



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, March 19, 2019

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Serdy called the meeting to order at 7:02 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Wilson gave the invocation and Councilmember Rizzi led the meeting attendees in the Pledge of Allegiance.

C. ROLL CALL

Staff in Attendance:

Bryant Powell, City Manager

Matt Busby, Assistant City Manager

Joel Stern, City Attorney

Thomas Kelly, Chief of Police

Kathy Connelly, City Clerk

Jennifer Pena, Deputy City Clerk

Al Bravo, Public Information Officer

Larry Kirch, Development Services Director

Dave Zellner, Building Official

Mike Weaver, Public Works Director

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

D. CONSENT AGENDA

Councilmember Barker moved and Vice Mayor Wilson seconded that the consent agenda be accepted as presented.

1. [19-088](#) Consideration of acceptance of agenda.

The agenda was accepted.

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

No: 0

2. [19-089](#) Consideration of approval of minutes of regular meeting of March 5, 2019.

The minutes were approved.

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

No: 0

3. [19-095](#) Consideration of approval to enter in an agreement with Roadway Electric, LLC for traffic signal repair services through the City of Mesa Cooperative Contract #2017135 for one (1) year in an amount not to exceed \$100,000.00 with an option to renew annually, not to exceed two (2) years.

The Agreement with Roadway Electric LLC was approved.

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

No: 0

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

There were no presentations.

F. ANNOUNCEMENT OF CURRENT EVENTS

4. [19-090](#) Announcement of current events from mayor and councilmembers.

Councilmember Barker recapped the award recipients from the Apache Junction Police Department's Annual Award Ceremony. Many female officers, civilian staff, and volunteers were recognized. Auxiliary Lieutenant Will Haynes received officer of the year.

Saturday, March 16th she attended LibraryCon which drew a tremendous crowd. She attended the Genesis and food bank volunteer luncheon. There were over 100 attendees.

Councilmember Rizzi thanked all the volunteers, staff and the Police Department for all their hard work and service. She attended the Blues and Brews Festival and noted it was standing room only. The number one request she received was to make the festival a two-day event rather than one.

Councilmember Struble stated it was rewarding to hear all the accolades at the Police Departments Awards banquet the other night. Many of these stories are never heard on the news. It exemplifies what our police and city staff handle on a day to day basis.

Councilmember Evans announced she attended the Superstition Mountains Music Festival that was held on Saturday, March 9th at Earth Heart Park and how wonderful the event was even though the weather was a bit chilly. She announced Development Services would be holding a meeting March 20th and would like to hear from the public on the General Plan.

Vice Mayor Wilson recapped the highlights of the AntiqueTractor show with over 3,000 attendees. He announced the Pinal County Fair on the weekend of March 23rd. There will be an auction of animals, roping tricks, and Clown College.

Mayor Serdy announced an audience member, Jacob was present from Boy Scout troop 970 and was working on credits toward his Merit badge.

G. CITY MANAGER'S REPORT

5. [19-091](#) City manager's report.

City Manager Bryant Powell announced the city would be holding a celebration of life for Jeff Bell, former Parks and Recreation Director, on Sunday March 24th at 3:00 PM at the Multi-Gen center which he was instrumental with designing.

He then introduced Hudson Klink from Resolution Copper who would be providing an update on the mining operation project.

6. [19-093](#) Presentation and discussion by Hesston Klenk, Resolution Copper Manager of Governance, Assurance & Engagement, on the Resolution Copper Project.

Mr. Klink provided a summary overview on the progress of the clean-up of the previous mining waste disposal and estimated dates for the next phase of implementation.

Current projects consisted of sinking a second shaft for worker safety and having two points of access and evacuation of workers. He stated this project has been ongoing and takes some time to complete. They are still working on various permits and conducting environmental impact statements.

He then provided a bit more in depth information on the state in which the mining tailings would be stored and alternative locations still being reviewed. He stated the tailings will be left in a semi-wet state. This was the best choice of the three alternatives. If they were to be dried out completely, known as "dry-stack", it would cause environmental issues because when a dry-stack gets wet the pyrite remnants become oxidized creating an acid; that was the lake of waste council saw in a previous slide and was all brown and murky. The full wet state, known as "slurry" is extremely heavy and is not cost effective as far as transport or for storage purposes; a dam would need to be built to hold it.

They have developed several community partnership programs starting with the City of Superior. They are working with the high school and local college students creating internships and specialized course work needed for this unique type of mining and will start a Multi-Gen center within the next 5 years based on the Apache Junction design.

H. PUBLIC HEARINGS

7. [19-097](#) Consideration of application for a new Series 9 Liquor Store license, #09110048, and a Sampling Privileges license for Fry's Food & Drug #665 located at 150 E. Old West Highway, Apache Junction, AZ 85119. The next step in the process is for the council to hold a public hearing on the application and make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.

Mayor Serdy opened the public hearing.

City Clerk Kathy Connelly provided an overview of the proposed Fry's series 9 license request and stated recommendations of approval were received by the planning division, police department and the fire district. A recommendation of disapproval from the building and safety division had been submitted. The applicant was present for any questions.

Jeffrey Miller, applicant for Fry's Food and Drug store #665 reviewed the license application explaining that Fry's held two series 9 license and has to rotate them from inactive to active within a 3 year period or they will lose them. They currently do not have a location for the second license, so they will inactive the current license at Fry's and activate this one and will continue to rotate until they have another location for the second license. The application has a sampling privilege license affiliated with it, and they understand the comments from the planning and safety division and to that extent he stated usually sampling privileges are in the area where the wine and other liquors are located.

Mr. Dave Zellner, Building Official stated the city had previously provided compromises when the store was built and would prefer the sampling privileges be limited to the area where the beer and wine and other liquors are shelved.

No further discussion was held and the public hearing was closed.

Councilmember Rizzi moved and Vice Mayor Wilson seconded that the application for Fry's Food & Drug #665 be recommended for approval to the Arizona Department of Liquor License and Control.

8. [19-057](#) Presentation, discussion and possible consideration of Resolution No. 19-01, declaring as a public record that certain document filed with the city clerk entitled "2019 Amendments to the Apache Junction City Code, Vol. I, Chapter 4: Fees, Article 4-4: Development Services Fees"; repealing any conflicting provisions; providing for severability; and establishing an effective date.

Mayor Serdy requested a staff presentation.

Mr. Larry Kirch, Development Services Director summarized items 8 and 9 stating the notice had been published and posted in accordance with state statute and Council had seen presentations on the matter over the last year. It has been 12 years since the city has visited the development fees and updated processes related to changes in the city code.

In response to comments from Council, Joel Stern, City Attorney stated since 2012 at council's direction ordinances dealing with fees are to be reviewed every 60 months, and within Ordinance 1469 there is a provision that the fees will be reviewed every 60 months.

Councilmember Barker moved and Councilmember Evans seconded the approval of Resolution No. 19-01, declaring as a public record that certain document filed with the city clerk entitled "2019 Amendments to the Apache Junction City Code, Vol. I, Chapter 4: Fees, Article 4-4: Development Services Fees"; repealing any conflicting provisions; providing for severability; and establishing an effective date.

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

No: 0

9. [19-058](#) Presentation, discussion, public hearing and possible consideration of proposed Ordinance No. 1469, amending Apache Junction City Code, Volume I, Chapter 4, Fees, by repealing Article 4-4, Planning, Zoning Review And Subdivision Fees, Sections 4-4-1 through 4-4-12, in its entirety; renaming the article to "Development Services Fees" and adopting new provisions to replace those noted above; repealing any conflicting provisions; providing for severability; and establishing an effective date and a revolving sixty month review period.

Mayor Serdy opened the public hearing, received the staff report regarding the fees, and receiving no comments, the Mayor closed the public hearing.

Councilmember Barker moved and Councilmember Evans seconded the adoption of Ordinance No. 1469, amending Apache Junction City Code, Volume I, Chapter 4, Fees, by repealing Article 4-4, Planning, Zoning Review And Subdivision Fees, Sections 4-4-1 through 4-4-12, in its entirety; renaming the article to Development Services Fees" and adopting new provisions to replace those noted above; repealing any conflicting provisions; providing for severability; and establishing an effective date and a revolving sixty month review period.

City Clerk Kathy Connelly read by title only Ordinance 1469.

Councilmember Barker moved and Councilmember Evans seconded the adoption of Ordinance 1469 read by title only.

Mayor called a short recess at 7:48 pm.

Mayor reconvened the meeting at 7:53 pm.

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

No: 0

I. OLD BUSINESS

J. NEW BUSINESS

10. [19-096](#) Presentation and discussion on city building code and related city code updates. Staff will discuss updating the city's building codes to the 2018 edition of the International Code Council Series of Codes. The city's current code is based on the 2006 edition.

Mr. Zellner provided an update on the city building code and city code as it relates to building codes. The last adopted international building codes was the 2006 version. He has reviewed and made changes to the Uniform Administrative Code that reflect those more specific applications to Apache Junction. The newest release of International Building Codes is the 2018 version. Mr. Zellner highlighted the different trade areas covered in the 2018 International Building Code, highlighting several of them.

Mr. Joel Stern, City Attorney, stated before the city can adopt these updates there is a process that needs to be followed. The announcement of the change is published and then there is a 60 day waiting period for public comment. Once the Ordinance is adopted, becomes effective, there is a 30 period defined by statute before the fees can be assessed.

11. [19-094](#) Discussion on length of mayoral and councilmember positions term of office.

Mayor Serdy opened the discussion on the length of term for the mayoral and councilmember positions.

The Mayor stated he had been approached by several residents on changing the length of the term for the office of Mayor. Currently the length of term for Mayor is two years, Councilmembers serve 4 year terms. The City has no limit on the number of terms an individual can serve. After lengthy discussion on whether the term should be changed from two years to four years for the Mayor, the discussion then focused on how an item like this would be presented. Would the change be initiated by the residents in the form of an Initiative, or could Council just vote to change the term length? Would this have to go to an election? If so what might be the cost?

The City Council then held lengthy discussion on whether there should be term limits.

The general consensus of the council was that the residents already set term limits, by voting. There was no further discussion on extending the term of office for the Mayor's position, or setting term limits for Council.

K. COUNCIL DIRECTION TO STAFF

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

12. [19-092](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, April 1, 2019 and Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, April 2, 2019 in the city council conference room and city council chambers located at 300 E. Superstition Boulevard, Apache Junction, Arizona, respectively. Other meetings if necessary.

Councilmember Barker moved and seconded by Councilmember Rizzi that an executive session at 6:00 P.M. and work session at 7:00 P.M. for Monday, April 1, 2019 and an executive Session at 6:00 P.M. and work session at 7:00 P.M. for Tuesday, April 2, 2019 be held in the city council conference room and city council chambers located at 300 E. Superstition Boulevard, Apache Junction, Arizona, respectively.

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

No: 0

M. CALL TO PUBLIC

James Boerigter – 1054 E Roosevelt, Apache Junction, AZ 85119, wanted to address the noise issue. It has increased significantly since 1980 and the significant number of bars has increased the late evening noise. He also stated the bar that backs up to his property was recently purchased and they have been conducting major renovations and he has not seen a permit posted on the property for the work that is being done.

Braden Biggs – Community Programs Manager from the United Way, announced they are launching the summer PB&J kick off. They will be collection 300 jars of peanut butter and jelly until the end of April that will help feed children in the Apache Junction Unified School District. He stated one child out of 4 reside in an insecure food household. The weekend back pack program makes sure kids have food for the weekend. They can make 15 sandwiches from a 15 oz. jar of peanut butter. The competition is on and he hoped community businesses will either partner with each other or challenge each other to help with the drive.

N. ADJOURNMENT

Mayor Serdy adjourned the meeting at 8:48 p.m.

ACCEPTED THIS _____ DAY OF _____, 2019, BY THE MAYOR
AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2019.

JEFF SERDY
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

CITY COUNCIL MINUTES
CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Apache Junction, Arizona, held on the _____ day of _____, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2019.

KATHLEEN CONNELLY
City Clerk