order to save an investor money, he wants us to create another badly designed property. As an investor, she is sorry, she does not care. He had due diligence time to find this out. He did not have to close on the property without getting this information, and he did and that is a gamble. There is no way there should be two houses along a road alignment. There is no reason to have to create it. We have Cedar Street. She understands it is going to cost him more money but that is part of due diligence and finding this out ahead of time. There is no way she will go along with this. She is only one of seven but for these reasons she does not think this council wants to create another cluster. This just adds to the problem. It does not fix anything other than it fixes his cash flow.

Mayor Serdy commented they have closed the public hearing.

Councilmember Waldron commented he would like to see it reopened and hear what the applicant has to say.

Mayor Serdy requested the applicant address the council.

Mr. Wayne Barker, 6275 E. 22nd Avenue, Apache Junction, addressed the council. He stated with all due respect, the existing split is an east/west fashion along this alignment of Manzanita. The house owned by Richard Barry, his prescriptive right is across the applicant's property. He has been using it as his primary access because the wash precludes him from accessing from Meridian.

Councilmember Evans commented he would just have to build.

Mr. Wayne Barker stated he would have to do major construction.

Councilmember Evans commented that is correct.

Mr. Wayne Barker stated he has earned a prescriptive right. He has used this for 25 to 30 years. He cannot deny him access across the property. By splitting this into a north half and a south half we have the wash along the north side and we will create two long, skinny lots and we would have to provide access to Mr. Barry. One proposal we did with planning staff was along the center line but that would cut 14' into both lots, creating an even longer and narrower lot where only a single-wide mobile home could go. Yes, cost-wise, it is much more efficient to do it this way because you would have to connect sewer mains, which he will do anyway to the new home. There were two homesites here in the past that were nonconforming. We are close to an acre in size so they will be much larger than the minimum required lot for the area. They are just taking an existing access and making it official with a recorded, private easement. They are putting a maintenance agreement in place. That is why the planning board recommended unanimously to go with this because they stated we are not creating the problem but correcting it. This should be an alignment of Manzanita through but for whatever reason it does not exist. That would cause an east and a west lot to be created.

Councilmember Evans commented to get two lots

with an east/west split you still have plenty of room to provide whatever access Mr. Barry requires, but he has two documents stating that he has access from Meridian. It is not as though his property is the only way. It is the cheapest way for him to get to his property and go in and out. This is showing as one lot with two residences that Mr. Barry owns. He has never bothered to do anything with it.

Mr. Wayne Barker stated at this point in time he has a prescriptive right to cross his property so he is not going to go and try to prove to the city of his right and reconstruct and build a bridge or a road through there. He is going to use the right that he has which is across his property.

Councilmember Evans commented that is what she said. He can still use it across his property but that still does not preclude you from doing an east/west split instead of a north/south.

Mr. Wayne Barker stated it does not. But if they do an east/west alignment creating north/south lots, and then they eliminate the wash and provide for an easement, they will have two long, shotgun lots that are very skinny and more expensive. He does not have to split this property at all. If it is denied he can keep it as a single lot with an access. It will just be a dirt road which is dusty. It will be like it is. They are only asking to correct the problem with this split as they see it. The planning commission and planning staff agreed with it. It would improve the situation.

Councilmember Evans commented as planning staff trying to work with an applicant she can understand that. But as a council member she is looking at an area and trying to get away from the Malfunction Junction and all of this other stuff all this creates for us. Another weird parcel. That is all it is. When he purchased the property he knew about the easement. For her, to create this easement with another house not on Cedar, not on a street but on an alignment for what should be a road. Let us add to the problem. It is just adding to the problem, not solving it.

Mayor Serdy commented it sounds like they have come full circle on this questioning. He would like to ask Rudy another question.

City Attorney Joel Stern commented he has one

legal, technical thing. You do not get prescriptive rights until a court says so. He is not aware of anything that has been recorded. He does not know if Mr. Barry has attempted it. He may have been there that long but he has to prove it has been open and in use. Maybe he can prove that but technically he does not have any rights yet through any court, to his knowledge. Usually it is recorded and usually it shows the easement with a property description of what area is being used. He just wanted to point that out.

Councilmember Struble asked what kind of structures he is planning on putting on the lots.

Mr. Wayne Barker stated they have not decided yet. It is for two residential lots but they will probably be manufactured homes. That would be conducive to the neighborhood. It is pretty much all manufactured homes. It will be newer, ground set, larger manufactured homes. No RVs or junk trailers. On the prescriptive easement, he does not have it by court. That would usually only happen if he tries to deny him access. If he blocks the site and says he cannot use his lot to access his home, he could sue him for it and most likely win as he has been using it. There are plenty of recorded documents he has filed, affidavits with the city and neighbor statements showing how long he has been in there using it. It would be a fool's errand on his part to try to deny him. He would take him to court and he would owe his legal fees once he prevailed.

Councilmember Struble asked how big each of the lots will be if the lots are split the way he wants them right now.

Mr. Wayne Barker stated without the dedication to the city the lots would each be roughly 18,000 gross square feet and 15,000 net. He agreed as part of this plan to dedicate the right-of-way to the city to help with future improvements to the neighborhood. That would reduce them to closer to 13,000 net square feet for the smaller lot. He thinks Rudy mentioned they may move the center line slightly to the west to dedicate the roadway and it will make the size of the lots a little bit more equitable.

Mayor Serdy asked Rudy if he sees this coming back to the council with any problems down the road in the future if this is approved.

Senior Planner Rudy Esquivias stated they may

hear from Mr. Barry as rumor has it that he wants to split his, too.

Mayor Serdy commented if it helps people then he is basically for it, if there is more good in it then harm in it.

Vice Mayor Wilson commented there will be a road that is crushed asphalt versus slurry. He asked how thick the slurry is.

Senior Planner Rudy Esquivias stated according to Ordinance No. 1316 it does not say. Development Services Engineer Sam Jarjice has advised him that normally a chip seal treatment would be 4 inches and then compacted. The ordinance does say that a crushed asphalt treatment would have to be a minimum of 2 inches. Mr. Barker offered to do 4 inches instead of 2 inches. The main difference between a chip seal and a crushed asphalt treatment is the chip sealing has an emulsifier that bonds it together more like a paved driveway or an asphalt driveway. The crushed asphalt is more similar to decomposed granite.

Councilmember Evans commented Mr. Barry has those two mobiles on there. He did that on his own.

Senior Planner Rudy Esquivias stated those mobiles were, as far as he can tell, prior to 1985. They have been there awhile. It has been a long time. He does not know if he put those there but they have been there that long. He is not sure how long he has been the property owner. It was formally owned by a lady named Rayetta Place and she is the one who created those two lot easements. Staff has been trying to find her but they have been unable to.

Councilmember Evans commented in Overgaard.

Senior Planner Rudy Esquivias stated they did try that one but she is not there anymore. The last they heard she was somewhere in California but they cannot reach her.

Councilmember Evans commented because of the back taxes due on those. It would be easy for Mr. Barry to acquire both of those. Mr. Barry owned the site that Mr. Barker bought. They both knew and were aware of the situation and closed without having everything finalized. That is her bottom line.

Mayor Serdy re-opened the public hearing on the item.

Ms. Tess Nesser, 1511 S. Cactus, Apache Junction, addressed the council. She stated some of what has been discussed tonight was not discussed at the planning and zoning hearing. It raises a question she would like them to think about. The Manzanita alignment, which would have been Manzanita if it had been all the way through, if the private roadway is now put through, and if Mr. Barry comes back to them six months from now and he wants to split his lot and has to put in the same kind of roadway, it could look like Manzanita has been put through and the rest of the public may want to start using that driveway as a roadway. She does not know about the third lot.

Councilmember Evans commented that is where the road sign is that says it is closed.

Mayor Serdy closed the public hearing with no one else wishing to speak. He called for a motion.

Councilmember Waldron MOVED THAT RESOLUTION NO. 18-01, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING THE CREATION OF A TWENTY-EIGHT-FOOT WIDE PRIVATE STREET/PRIVATE ACCESS WAY, CASE NO. PA-1-17, IN CONJUNCTION WITH LAND SPLIT CASE NUMBER LSM-2-17, FOR A 0.84-ACRE, SINGLE-FAMILY RESIDENCE ("RS-10M")-ZONED PROPERTY LOCATED AT 3025 W. MANZANITA, BE APPROVED.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: 6-1 (Councilmember Evans voted in opposition.)

(During the vote Councilmember Struble commented one of the first votes he had the privilege of doing last year was kind of the same kind of issue where a landowner made a purchase of property and came back to us and asked us to fix the problem. It is due diligence lacking here and these issues the landowners need to be aware of that these things are out there. They need to be taken care of beforehand so that they get properly handled. He is going to vote yes because of the area that is down there and he does not really think there is going to be a whole lot of changes in the long future.)

(During the vote Vice Mayor Wilson commented he is torn both

ways on this. He is to the point where he almost needs a coin to flip. He understands the issue and the problem but he also understands the poor planning ahead. He will vote yes.)

(During the vote Councilmember Rizzi commented because of the time and effort that staff put in on the recommendation from staff and the time and effort from planning and zoning and the recommendation from planning and zoning she will vote yes.)

The motion carried.

I. OLD BUSINESS

None.

J. NEW BUSINESS

17. [18-001](#) Presentation and discussion on Fiscal Year 17-18 Council Work Plan - 2nd Quarter Update.

Management Assistant Anna McCray briefed the council on the item.

Councilmember Struble asked about a bill that was to gain what.

Management Assistant Anna McCray stated it is to gain ownership or control of the federal public lands in the State of Arizona.

Vice Mayor Wilson asked for the number on the bill.

Management Assistant Anna McCray stated it is 2210.

Councilmember Struble asked if that is all federally designated lands that are in Arizona. All the different ones.

Management Assistant Anna McCray stated she just learned about it today. It is probably not all but she will get back to him with further information in the coming days.

Councilmember Waldron commented that has been introduced before and it gets a lot of attention.

Management Assistant Anna McCray stated it has.

Mayor Serdy commented then we would be sued by the feds. Have it start a chain reaction and have things happen. That would be great.

Management Assistant Anna McCray continued with her briefing. She also gave an update on the landfill landscaping entrance and the water main plans.

Councilmember Struble commented on the contract on number 12 with Greater Phoenix Economic Council. He went down to their offices in December after taking office on whatever office they call him and his ears popped because he went up 25 floors. He had a sit-down with Chris Camacho, the executive director, and he had a very interesting conversation with him because of all the development that is going on down south of us around the 24 and coming north, and also with what is going on at Mesa Gateway. He reiterated with him that we would obviously love to have the infrastructure to handle the Apples and the Boeings and all that kind of stuff but we are really not set up for that. We are going to have to do some infrastructure to get even some smaller businesses and things like that in here. He reiterated with him that we want to be on their radar for some ancillary businesses that would come in and support some of those bigger ones, especially with the mine development up in the Globe area. We just really need to be on their radar so that we can host some of those businesses here in the community and get the jobs. We will see what happens. Just keep beating the doors and drums.

Mayor Serdy commented it looks like Senator Farnsworth is not going to make it so we will pull that and re-invite him. He thinks they are in session and sometimes they are there until 10 or 11 at night. Maybe at the same time they can give an invitation to Representatives Coleman and Townsend for the same night. Maybe they could get one of the three here.

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 Rizzi, Councilmember Struble, Evans and Waldron

No: 0

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, FEBRUARY 5, 2018, 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, FEBRUARY 6, 2018, IN THE CITY COUNCIL CONFERENCE ROOM.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

18. [17-549](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, February 5, 2018.
19. [17-550](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, February 6, 2018. Other meetings if necessary.

M. CALL TO PUBLIC

Ms. Dorian Townsend, Community Alliance Against Family Abuse, 879 N. Plaza Drive #101D, Apache Junction, addressed the council to give an update on the Holiday House, comment on 2018 being the Year of the Heroes and give information on their upcoming events.

N. ADJOURNMENT

Mayor Serdy adjourned the meeting at 8:33 p.m.