



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, February 6, 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 February 6, 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

Vice Mayor Wilson gave the Invocation.

Councilmember Rizzi 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 Safety Director Tom Kelly
Development Services Director Larry Kirch
Economic Development Director Janine Solley

Others Present: Economic Development Specialist Elan Vallender
 Senior Planner Rudy Esquivias
 Public Information Officer Al Bravo
 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 Rizzi MOVED THAT THE CONSENT
AGENDA BE ACCEPTED AS PRESENTED.

Councilmember Barker SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

1. [18-043](#) Consideration of acceptance of agenda.
2. [18-044](#) Consideration of approval of minutes of regular meeting of January 16, 2018.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

3. [18-047](#) Presentation of an award from Mother's Against Drunk Drivers (MADD) to the
 Apache Junction Police Department for participation in the MADD's Phoenix
 Walk like MADD 2017.

Public Safety Director Tom Kelly commented on the programs his
officers participate in for Mothers Against Drunk Driving and
the task force. He introduced state representatives from
Mothers Against Drunk Drivers who are here to present an
award.

The state executive director for Mothers Against Drunk Driving
gave a brief presentation on why the organization is so
important and what it does.

Mothers Against Drunk Driving representative Rachel gave a
brief description of the fundraising walk police departments
participate in and presented the Apache Junction Police
Department with the highest law enforcement fundraising team
award.

F. ANNOUNCEMENT OF CURRENT EVENTS

Councilmember Struble announced last Sunday night was the AJ

Kids Idol program at Barleens with 10 performers. It was a great event and he thanked the sponsors and those in attendance. The proceeds will go towards purchasing and installing playground equipment for special needs kids.

Councilmember Struble announced they have visited three of the over 55 parks in the last couple months. It has been a pleasure to meet with them and answer their questions. He invited other parks to contact Al Bravo to set up meetings.

Councilmember Evans announced last weekend was a very successful event at Earth Heart Park. It usually shuts down at 2 p.m. but people kept coming. The next one is April and it will be the final one for the season. It will have the ladybug release.

Councilmember Evans announced there will be a Bluegrass Festival at Earth Heart Park in the future at night.

Councilmember Evans announced she participated in our Point in Time event last week counting the homeless population along with other volunteers, encompassing the very young to the very old.

Mayor Serdy announced they have the marathon coming up and Lost Dutchman Days which are pretty big. Usually people do not miss those.

Mayor Serdy announced tomorrow night they will have the first ever State of the City event at the high school auditorium. All the other cities do theirs by invitation only, inviting other councils and mayors. We are opening up to the whole city. It will open at 6:30 p.m. for people to mingle with officials and the event starts at 7:00 p.m.

G. CITY MANAGER'S REPORT

4. [18-033](#) City manager's report.

City Manager Bryant Powell commented they have the state legislative representatives here tonight. First will be Senator Farnsworth, followed by Representative Coleman and then Representative Townsend.

Mayor Serdy thanked them for being here tonight after they have probably been in session all day.

5. [17-547](#) Presentation and discussion with Senator Farnsworth.

Senator David Farnsworth briefed the council on some bills, the north/south corridor and State Route 24, future bus routes and education issues.

Councilmember Barker thanked him for working with the League of Cities and Towns on the home business bill. She appreciated his efforts there. She is concerned about SB1374 that has not been seen in a committee or seen anything that would address some of the concerns about the previous bill where legislators can state a city is not following the appropriate course and the attorney general gets to investigate them. That bill is just sitting there somewhere and she is concerned that there is no movement on it.

Senator David Farnsworth stated one of his passions is explaining to people how the system down there works. He is very passionate about state government. He is not acquainted with where that bill is. He has too many of his own and most of his are not moving. But he is sure she knows the system. The senate president, if it starts on the senate side, can kill any bill and any chairman can kill any bill. That is probably where it is. That is where most bills die, is the chairman refusing to have it heard. That is not necessarily a bad thing. If it is your favorite bill it is a bad thing. The process, the way it is designed, we expect the chairman to do most of the heavy lifting, meaning the bad bills should not be allowed to move forward. There again, perspective. He would love to check on that and see where it is.

Councilmember Barker commented he is sponsoring a bill that deals with local food producers, SB1250. She asked why he is interested in this particular area.

Senator David Farnsworth stated he has been a believer in emergency preparation his whole life. He is very concerned about the ability to produce food. In fact, he was not going to mention this, but she brought it up.

Councilmember Barker commented she thought she would bring it up so that he could talk about it.

Senator David Farnsworth stated SB1063 he has nicknamed the food czar bill. It is through the senate. Please read this bill. He has tried to get people to read it. One concern is if we allow only the big food producers to control all the food in the state, then if we have some kind of crisis the question is what would they do. They have some wonderful food

producers in the Yuma area, southern Arizona and California. But if something disrupted trucking or electricity, refrigeration and so forth, we would be in serious trouble. That is why he was listening to the comments about gardens and so forth. He believes this bill, if passed and it looks like it will pass, will shut down all the farmers' markets and small farms because of serious regulation. The bill he sponsored his staff found a couple of years ago, a very amazing part of state law that says that a food producer cannot be required to purchase a permit or a license or be charged a fee. That has been ignored. There is a group that came to him from a community garden that said the City of Phoenix was not allowing them to grow their community garden and asked if he would help. They looked into that and he has sent a letter to the attorney general requesting an opinion on that. As he reads the statute, it is a fascinating statute that addresses food production. It was put in statute years ago and as he reads it, it should allow people to produce food without regulation. His bill is simply to clarify what they believe it already means and hopefully the attorney general will give them an opinion and they will not need the bill.

Councilmember Barker asked how that would impact cities. He spoke of large food producers so how does this bill impact cities and their regulation on front yard use as opposed to people growing things in the backyard which would be perfectly fine.

Senator David Farnsworth stated the issue was brought to him a few weeks ago that the City of Phoenix was imposing severe regulations and high fees on those that were trying to grow a community garden. They came to him and reminded him of the statute and said they thought it was illegal the way it was being done. It only addresses what is already in statute. It does not talk about front yard or backyard, just what is in statute that growers should not be required to get a license or a fee be charged in order to produce food.

Mayor Serdy commented they should move on to some other questions.

Councilmember Waldron commented he also appreciates his efforts with the League on SB1001. Every year the legislature goes into session and cities have to sit there and fight and struggle to maintain control of their boundaries, basically, the things that happen within the cities and towns. He asked what his level of support is for the cities and counties within the State of Arizona when it comes to legislative

matters.

Senator David Farnsworth stated that is really vital. We have heard and believe the term that government is best that is closest to the people. He has one concern, in his opinion, that it is quite easy for this group to pass legislation because all it takes is a majority vote. He has not been on a city council so he is not speaking from experience. He knows in the legislature it is a long process, very complex, with a lot of opportunity for citizens to be involved and have an influence from his perspective. He did work with the counties, SB 1001 that he sponsored, deals with the counties and it is a continuation of the work he has been doing for about four years. He met with Kristen Cipola from the counties every month all summer asking the counties to please look at their home-based business regulations and make them a little bit easier because small businesses are the lifeblood of America. He believes the most important business in America is the one not started yet because business start-ups are what gives us life. He did not intend to sponsor either SB1001 or SB1002 this year. He worked all year long and the last month he met with her she said she tried to get this on the county's agenda but it was not a high enough priority. He then turned to her and told her he would have to sponsor the bill. The intent of SB1001 and SB1002 is to encourage county supervisors and city councils to take a look at the home-based business regulations to see if they make sense. If someone comes and looks at the regulations and says it does not make sense, we do not want to offend the neighbors. Nevertheless, it is a very practical thing to start a business in the home. It is pretty broad for his question, but on a positive note the biggest success he has had is in direct communication with Maricopa County on this subject. They changed their regulations on a county level. He is brand new at this but looking at the city level and they just took the things that looked most unreasonable, for example Maricopa County saying one could only use 15% of your home for your home business. All the other counties had at least 25% or more. Maricopa County was the most restricted so he talked to them, they met together and in rulemaking they changed it, taking the cap off all together. Now in Maricopa County if you have a home-based business you do not have a square foot limitation. That is a perfect example of where home rule was best. He never would have asked them to take the cap off completely. His bill asked counties and cities to allow at least 50%. Maricopa County said they do not need a cap. The beauty is if they come and ask for a permit the government has the say in what they are going to allow. The rumor has gotten out that this

bill allows everything and it does not. It says the applicant should go to the city or the county, ask permission and they will lay out the boundaries. They are only saying to not limit these certain things.

Councilmember Struble commented his question addresses the bills he has brought forth concerning the home-based businesses. He is in business for himself. He started a business in his home. He works with businesses all day long every day, seven days a week, twenty-four hours a day. He does not like the government regulating businesses. He wants to keep it as minimal as possible. He stated earlier that it is all about limiting the government. When sitting in this chair he also has to think about how the city functions and how we have to control our zoning issues and these type of things and regulate within our city. It seems just a little bit like the state in a lot of issues, the state legislature and the governor, are usurping their authority and imposing regulations upon the cities that are limiting our ability to function. Just as you said earlier about the buses. He knows it was an example and it was a broad example about the city coming up with \$200,000 to fund a busing route. There are a lot of things that the state is doing to us that limit the way that we can collect money. And one of them on the docket right now is SB2484 which has to do with the sales tax on food. He could take a look at it and see what it is all about. But, as he knows, in Apache Junction we do not have any property tax. All we do is fund the majority of our budget through sales tax and we are not the only city that does tax food but if that bill were to pass it would even further limit our ability to provide services to our community and our citizens. Those are the types of things he wants him to really take a hard look at and think about where he does not like, his sitting as a senator of Arizona, as representing District 16, he does not like the federal government telling him how to run the state. It is kind of the same thing. He can only speak for himself. He really does not like the state coming down and putting more and more regulations on the city or even taking away our ability to perform the functions that we have to have. There are a number of bills, they have been mentioned here already, dealing with the home-based businesses and then the taxing of food and the production of food. And then there is another one that deals with, talks about, passed last year about being able to have the violations of the city come forth through the attorney general. The bill this year will hopefully correct that. He wants him to think about how those bills that are being put forth and that he might be voting on really, truly effect the citizens and the city that

he represents. He will throw it out there that if he ever has any questions about how something might affect Apache Junction, which is one of the cities he represents, he has his cell phone number and he can always give him a call and they can talk about those things.

Senator David Farnsworth thanked him and said he appreciated that. SB1001 and SB1002 are basically to get their attention. SB1002 is not going to go anywhere. He met with the League during the summer and they modified it and pretty much stripped the bill. It is still not going to go but he asked that they please look at it. Their points are well taken. In the Arizona Constitution it says the proper role of government is to protect the liberty of the people and he thinks sometimes they lose sight of that. He feels his job is to protect the liberty of the people from whoever is taking it away, whether it is the federal government, state government, county government or city government, it is his sacred duty to protect the liberty of the people. He will make mistakes so he appreciates their counsel on that.

Mayor Serdy commented they are going to get too lengthy if they all ask questions. Representative Townsend already had to go. He wanted to let him know that when they are meeting about the north/south corridor it is pretty much favored that they would want it as far to the east as possible, over by Silly Mountain Road where the freeway ends. We definitely do not want it cutting right through the center at Ironwood. Ironwood is already there. We really need it to be over there to the left. Also, when he is talking to State Land if there is anything he can do to make that freed up as easy as possible. He knows he is meeting with State Land at every opportunity. They wanted to go into sales tax reform. He knows a bill got put through that was supposed to make it simpler and it has been a nightmare for the cities, the staff at the capitol and for the individual businesses. He knows they had talked about possibly breaking out into some round tables with some businesses to hear their horror stories. He has had them himself. He has been fined \$1,800 by paying with a check. He has done it for seventeen years and now all at once, but they took his fine as a check. That was funny. Maybe we can meet another time and they can have that. He asked the city clerk if she had anything to add.

City Clerk Kathleen Connelly stated she did not. She thinks a round table is an excellent idea. For the benefit of the senator, she has been doing this for a long time. She thinks the state is missing out on some very important opportunities

by not lienning businesses that have been audited. Some of these are foreign companies, some of these are out-of-state companies. From what the department of revenue has told us they simply do not place liens. When we collected our own taxes we were very successful in getting our money by placing liens.

Senator David Farnsworth thanked her and stated he will note that in the finance committee that he chairs a week from tomorrow. Senator Fann has a bill on this subject. He does not remember the bill number but he would suggest she take a look at it and give us some advice. She says it will make it a little bit better. He shares her concerns.

Mayor Serdy requested the assistant city manager to pay attention. He and Anna McCray can use the monitor.

Councilmember Barker asked if this is a house bill.

Senator David Farnsworth stated he does not know if there is a mirror house bill.

Councilmember Barker commented HB2137 has \$8 million for auditors, collectors and fraud prevention.

Senator David Farnsworth stated he believes that is a different bill. Senator Fann assures him, she lobbied him today, to put it on the agenda. She assures it will make it better. The best policy is to not trust anyone, even a very fine, intelligent person like Senator Fann. Please look at it and let him know how you feel or, better yet, come down. If they do not have time to come down, sign up on the request to speak and send a message. That does have an impact. He guarantees it.

Mayor Serdy commented Representative Townsend had to leave.

City Manager Bryant Powell stated she did have to leave. They can connect up later. They may want to talk about getting a round table some time later.

6. [18-048](#) Presentation and discussion with Representative Coleman.

Councilmember Barker asked Representative Coleman to address the bill that Councilmember Struble spoke of, that is HB2484 of which he is a sponsor.

Representative Doug Coleman asked which one that is.

Councilmember Barker commented that is the one that regulates taxing of food and digital goods in cities and towns.

Representative Doug Coleman asked if he could give his spiel first. When they are dropping bills, they bring a stack of bills to you and they briefly explain it to you and you may or may not get the full picture. Obviously, he did not get that picture. But he still has his vote. He commented on some of the issues in the city when he was on the council. He thanked those on the council that contact him when they have concerns. Councilmember Struble texts him all the time to please look at these bills.

Councilmember Struble commented he actually answered him once when he was standing in line at Disneyland. He appreciated that.

Representative Doug Coleman stated if he does not answer right away sometimes he forgets. He appreciates that and appreciates the input on those things. He briefed them on some bills concerning making city elections part of an election that died in committee and preempting cities from using photo radar, discussions on state-shared revenues, cities being political subdivisions of the state, the state government interjecting itself into local issues like zoning issues, local streets and city budget. There are some things that are statewide issues such as the minimum wage. He is vice chair of the education committee and chair of the government committee. The local and international affairs committee is where many local bills are sent. They are not sent to him because he thinks they know he will kill them.

Councilmember Struble commented he appreciated everything he does. There is a bill that he does not know the number of that is in the budget where they sweep the HURF funds and use them for the state highway patrol and all that.

Councilmember Barker commented it is HB1433.

Councilmember Struble commented now they have a bill out there that is going to add an additional fee to our car registrations to help pay for those services that the money has been swept to pay for and then those, therefore, theoretically, the cities and counties will get that money that we were supposed to be getting in the first place. This seems kind of backwards. He does not think the state needs more money, it is just about spending the money in the right

way. He asked that he keep an eye on that. He asked Councilmember Barker if she had that bill.

Councilmember Barker commented she did not. She asked if he is talking about the alternative fuels vehicle registration bill.

Councilmember Struble commented he is not. It is to add a special fee on the registration.

Representative Doug Coleman stated it is kind of interesting because at the state it takes a simple majority to cut taxes but it takes a two-thirds majority to raise any kind of revenue. He had a bill that allowed teachers to pay for their certificates using a debit or credit card. Before that we had to use a cashier's check, personal check or money order. That one almost did not pass because of the bank fees. We were raising fees so it took two-thirds. He had to work like a dog to get members to understand it is better to have to pay fifty cents for a bank fee than \$2.50 to buy a money order rather than come back to Apache Junction to get my personal checkbook.

Councilmember Struble commented it is one of those things that if we add on that fee then it is just another fee for the governor to sweep to use for other things and it will never go to what it is supposed to be used for. He asked him to take a look at that bill.

Representative Doug Coleman stated he appreciates all that the governor does. He has to balance a whole lot of things.

Councilmember Waldron commented he was at a meeting the other day where there is a push to actually have the Arizona Department of Transportation director set that fee so they can go a simple majority as opposed to two-thirds. It would be a fee he would assess and not a tax, a fee assessed by the legislature.

Councilmember Struble commented it would be a fee and not a tax.

Councilmember Waldron commented that is correct.

Councilmember Struble asked if they would not have to go to Jeff Roberts to get that one clarified.

Councilmember Barker commented HB2433 has to deal with HURF,

too. It would take 3% of the HURF funds and redistribute them to cities and towns. That seems counterproductive. It is pitting cities against one another.

Representative Doug Coleman asked if she thought that was a good strategy. Divide and conquer.

Councilmember Barker commented it seems to her that the Department of Public Safety has to be funded in another way and let HURF go where it is supposed to. Pitting cities against one another is not the answer.

Mayor Serdy commented he will just stress the two things he did with the senator about the north/south corridor, that he thinks they would all want it to be further left or east.

Representative Doug Coleman asked what about Idaho.

Mayor Serdy commented Idaho would be better than Ironwood but the end of the freeway would be better.

City Manager Bryant Powell stated that is part of the federal highway system. It either has to be Ironwood or be further east.

Representative Doug Coleman stated he was thinking State Route 88 and send it on south.

Assistant City Manager Matt Busby stated one of your constituents, the City of Mesa, is fighting for the Ironwood route, but we like the Mountain View alignment.

Representative Doug Coleman stated he is with them.

Mayor Serdy commented he would like him to keep them at the table with State Land.

Representative Doug Coleman stated he has a bill that barely made it out of committee. Right now a state legislator or someone in a statewide position can transfer their campaign funds to a local race. He has a bill that will allow city officials to transfer their funds to run for statewide race.

Councilmember Struble commented that was taken away last year.

Representative Doug Coleman stated that was taken away a couple of years ago. It is meeting some resistance but it did make it out of committee. He threw down at the League

Conference that he not only needs their help, they need them to run for office. He really believes that.

City Manager Bryant Powell stated they signed on to support it. He thanked the state legislators for coming down and being with us. They look to have opportunities to interact with them this legislative session. Maybe next year we will have another way to pull us all together. He then invited Chris Coyle up from Republic Waste Services to introduce the new general manager at the landfill and give a brief presentation on the implementation of the ordinance of the new changes with Republic Waste Services.

7. [18-049](#) Presentation and discussion with Representative Townsend.
8. [17-539](#) Introduction of Marieke Curley, the new general manager of the Republic Services landfill, successor to Chris Coyle.

Mr. Chris Coyle, former general manager of the Republic Waste Services for this area, introduced Marieke Curley.

Ms. Marieke Curley, general manager for the East Valley operations, gave a brief presentation on her career with Republic Services.

Mr. Chris Coyle gave a brief presentation on the implementation of the conditions of the ordinance. Everything was completed on time or ahead of schedule.

Mayor Serdy asked how they determine city residents because the Apache Junction post office boxes go all the way to Ellsworth.

Mr. Chris Coyle stated they look at the water bill or a city invoice.

City Manager Bryant Powell state they have also had some instances of folks getting upset so they are constantly working on an education piece from the front end. We have got geographic information system maps that really show our incorporated limits and he thinks that has helped over the last year or so.

Mr. Chris Coyle stated it has. As far as the over-reaction, that has helped, too, along with the auxiliary police force coming out and Chief Kelly helping out. He briefed them on the groundwater monitoring.

Mayor Serdy asked if they are venting methane.

Mr. Chris Coyle stated they do not vent any methane. They capture it all. That is what the flare is for. They have blowers that put a vacuum on our active wells and all the gas fumes go to our flare where the methane gas is destroyed. It is burned at a temperature above 1,400°F so all the gas is captured. Each year they have some type of landfill gas well construction event and as the waste ages enough, they need to put in wells to capture it.

Mayor Serdy commented it is not capturing it, it is burning it.

Mr. Chris Coyle stated it is being destroyed.

City Manager Bryant Powell stated because this other question comes up on the methane, he asked if our landfill is ever going to have enough to produce energy.

Mr. Chris Coyle stated probably not. Right now the landfill is running 24/7 and it is producing about 400 in standard cubic feet per minute. The economics for landfill gas to energy plant start at about 3,000 standard cubic feet per minute. We are at 12% or 15% of the way there.

Mayor Serdy commented we need the horse community to kick it up some.

Mr. Chris Coyle stated we need the horse community, about 35 inches of rain a year, good rotten garbage and happy bugs. That is really what it is. You need happy bugs at a landfill to get really good gas out of it.

H. PUBLIC HEARINGS

9. [18-046](#) Consideration of an application for a special event liquor license for Community Alliance Against Family Abuse for March 17, 2018 to be held at 3015 N. Idaho Road. The next step in the process is for the council to hold a public hearing and make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.

Yes: 7 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember 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.

Ms. Sharon Stinard, representing Community Alliance Against Family Abuse, addressed the council. The event will be their 2018 Gold Nugget Trail Run, 5K and 10K, and will include family fun activities for adults and children. There will be cowboys and horses and there will be a live DJ and beer garden. They will also have a photo booth. They are delighted the community supports this and the city has always been a strong supporter of the organization. They will also raise awareness of domestic violence and sexual assault.

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 COMMUNITY ALLIANCE AGAINST FAMILY ABUSE FOR MARCH 17, 2018, SUBMITTED BY ABIGAIL POYER, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

10. [18-045](#) Public hearing, discussion and consideration on motion for reconsideration on behalf of the city council for the January 16, 2018 recommendation of denial to the Arizona Department of Liquor Licenses and Control for Pizza Hut's application for an acquisition of control at 240 S. Phelps Drive, Apache Junction, AZ. If council votes to approve the motion for reconsideration, they will then need to select a date, time and location for a new discussion at a public hearing.

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 Mr. Suniga can speak also if they need him to.

City Clerk Kathleen Connelly stated they might want to speak to him.

Mayor Serdy commented they cannot do it all tonight.

City Clerk Kathleen Connelly stated they cannot do their final vote tonight but they can select their date, time and location. She would recommend it be their next immediate meeting. They have gotten an extension from the state that would take them beyond the next meeting.

Mayor Serdy asked the applicant to address the council.

Ms. Theresa Morse, agent for Pizza Hut, addressed the council. This is the same business that it was before. She appreciates some of the feedback she received this evening but when she spoke with Kathy. On the basis of the denial she reached out to the fire district. She then discovered there was an error in the information. She hoped they would be willing to reschedule this and she will come back out here again. Pizza Hut has implemented a trust as many of the baby boomers are putting their spouses on businesses and that is what created the acquisition of control. She was a police officer for 26 years, serving her final 13 years at state liquor as a sergeant. She is the agent on many licenses.

Mayor Serdy commented she has stopped the permitting process until she gets a go ahead from us.

Ms. Theresa Morse stated basically she explained the process for extending the time frame to Kathy when she spoke with her. That application is still setting at the state liquor department. It is not a different liquor license. It is the identical, same license that was there previously. That is why it is called an acquisition of control. Her technician at state liquor received the information from Kathy to extend the time frame so it is still operating and everything is fine. If the council is willing to provide them with a new date, she will come back out here and it will not interfere with the process.

Mayor Serdy asked if the council would like to hear from the fire department.

Councilmember Struble commented he has a

question about the process. He is kind of new up here. The process that we have is that these liquor licenses come before us and it is, at times if we do not approve it, they can still take it to the liquor board and still be approved. He asked if our denial is a denial.

Ms. Theresa Morse stated basically when the city council makes a recommendation for denial then it has to go in front of the liquor board which is separate from the department of liquor. The liquor board members are 7 people that are appointed by the governor to hear new liquor applications. If the council denies this item, it will have to go to the liquor board which is unfortunate because the information was incorrect. It is not a new license. They could pull that out and put it back in as it was before. It is kind of silly but there are 21 different types of licenses. This is just a different type.

Councilmember Struble commented he is trying to understand the process. He asked when the liquor board meets.

Ms. Theresa Morse stated they meet once a month.

Councilmember Struble commented she could have taken this information and said the fire district was in error. He asked if she could do that.

Ms. Theresa Morse stated she cannot. The attorney general's office would hear the item and they are the ones that basically speak on behalf of the department of liquor. The city attorney from Apache Junction would have to be there to support his denial. It seems to be a lot of time to her for something that transpired the way that it did. She apologized for not being here at the first meeting but she had lost a couple of people in her family.

Councilmember Struble commented he totally understands. He just wanted to get the process reviewed.

Ms. Theresa Morse stated that it is complicated.

City Attorney Joel Stern stated that is the correct process. He has been down to the liquor board. And he thinks the legislature is bad. It is an amazing experience. There are only 3 to 5 attorneys in the state that

handle liquor licenses for the private sector. It is a great monopoly for some attorneys. The city attorney is there and they do not like attorneys except if it is private sector. They do like to see council members. That has been requested in the past for future reference. They are supposed to set up a meeting, notice the applicant and the city and then they go down there and fight it out. Many times the liquor board has not cared about the city opinion. That has been his experience. But they do have to set a hearing. Mr. Struble can come with him the next time he has to go down there.

Mayor Serdy opened the public hearing. He asked if they can have someone from the fire department come up and speak.

Deputy Fire Marshal John Suniga commented the first time he heard about this was when he got an email stating the approval had been denied because of his documentation. When he got that he thought that was not right. There is nothing wrong with Pizza Hut at all. He went back and pulled up his letter and found he had denied it. The only thing he could come up with was there was a lot of stuff going on at that time. He does a lot of his work off of a template letter. He probably got pulled away and came back to it and sent it off. He did pull up the records on his last inspection. There were absolutely no violations. He corrected that letter and resent it back to Kathy.

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

City Clerk Kathleen Connelly stated this is a two-part motion. The first one is yes or no on whether or not they want the reconsideration. If that is a yes, then the second motion is to pick a date, time and location for the public hearing.

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

Councilmember Barker MOVED THAT WE RECONSIDER THE JANUARY 16, 2018 RECOMMENDATION FOR DENIAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL FOR PIZZA HUT'S APPLICATION FOR AN ACQUISITION OF CONTROL AT 240 S. PHELPS DRIVE.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy called for the second motion.

Councilmember Evans MOVED THAT WE HAVE THE RECONSIDERATION OF PIZZA HUT'S APPLICATION FOR AN ACQUISITION OF CONTROL AT 240 S. PHELPS AT THE REGULAR MEETING OF FEBURARY 20, 2018 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

11. [18-053](#) Presentation, discussion, public hearing and consideration of case SD-1-14 (Resolution No. 18-03), a request by Bella Corona LLC, represented by Hudd Hassell, for approval of the final subdivision plat for the Bella Corona Subdivision; a proposed 83-lot single-family homes subdivision located about 480 feet west of S. Ironwood Drive, on the south side of W. 20th Avenue.

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

No: 0

Senior Planner Rudy Esquivias briefed the council on the item.

Councilmember Evans asked if Hudd Hassell has spoken about who he will have doing the vertical build.

Senior Planner Rudy Esquivias stated Mr. Hassell is here tonight if she would like to ask him.

Councilmember Evans asked if the houses that face the other street are going to get hit with two homeowner association fees.

Senior Planner Rudy Esquivias stated they are not.

Councilmember Evans commented it is already recorded as such that they are. Even though it is a gated community they will have houses that are not within that. She was wondering how they were going to handle that.

Senior Planner Rudy Esquivias stated this

part of the property was never part of the Renaissance Point Subdivision. This has always been a separate property. It was originally part of the continuum of care campus. Those that front on 20th Avenue will still pay homeowner association fees to Bella Corona.

Mayor Serdy requested the applicant address the council.

Mr. Hudd Hassell, 1635 N. Greenfield Road, Mesa, addressed the council. The builder will be Bela Flora Communities which is their company.

Councilmember Evans commented they will also be doing the vertical.

Mr. Hudd Hassell stated they are doing it now.

Councilmember Evans asked if they would be doing it soon.

Mr. Hudd Hassell stated the tractors are on site now.

Councilmember Struble asked when do they expect completion.

Mr. Hudd Hassell stated the 7 homes that face 20th Avenue will be started right away as they build out the rest of the subdivision. They should see verticality on the first 7 within the next two months.

City Manager Bryant Powell asked if they are single-family homes and if they are age restricted.

Mr. Hudd Hassell stated they are not age restricted and they are single-family detached homes. He is pretty sure that Rudy was an auctioneer at Barrett-Jackson last week. The city staff is amazing. This is a little gem. They selfishly guard all the things they do here because they love working with Apache Junction so much, especially Bryant Powell.

Councilmember Barker thanked him for putting the recreation area on the west side because the folks over there were really concerned about having houses there.

Mr. Hudd Hassell stated the word from Rudy was do not mess with it or you will get crushed, so they left it.

Mayor Serdy opened the public hearing on the item.

Mr. Fred Larrowie, he lives in Renaissance Point and is on the board of directors for the homeowners' association, addressed the council. Several community members have expressed concern over this community. It was mentioned there was community input in 2010. He has owned his property since 2007 and he was not informed of any input regarding that property as others have not. He does not know how it was given to the residents. He requested an explanation on how that was given to the community. He was concerned about the process being started in 2010 and they are just now developing it in 2018. He suggested another notice should be sent out advising of the community. He was concerned about the additional traffic at the entrance to their community, Delaware and Ironwood and if a light would be put in at their entrance. The people moving in might be concerned about the daily medical helicopter flights overhead. It sounds like most of the council is excited about this new community.

Mayor Serdy asked the city manager if he wanted to address any of those.

City Manager Bryant Powell stated they can get that data out to the neighbors. He asked Development Services Director Larry Kirch and Senior Planner Rudy Esquivias to assist. He thinks the request was about finding out what happened in 2010. They will clarify it.

Development Services Director Larry Kirch stated typically, not everyone in Renaissance Point would have been notified. It would have been properties within 300' of that property. Usually, through the grapevine, people will hear about that. They can go back and look at the file and the file of all the mailing labels. They can contact the homeowners' association and show them copies of mailing labels of who got notified in 2010. Overall, there are 35 fewer homes in the development, the lots are a little bit bigger, so there is, in terms of traffic and everything else if this had gone in back in in the day, there would have been 117 homes instead of 82.

City Manager Bryant Powell asked what the

zoning density was prior to the rezoning.

Development Services Director Larry Kirch stated Rudy would have to check that.

Senior Planner Rudy Esquivias stated it was multi-family.

Development Services Director Larry Kirch stated they are happy to work with homeowners' association folks to let them know who was actually notified back in 2010.

Vice Mayor Wilson commented they might also want to explain exactly what the requirement is and how it is worded in the law, that we have to contact the people within 300' of the development.

Councilmember Rizzi commented she does not remember if Gail was on the planning and zoning commission back then but she was. People from the Renaissance Point subdivision did come out. There was notification and she is sure it was within the limits. She remembers specifically people did come out to the planning and zoning meeting to talk to us about their concerns.

Councilmember Barker commented and to add to that they also came to the council because that is where the concern about housing on the west side came from. There was one specific gentleman whose house is the last house to the south line, whatever that street is there, and he felt like he would have a house that would be right on top of his driveway. It would come right out almost into that new neighborhood. We had quite a few people come.

An unknown female, 1951 W. 21st Avenue, Apache Junction, addressed the council. She is on the west side, the third house down. They bought the house in 2015. They started leveling her property the other day where her mountain view out the front door is. She asked if they are two-story homes. She was told they would be. Their whole subdivision is one-story homes and the subdivision next to them. She asked what happens to her mountain view. It may sound silly but she came from where there are no mountains. Superstition Mountain is beautiful. She was told where to look things up on the website and she is shocked. She was told to contact Bella Corona but came to the meeting instead. She commented on a subdivision where they had to dig basements. She is sad that she will be looking at houses instead of the mountain. She asked if the exit on Palo Verde

will be gated.

Senior Planner Rudy Esquivias stated both the 20th Avenue and Palo Verde gates are clicker gates.

The unknown female commented those are both her streets. She is just giving them her concerns.

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

Councilmember Waldron commented when this was Foothills I the rooftop was 26'. This is 28'. That does not make the difference between a single and a double story.

Senior Planner Rudy Esquivias stated it does not. They can build a two-story house in the 26' range.

Councilmember Waldron commented it has been that way since Foothills I back in the rezoning days.

Senior Planner Rudy Esquivias stated that is correct.

Councilmember Waldron commented nothing has changed in that respect.

Senior Planner Rudy Esquivias stated it has not.

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

Councilmember Evans MOVED THAT RESOLUTION NO. 18-03, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A FINAL SUBDIVISION PLAT FOR "BELLA CORONA" SUBDIVISION, IN CASE SD-1-14, BY BELLA CORONA LLC, REPRESENTED BY HUDD HASSELL, BE APPROVED.

Councilmember Waldron SECONDED THE MOTION.

VOTE: Unanimous.

(During the vote Councilmember Barker commented she thinks realtors should have to disclose information like that.)

(During the vote Councilmember Evans commented for

clarification that sometimes realtors are not aware of what happened in the past and it is up to the owners who are reselling to disclose.)

The motion carried.

12. [18-051](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1458 (case PZ-5-17), a request by Superstition Mountains Community Facilities District No. 1, represented by Darron Anglin (District Manager), to rezone three parcels, a total of 97.18 acres, located at 5661 S. Ironwood Drive, southeast of S. Ironwood Drive and W. Guadalupe Avenue from B-5 (Industrial) and RS-GR (General Rural Low Density Single-Family Detached Residential) to PI/PD (Public Institutional by Planned Development) for the purpose of uniformly zoning the existing properties and expanding wastewater related services.
- Yes:** 7 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Rizzi, Councilmember Struble, Evans and Waldron
- No:** 0

Planning Intern Danielle Jordan briefed the council on the item.

Vice Mayor Wilson commented he is confused on the entrance property. He asked if the landscaping is being proposed for the intersection on Ironwood or on the parcel they have acquired.

Planning Intern Danielle Jordan stated they do not own the entry parcel right now. Pinal County currently owns the land. They use it to get to their land. The sewer district has expressed interest in acquiring that land from Pinal County. If they do that, the city would like to see landscaping there.

Vice Mayor Wilson commented it is only if they do acquire it.

Planning Intern Danielle Jordan stated that is correct. That is where that condition comes from. If they acquire that land they have one year to meet the landscaping and monumentation requirements. At the planning and zoning commission meeting it came to light that other entities such as Central Arizona Project have also expressed interest in owning that land. Darron can probably talk about it a little bit more. Even if they do not get the parcel they would still like to do landscaping to make it look nice.

Mayor Serdy requested the applicant address

the council.

Mr. Darron Anglin, District Manager, addressed the council. They do want to combine and rezone the properties. The expansion would be for recharge-related uses on the outer perimeter. They and Central Arizona Project are interested in buying that parcel and it could also go back as right-of-way to the city. That may have been the intent from the beginning when Ironwood was constructed. They want to landscape it and beautify it with the competition across the street from the water treatment plant.

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 ORDINANCE NO. 1458 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. 1458, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy called for a five minute break.
Mayor Serdy reconvened the meeting.

13. [18-054](#) Presentation, discussion, public hearing and consideration of case PZ-6-17 (Ordinance No. 1459), a request by J&J Property Holdings LC (owner) and Americana Building Products (applicant), represented by Geff Purcell, to rezone a +/-8 acre property located just north of the northwest corner of S. Tomahawk Road and E. Baseline Avenue from General Rural Low Density Single-family Detached Residential ("RS-GR") and Industrial ("B-5") to Industrial by Planned Development ("B-5/PD"), for the purpose of developing a

90,000-square-foot indoor manufacturing facility with possibility of future expansion.

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

No: 0

Senior Planner Rudy Esquivias briefed the council on the item.

Councilmember Struble asked what the zoning is for the state land south of this development.

Senior Planner Rudy Esquivias stated it is currently zoned RS-GR. It is an old county holding zone. GR generally means 1.25 acre lots for horses, conventional homes or manufactured homes.

City Manager Bryant Powell stated that existed there when we became a city.

Senior Planner Rudy Esquivias stated that is correct. What we have done over the years is to implement the current general plan which has a master planned community designation. The general plan is calling that whole area south of Baseline as a master planned community. They do have some verbiage in our zoning ordinance that talks about what goes into a master planned community but until somebody comes along and buys some of that state land and proposes to rezone it, it is still zoned GR.

City Manager Bryant Powell stated when they work with State Land that is exactly the condition they want the zoning to be in.

Councilmember Evans commented he said the sign could be a multi-tenant sign. She asked if everything would have to be contained within that large metal building.

Senior Planner Rudy Esquivias asked her if she meant more than one business allowed in the metal building.

Councilmember Evans commented that is correct.

Senior Planner Rudy Esquivias stated that or a future expanded building.

Councilmember Evans commented but they would

be enclosed, not outdoor industrial.

Senior Planner Rudy Esquivias stated outdoor storage or uses are not planned as part of this rezoning proposal.

Councilmember Evans commented the powder coating business itself, understanding that the Environmental Protection Agency and all of those have to be a factor, but there was one thing not mentioned. She asked if there is any noise involved in where it abuts the neighborhood.

Senior Planner Rudy Esquivias stated Mr. Purcell is here and might be able to explain that better. They did hear from some neighbors at the planning and zoning hearing and they had concerns about the particulate matter that might escape from the building. It has been represented to us that everything will be indoor. Mr. Purcell has described it as a light manufacturing-type of facility that would not cause significant noise, odor or other disturbances to the surrounding neighborhood.

Councilmember Rizzi asked if she heard correctly when he said the county could actually deed over a little piece of property to the city.

Senior Planner Rudy Esquivias stated a right-of-way.

Councilmember Rizzi asked if it would need to include an intergovernmental agreement or anything. They can just deed it over.

Senior Planner Rudy Esquivias stated that is correct.

City Attorney Joel Stern stated it is a simple affidavit. The council has to approve it and then the board of supervisors at a noticed hearing. However, it is that simple for roadways.

Councilmember Rizzi commented it is very interesting how that works between governments.

Mayor Serdy requested the applicant address the council.

Mr. Jeff Purcell, Americana Building

Products, 2 Industrial Drive, Salem, Illinois, addressed the council. He stated they currently have a facility in Mesa that they are leasing, PW Athletic, that they acquired five years ago. They have been enjoying the warm weather for the last five years and he enjoys coming out here in the winter. He was willing to answer any questions as they are running late and he does not want to take up too much of their time.

Mayor Serdy commented he explained in private once but he asked him the amount of jobs that are already existing and the new jobs created.

Mr. Jeff Purcell stated they currently have about 25 employees at the Mesa facility and they would be moved to this location along with all the existing equipment. They are acquiring an additional \$1 million in equipment of which most will go into this building. The bulk of the cost will be in the power tooling facility. They got into coatings in the mid-90s. Part of their manufacturing process is steel and aluminum extrusion that need to be coated. They decided if they were going to do it they would get into the most environmentally conscience way possible. They did extensive research. Fiber-coating was not new but it was becoming very popular at the time. There were new technology improvements in it. It made it very acceptable for them to get into it. Volatile organic compounds in liquid paint are not very nice. You can smell the odors and it is not good to breathe. The good thing about powder coating is there are essentially zero volatile organic compounds. There are no liquid compounds. They are granulated plastic powders and resins. That is then fluidized with air, pumped up into a gun which electrostatically charges the particles which are almost like talcum powder. They are blown out of the gun creating a fine, little cloud that can be hard to see. The cloud is charged positively and the ground is negative so the particles are attracted to the metal and stick right to it. They will have a grand opening tour and he invited the council to tour the facility and see how these processes work. The people inside will wear a dust suit with a hood of supplied air. They could wear as little as a dust mask but they prefer they wear the whole thing as they do not want it in their eyes. The overspray that does not get onto the parts is collected by a dust collector, goes through some filters and the powder that is not used is dropped into a barrel. They can reuse some of the powder depending on how they have cleaned out the system or it is packaged, compressed and landfilled. It is essentially granulated plastic.

Mayor Serdy commented they are not only going to powder coat their own products but they can contract to other companies.

Mr. Jeff Purcell stated that is correct. Eighty percent of the work they do there will probably be contracted to other area manufacturers. The economy is picking up and they are seeing a lot of growth in this type of thing. The good thing is the manufacturers like coating operations to be near them to eliminate their transportation costs. There is the possibility they could always attract additional light manufacturers to this city. They could look for growth and set aside some additional area for industrial growth. They could perhaps carve out some industrial areas in some of the state land holdings. Especially next to the landfill.

Mayor Serdy commented for him this project is almost as exciting as the Fry's because of what it could lead to in the future.

Mr. Jeff Purcell stated they currently have 25 employees in the powder coating facility in Illinois. They expect the growth here to be at least that if not considerably more. They have a significantly higher amount of manufacturing here. They are in a rural area 75 miles east of St. Louis. He added the city staff has been amazing. It has been a very pleasant process to go through. Rudy, Larry, Bryant and Stephanie have magnificently guided us through all the steps and they have been very pleased. The city has excellent staff here.

Councilmember Struble asked if he is closing down the Mesa operation.

Mr. Jeff Purcell stated they are currently in a leased facility. That owner is probably going to consider selling that property at some point. They are at Main and Gilbert which is right where the new light rail ends. It is a good area to develop future properties.

Councilmember Struble asked what the average wage is for the workers.

Mr. Jeff Purcell stated they are a family-run company, third generation. He gave a brief history of the formation of the company. They have a lot of family members and they treat their employees like family. They pay good

wages and have a lot of skilled laborers. They are investing heavily in computer-controlled machinery that automates a lot of processes so they need those operators. They need CDL truck drivers. They have loaders and unloaders on the line. They promote from within.

Councilmember Struble asked if this is something they can work within the high school and community college.

Mr. Jeff Purcell stated it is. They are very active with local academics and sports programs. The PD Athletics division makes sports equipment. They support local community sports and academics. They have an academic foundation for their high school which supports academic projects. He spent three years as the president. They give tours of the facility and he has already met the superintendent of schools here in Apache Junction. He has expressed the desire to set up a similar program here, coordinated with their guidance. During the tour they are brought to each of the different skilled employees and have them give a talk on the education requirements, what their job is and what they might expect to do in their lives.

Mayor Serdy asked if he foresees any of the employees relocating out this way.

Mr. Jeff Purcell stated he has already had a number of employees start looking around. He thinks that will happen.

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 ORDINANCE NO. 1459 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

City Clerk Kathleen Connelly read the ordinance by title only.

Councilmember Rizzi MOVED THAT ORDINANCE NO. 1459, AS READ BY THE CITY CLERK, BE APPROVED.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

14. [18-052](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1457 (case PZ-4-17), a request by David Dixon to rezone a 1.62 acre property located at 611 S. Vista Road, north of the northeast corner of S. Vista Road and E. 7th Avenue, from RS-GR (General Rural Low Density Single-Family Residential) to RS-GR/PD (General Rural Low Density Single-Family Residential by Planned Development) for the purpose of changing the main structure side yard setback from 20-feet to 10-feet.
- Yes:** 5 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Rizzi and Councilmember Struble
- No:** 2 - Evans and Waldron

Assistant Planner Stephanie Bubenheim briefed the council on the item.

Councilmember Struble asked what happens if they do not approve this.

Assistant Planner Stephanie Bubenheim stated if they do not approve the rezoning request the property will stay the RS-GR zoning and it would have to meet the 20' setback. The property owner still has a code violation of the structure built without permits so it would be up to the owner if he would like to reconstruct the home meeting the 20' setback. She is not sure if he has another option.

Councilmember Barker asked what kind of teeth does the number four recommendation have if he does not comply with the 90 days and the plan has gone through development services.

Assistant Planner Stephanie Bubenheim stated if the number four recommendation is not met in that 90 days the city can reconvene, she believes it would go to the city council, to revert the rezoning back to the RS-GR. It would take away all of these recommended, approved planned development conditions. From there is would be another notice of violation for what has been happening.

Councilmember Barker commented and then it goes on for months as we notice and notice and notice.

City Attorney Joel Stern stated if he does not meet the 90 days the zoning division would notify him, it would go before planning and zoning first and then to the council for basically a reversion of the zoning. It would then go back to what it currently is and he is in trouble again for zoning code violations. It shall be applied for within 90 days but it does not say he has to build it within 90 days. It just says he has to get a permit within 90 days. Typically building permits are good for six months and then they can get a renewal for another six months.

Councilmember Evans asked if they can make it a condition that it be sooner than that.

City Attorney Joel Stern stated they may.

Councilmember Evans asked if there was a permit pulled for the accessory building that is on the property.

Assistant Planner Stephanie Bubenheim stated there was a permit to place that.

Councilmember Evans asked if it has electrical and all of that to it or is it just a building.

Assistant Planner Stephanie Bubenheim stated she would have to check what the approval is for. She believes it was in 2006. She would have to see if it approved electrical as well.

Councilmember Evans asked if they know who built the structure that surrounded the mobile originally. She understands it went in phases from his father to who was doing the most current work.

Assistant Planner Stephanie Bubenheim stated she would have Mr. Dixon answer that question as to who has been constructing currently. The city does not have any records of the building so we have no information on who has been constructing it.

Councilmember Evans commented Mr. Dixon is living on the property in a travel trailer currently.

Assistant Planner Stephanie Bubenheim stated that is correct.

Councilmember Evans commented he is using the kitchen and restroom. They were not originally there when the mobile was there but it is the same septic tank and of that from the 1964 era.

Assistant Planner Stephanie Bubenheim stated the septic tank is still there and in use. At the planning and zoning commission meeting Mr. Dixon did state he is using the kitchen and bathroom out of the current structure.

Councilmember Evans commented they are not allowed to live in a travel trailer on property whether you own it or not. She asked if that is correct.

City Attorney Joel Stern stated there are some exceptions to that, as there is with everything. Typically, the answer is correct. Larry can come up if he wants to talk about the exceptions.

Councilmember Evans commented there is a permit process you can go through for a temporary while during construction.

City Attorney Joel Stern stated that is correct.

Councilmember Evans commented none of that was done.

Assistant Planner Stephanie Bubenheim stated it was not.

City Attorney Joel Stern stated there is no record of any permits.

Councilmember Evans commented he has not done anything.

City Attorney Joel Stern stated there is no record of the permits.

Councilmember Waldron commented he understands they are looking at a zoning issue and not a permit issue tonight. He asked it would require the 20' setback and he would have to basically move that structure or

cut part of it off if they were to deny him this rezoning request.

Assistant Planner Stephanie Bubenheim stated that is correct. He would have to cut part of that structure to meet the 20' setback or just build a completely new structure.

Councilmember Waldron commented in which case he would have to get a permit for either way.

Assistant Planner Stephanie Bubenheim stated that is correct.

Councilmember Waldron asked if they were to approve this rezoning then the structure as it sits now is within the 10'.

Assistant Planner Stephanie Bubenheim stated that is correct.

Councilmember Waldron commented for him to continue or do anything with that current structure he would need a permit to build it to code.

Assistant Planner Stephanie Bubenheim stated that is correct. He would still need to go through the building permit process, have a review, get it approved and then go through all the inspections.

Councilmember Waldron commented either way, to live in that building, it would still require a permit.

Assistant Planner Stephanie Bubenheim stated that is correct.

Councilmember Waldron commented the only difference is whether or not we do the 10' or the 20'.

Assistant Planner Stephanie Bubenheim stated that is correct.

Councilmember Waldron commented when it is all said and done either way, if he is going to live in a structure there, we will have some type of building there that meets code.

Assistant Planner Stephanie Bubenheim stated

that is correct.

Mayor Serdy requested the applicant address the council.

Mr. David Dixon addressed the council. He is living there right now because he has to. The structure was built mainly by his parents. The footprint has not changed. The only thing that has changed is putting a roof over it. It looks like things have changed because he has tried to put some type of a roof over it in order to keep it from leaking. He has called and asked if he could get a permit to reroof a mobile home and was told they do not issue permits for that because they are a mobile home. It is to this date listed as a mobile home. If he reroofs it he figured it is still a mobile home with some kind of roof over it to keep the rain from pouring in. Unfortunately, it was not the right way to go about it.

Councilmember Evans commented he said that his parents did most of the addition.

Mr. David Dixon stated that is correct.

Councilmember Evans asked if his parents had any knowledge of construction or were they carpenters. She asked what their qualifications were for even doing that.

Mr. David Dixon stated his father built houses all of his life. He got into doing "add-a-rooms" on to mobile homes which is why all of that took place.

Councilmember Evans commented if he was in that business and that was his livelihood then he knew that permits were required, whether it was before we were a city or afterwards. Someone had to approve a permit to construct.

Mr. David Dixon stated a permit had to have been approved because nothing was said about it as long as Pinal County had control of that area.

Councilmember Evans commented he is saying the county said for them to go ahead and do whatever you want.

Mr. David Dixon stated he guessed they gave him permits to add what was added on to it.

Councilmember Evans commented he is saying it was all permitted before we were a city in 1978.

Mr. David Dixon stated that is correct.

Councilmember Evans commented since 1978 nothing has happened to the property.

Mr. David Dixon stated other than trying to put some type of roof over it to keep water from pouring into it every time it rains.

Councilmember Evans commented a 1960 mobile is constructed so that they support their own. It cannot have added weight. That is why you cannot get a permit for a roof on it unless it is just a foam one. From 1978 forward it still has to be self-supporting or it pulls the walls apart. There is no record at the county and there is no record at the city for any of the work being done on that property. She asked if he checked with the city about living in the travel trailer while this was all being decided or did he just assume it was okay.

Mr. David Dixon stated all he is doing is sleeping in the travel trailer.

Councilmember Evans commented he is using the kitchen that has electricity and plumbing that is not in the travel trailer.

Mr. David Dixon stated those are in the house.

Councilmember Evans commented that is open. It is open to the air. From the pictures it looks like it is open on one side.

Mr. David Dixon stated it is not finished.

Councilmember Evans asked if he noticed the county that the mobile was gone because his taxes are really cheap.

Mr. David Dixon stated the mobile home was never affixed to the property.

Councilmember Evans commented it does not matter.

Mr. David Dixon stated therefore there were

no taxes.

Councilmember Evans commented with all of these additions there has been no notice.

Mr. David Dixon stated that is correct.

Councilmember Evans commented her point is that we all pay property tax based on our dwelling. Because there was no record of this dwelling that is not a mobile home on 1.6 acres, \$756 per year is really a whole lot less than the majority of us pay.

Mr. David Dixon stated \$756. It used to be around \$1,800 to \$1,900 and it has steadily come down.

Councilmember Evans commented the property tax pays for our schools and the library. Things that we have all contributed to. It is just one more area that has been neglected.

Mr. David Dixon stated the property taxes have gone down.

Mayor Serdy commented tonight we are just going to vote on what is in front of us. They do not really need to go there. Let us get back to what we are going to vote on tonight.

Councilmember Rizzi commented it just sounds like an unfortunate situation that the city was able to come up with some kind of solution to work with this person. That is how it sounds to her, that the city was able to come up with a way to help rectify this probably the easiest way.

Councilmember Evans commented this goes back to just being a spot zoning to fix a problem that, for all intents and purposes the way she is looking at it, if the board of adjustment said no, those seven people said no, for planning and zoning there were six people there that night and they all said no. To her, she feels they are as much a part of this community to say what we just let slide and what we do not let slide.

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 ORDINANCE NO. 1457 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.

Vice Mayor Wilson MOVED THAT ORDINANCE NO. 1457, AS READ BY THE CITY CLERK, BE APPROVED WITH THE FOLLOWING AMENDMENTS: THAT HE ALSO HAS TO PUT IN FOR A PERMIT TO BE LIVING IN HIS TRAVEL TRAILER ON THE PROPERTY AND IT MUST BE DONE AS QUICKLY AS POSSIBLE.

Mayor Serdy commented that is the only stipulation.

Vice Mayor Wilson commented it goes with the other ones there, one through four.

Mayor Serdy asked if he meant all four, even though he only said the one.

Vice Mayor Wilson commented he needs to get it put in to live on the property.

City Attorney Joel Stern stated he had a point of clarification. He has said as soon as possible.

Vice Mayor Wilson commented within 30 days.

City Attorney Joel Stern asked within 30 days of what.

Vice Mayor Wilson commented within 30 days of approval of this.

City Attorney Joel Stern stated he thinks Larry might want to address that real quick.

Development Services Director Larry Kirch stated the zoning code allows you to live in a travel trailer

with a valid building permit. They do not issue an eight month permit to live in a travel trailer, fifth wheel or whatever it is after they get their building permit. They get the building permit and they can put a temporary residence on there during construction. Right now he has an architect. If this is approved tonight they should be putting in some plans by Monday. They have applied for a permit but they have to meet structural calculations et cetera.

City Attorney Joel Stern commented they will still have 90 days.

Development Services Director Larry Kirch stated they will have to apply for that. He might have to get a different residence until he gets a valid building permit. That would be another change to the code. They are not really authorized to allow people to live in a travel trailer without a valid building permit.

Mayor Serdy asked if they could have a whole series of questions now if needed.

City Attorney Joel Stern asked if he could withdraw the motion.

Vice Mayor Wilson WITHDREW HIS MOTION.

Mayor Serdy asked what if no motion gets made.

City Attorney Joel Stern stated if no motion is made, if they do not vote on this at all, then it is not approved. Usually there is a motion either way to vote yes or no.

Mayor Serdy called for a motion.

Councilmember Waldron commented unless he missed it, this is the first time he has heard of an architect being involved with the property. He asked if he missed that earlier.

Development Services Director Larry Kirch stated he was represented by an architect at the board of adjustment.

Councilmember Waldron commented and he is working with him on redesigning the house.

Development Services Director Larry Kirch stated the trusses that are there have to be engineered and an architect would have to stamp those. Otherwise, we do not know what was constructed and how they are going to have to be. His understanding is where they saw that dirt floor was, that is where the mobile home was. He thinks he is building it up to the original level of the mobile home. There has to be a floor put in there that will be a couple of feet, like there will be a crawl space under there. We will just have to see how it all works. They do not have a full set of building plans.

Mayor Serdy commented the board of adjustment heard this after planning and zoning.

Development Services Director Larry Kirch stated they heard this before planning and zoning.

Mayor Serdy commented planning and zoning also voted no even knowing that it was going to be restructured.

Development Services Director Larry Kirch stated that is correct. He thinks they took the same viewpoint as the board of adjustment that largely this was self-imposed.

Mayor Serdy called for a motion.

Vice Mayor Wilson MOVED THAT ORDINANCE NO. 1457, AS READ BY THE CITY CLERK, BE APPROVED.

Mayor Serdy commented so that those four stipulations are in that motion.

Vice Mayor Wilson stated that is correct.

Mayor Serdy called for a second.

Councilmember Rizzi SECONDED IT SINCE STAFF IS RECOMMENDING APPROVAL FOR REZONING. SHE WILL SECOND IT AS WE ARE TRYING TO COME UP WITH A SOLUTION HERE.

VOTE: 5-2 (Councilmembers Evans and Waldron voted in opposition.)

(During the vote Councilmember Barker commented it seems to

her they are darned if they do and darned if they do not on this.)

(During the vote Councilmember Struble commented this is happening to us a lot. More than he likes to see and this is one of these things that when the landowners purchase property or inherit property or whatever and then they start doing it, making improvements, making changes, whatever it might be, and then they come to us to fix the problem. A lot of the times, if this passes, it will save the landowner some money because he will not have to tear down and rebuild and all this kind of stuff. He really thinks it is incumbent upon the landowner to make sure, first of all, that all the permits are properly applied for and everything is in compliance going forward, but also to be a good neighbor and start doing some other improvements to your property to help out your neighbors and such. He thinks we are between a rock and a hard spot and he will vote yes on this just because he thinks they need to move forward on it. But he thinks landowners need to be aware of their situations when they do inherit or do purchase property. It is incumbent upon them to know what they are buying.)

(During the vote Councilmember Evans commented she does not feel it is the city's duty to waiver, look the other way, make things right for people one way or the other that do not do it like everyone else has to do it. To her it encourages people to just see what they can get away with. We have had so much of that in the city and it continues, and why would it not when we continually just well, we will fix this one. And then we end up with someone else coming. Or someone gets caught because something broke down and all of a sudden. We want developers to come in here. We expect to have new subdivisions. Then you drive around and you see these things and we are not making it better. We are just continuing the same old same old. She will not go along with it, no matter what.)

(During the vote Councilmember Waldron commented he does not believe this structure will survive, one way or the other. He thinks that, based on the zoning and stuff, he does not believe the structure will survive and it will have to be rebuilt. The 20' setback should be honored.)

(During the vote Mayor Serdy commented either way they are going to come out with a better situation because part of that building is coming down. It is already decided; his vote does not matter anyway.)

The motion carried.

I. OLD BUSINESS

None.

J. NEW BUSINESS

None.

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 Barker commented the executive session and work session scheduled for Monday, February 19, 2018 are canceled due to the observance of Presidents' Day. She MOVED THAT AN EXECUTIVE SESSION AT 6:00 P.M. AND A WORK SESSION AT 7:00 P.M. BE HELD ON TUESDAY, FEBRUARY 20, 2018, IN THE CITY COUNCIL CONFERENCE ROOM AND CITY COUNCIL CHAMBERS RESPECTIVELY.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

15. [18-034](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, February 19, 2018 is cancelled in honor of President's Day.

16. [18-035](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, February 20, 2018. Other meetings if necessary.

M. CALL TO PUBLIC

Ms. Tess Nesser, 1511 S. Cactus, Apache Junction, addressed the council to remind everyone that the Renaissance Festival starts this Saturday.

Mr. George Schroeder, 2444 W. Virginia, Apache Junction, addressed the council regarding his upcoming meeting on public trust land, teachers' pay and fraud, leased properties, how Apache Junction got built and getting rid of the homeless.

Mayor Serdy commented if Lady Tess would come in costume she would get more interest.

N. ADJOURNMENT

Mayor Serdy adjourned the meeting at 10:10

p.m.