



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
June 18, 2008  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:10pm.

**2. Roll Call** (one or more members of the Council may participate by telephone)

Council Members present: Barnes; Brown; Hildebrandt; Mortensen; Wootten; Vice Mayor Barney and Mayor Sanders.

**3. Pledge of Allegiance:** Mayor Sanders

**4. Invocation:** Shane Dille, Deputy Town Manager

**5. Ceremonial Matters:** Presentations, Proclamations, Awards, Guest Introductions and Announcements.

A. Proclamation – July is Parks & Recreation Month

B. Presentation to David Phares, Queen Creek/Gilbert Municipal Court Presiding Judge: Mayor Sanders presented a plaque to Judge Phares in appreciation for serving as the Town's Presiding Judge for the past 17 years. Judge Phares then presented to the Town a framed story and weaving of the "Society of the Endangered Queen Creek Trout".

**6. Committee Reports**

A. Transportation Advisory Committee – June 5, 2008: Robin Benning, Chair reported on the June 5 committee meeting at which there were many updates from Town Council meetings; discussion on the BAQZ program and the TAC Work Program.

**7. Public Comment:** Members of the public may address the Town Council on items not on the printed agenda and during Public Hearings. Please complete a "Request to Speak Card", located on the table at the rear of the Council Chambers and turn it in to the Town Clerk prior to the beginning of the meeting. There is a time limit of three minutes for comments.

None.

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**8. Consent Calendar:** Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Public Hearing items are designated with an asterisk (\*). Prior to consideration of the Consent Agenda, the Mayor will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Council and or staff may remove any item for separate consideration.

A. Consideration and possible approval of the May 21, 2008 Work Study and Regular Session Minutes.

B. Consideration and possible approval of the June 4, 2008 Regular Session Minutes.

C. Consideration and possible approval of budget line item reallocations.

D. Consideration and possible approval of expenditures over \$10,000.

E. Consideration and possible approval of **Resolution 743-08** approving the terms of the Option to Purchase Agreement for the transfer of property to the Postal Service.

F. Consideration and possible approval of **Resolution 744-08** modifying assessments and assessment diagrams for ID001-Ellsworth Road/Rittenhouse Road Improvement District removing assessments from the Post Office Site.

G. Consideration and possible approval of an amendment to the scope of work to the Saxe-Patterson, Inc. contract (#2008-36) for the public art at the library.

H. Consideration and possible approval a contract amendment with Government Outreach (GO) (#2007-36) in an amount not to exceed \$3,500 for purchase and installation of code enforcement software, plus increase in annual hosting/licensing fee from \$6,600 to \$9,600 to include new software.

I. Consideration and possible approval of a design contract in the amount of \$14,221 with SRP for temporary streetlights on Rittenhouse Road east of Sossaman Road.

J. Consideration and possible approval of a professional services contract in the amount not to exceed \$14,525 with Wilson Engineers for a report summarizing sewer laser profiling results.

K. Consideration and possible approval of a professional services contract in the amount of \$11,286 with Professional Service Industries, Inc. (PSI) for materials testing for the Ellsworth temporary roadway improvements from Queen Creek Road to Germann Road (Project #A0201).

L. Consideration and possible approval of a professional services contract in the amount of \$21,270 with Professional Service Industries, Inc. (PSI) for materials testing for the Cloud Road Sewer Project from Ellsworth Road to 220<sup>th</sup> Street (Project #WW015).

M. Consideration and possible approval of a professional services contract in the amount of \$14,661 with Professional Service Industries, Inc. (PSI) for materials testing for the Power Road Sewer Project- Phase 1 from Recker Road to approximately 600' east (Project #WW010).

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N. Consideration and possible approval of a professional services contract in the amount of \$20,170 with Professional Service Industries, Inc. (PSI) for materials testing for the Power Road Sewer Project from Chandler Heights Road to Riggs Road (Project #WW026).

O. Consideration and possible approval of an Intergovernmental Agreement between Maricopa County Department of Transportation and the Town of Queen Creek for intersection improvements of Rittenhouse Road and Cloud Road (Maricopa County will pay 50% up to \$385,750 upon completion).

P. Consideration and possible approval of **Resolution 746-08** modifying assessments and assessment diagrams for ID001-Ellsworth Road/Rittenhouse Road Improvement District related to Vestar Parcel #9.

Q. Consideration and possible approval of **SP08-005** “Shawn Stole Construction” a request by Mark Fowler of Michael & Associates on behalf of Shawn Stole Construction for site plan, landscape plan and building elevation approval for an office/warehouse building on Lot 15 of Inverness Industrial Park. The proposal consists of approximately 15,000 sq. feet of office/industrial use with existing I-1 zoning. The project is located ¼ mile east of Crismon Road on Scotland Court.

R. Consideration and possible approval of the final acceptance of public improvements of CVS #1720 – Indigo Trails and begin the one-year warranty period.

S. Consideration and possible approval of San Tan Youth Football League to offer flag football as the sole provider of football programs.

T. Consideration and possible approval of Intergovernmental Agreements with the City of Mesa for 911 (fire) dispatch services (Agreement to join TOPAZ Regional Wireless Cooperative Network; Agreement for dispatch services; and Two-way radio equipment maintenance agreement).

\*U. Public Hearing and possible approval of **RZ07-086/SP07-101(Ordinance 431-08)** “Queen Creek Crossroads” a request by Archicon, LC on behalf of Pacific Western Partners, LLC for a rezoning from R1-43 to a Planned Area Development (PAD) with underlying TC zoning, site plan, landscape plan and building elevation approval for Queen Creek Crossroads. The proposal consists of five buildings totaling 30,150 sq. feet on a five (5) acre parcel. The project is located at the southeast corner of Rittenhouse and Ellsworth Road.

\*V. Public Hearing and possible approval of **TA07-034 (Ordinance 432-08)** “Conditional Use Permits (CUP); Height Restriction on Flagpoles; I-1 Industrial Standards – Percentage of Use for Retail; Appendix C specifications for documents to be submitted, a request by the Town for text amendments to the Queen Creek Zoning Ordinance, Article 3 Zoning Procedures, Section 3.5 Conditional Use Permits; Article 4 Zoning, Sections 4.7F Flagpoles and 4.9F Specific I-1 District Performance Criteria; Appendix C Specifications for Documents to be submitted.

\*W. Public Hearing and possible approval of **ANX08-042** Annexation request for Vineyard Town Center.

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\*X. Public Hearing and possible approval of a Series 9 Liquor Store liquor license application submitted by Jason Barclay Morris on behalf of CVS Pharmacy #1720, located at 21201 E. Ocotillo Road.

Items E, O, S, and T were pulled.

**Motion to approve remainder of Consent Calendar (Wootten/Barney/Unanimous)**

**Item E:** Town Manager Kross recommended approval with a revised motion to approve Resolution 743-08 subject to the modification of the terms of agreement pursuant to instructions given in Executive Session.

**Motion to approve Item E as recommended (Barney/Wootten/Unanimous)**

**Item O:** Council asked how the estimates for the intersection improvements were determined. Transportation Director Dick Schaner explained that the estimates were done in house and reviewed by MCDOT but haven't been bid yet. He added that the estimate was done approximately three months ago. Council asked if there were a possibility of a large increase in costs. Mr. Schaner replied that current bidding on projects has been very competitive.

**Motion to approve Item O as presented (Barney/Mortensen/Unanimous)**

**Item S:** Staff requested a continuance to July 16, 2008. Council asked if there would be a delay in implementing the start of flag football. Parks & Recreation Director Debbie Gomez replied no.

**Motion to continue Item S to the July 16, 2008 meeting (Mortensen/Hildebrandt/6-1 (Wootten) MOTION PASSED.**

**Item T:** Assistant Fire Chief Bradbury of City of Mesa gave a presentation on the regional dispatch system which supports Gilbert, Mesa, Apache Junction and Queen Creek Fire Departments.

Council asked if the terms and conditions for Queen Creek were the same as for the other cities. Response was yes.

**Motion to approve Item T as presented (Barney/Hildebrandt/Unanimous)**

**PUBLIC HEARINGS AND FINAL ACTION:** If you wish to speak to the Council on an item listed as a Public Hearing or Action, please complete a Request to Speak Card and turn it in to the Town Clerk. Speakers will be called upon in the order in which their cards are received. Speakers are limited to three (3) minutes each.

**9. Discussion and possible action on Resolution 747-08** the amended fee philosophy for general programming and Horseshoe Park and Equestrian Centre.

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Parks and Recreation Director Debbie Gomez reviewed the staff report and methodology approach. She reviewed the user fee philosophy approved in 2006 and the current cost of recovery for programs. Ms. Gomez also reviewed the recommended programming fee philosophy for community programs, basic programs and enhanced specialized programs and added that a scholarship program is available for those who qualify. Ms. Gomez continued her review with the facility/park reservation and youth sports organizations. The estimated revenues in the next fiscal year were discussed, assuming the new fee philosophy was approved. The Horseshoe Park & Equestrian Centre fee philosophy was presented as recommended by the Recreation Advisory Board. The fiscal impact, including start up costs and recovery were discussed.

Council comments included basing costs on assumptions since data is not yet available to determine actual usage; consideration for community needs; arena promotions; the need for professional management and flexibility in scheduling the facility for community uses.

Zach Shively, of Gilbert and a member of the Spirit of Queen Creek Club, said that work sessions at private arenas can last three hours and the use of Horseshoe Park would provide a central consistent practice arena.

Tami Eckhoff, of Queen Creek, co-leader of 4H in Queen Creek, provided additional information on the Spirit of Queen Creek Club. She discussed the shows 4H hosts and the number of participants and family members. She said that the 4H would like to partner with Queen Creek to use the facility.

Morgan Frye, of Gilbert, provided additional information on the Spirit of Queen Creek Club shows and horse sessions. She requested that costs be kept low so youth can participate.

Cheyenne Flores, of Gilbert, a member of the Spirit of Queen Creek Club provided additional information on club activities.

Kristin Linne, of Queen Creek, said her children are involved in several organized activities and understands that some youth activities are subsidized and believes that Queen Creek should partner with the 4H Club for use of Horseshoe Park.

Tom Alberti, of Queen Creek, said he disagreed with the fee schedule for non-profit groups and believes it will be unprofitable. He said that the Town should enter into a partnership with the 4H Club to use the arena and reduce travel time to other arenas. He said Horseshoe Park shouldn't be treated differently than the other Town parks.

Fred Brittingham, of Queen Creek, said several events could be held at Horseshoe Park including 1-3 day events for the covered arena.

Roseann Sweet, of Queen Creek, said increased costs for arena use and shows are allowing fewer events to be held. She said she would like to use Horseshoe Park for events at affordable rates. She also said it needs quality management and would be willing to help in any way to promote the facility.

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Eric Kerr, of Queen Creek, said participants in horse events bring in revenues from food and shopping. He also said Horseshoe Park was designed to hold two events at the same time and for multiple days. He said professional management should be considered.

Letters from Jill Jackson and Maureen Mariscal were also read.

Council discussed the need for expenses of Horseshoe Park to be covered and with proper management and promotion of the facility they should be. Working with non-profit groups to achieve success of the facility was also discussed.

Further discussion was in regard to the rates for covered and uncovered arenas; locking in the rate and reservation policy and maintaining flexibility with non-profit vs. commercial uses.

**Motion to approve Resolution 747-08** the amended fee philosophy for general programming and Horseshoe Park and Equestrian Centre as recommended and forming a sub-committee with Economic Development Commission to look at bringing facility users into the community (Mortensen/Wootten)

Additional discussion was in regard to direct costs of operating Desert Mountain Park for sports programs and operation costs for QCPAC; uses for the community arena and guidelines for arenas.

**Vote:** Unanimous

**10. Public Hearing** on the proposed FY08-09 Primary Property Tax Levy.

Assistant Town Manager Patrick Flynn stated this was the next step in the budget process and was included in the Tentative Budget for FY08-09 approved on May 21, 2008 as recommended by the Budget Committee. Mr. Flynn explained the Truth in Taxation requirements for increasing the tax collected while maintaining the tax rate at \$1.95. He said the increased assessed values of property result in increased revenues for public safety/fire services. He also added that the actual tax levy will be approved on July 16, 2008.

The Public Hearing was opened. No one came forth and the Public Hearing was closed.

Town Attorney Fredda Bisman stated that a roll call vote is required for a tax collection increase and approving the tax levy with an emergency action would comply with the statutory adoption requirements.

**Motion to approve the FY08-09 Primary Property Tax Levy as an emergency to comply with time constraints for the July 16, 2008 levy adoption** (Barney/Hildebrandt/Roll Call Vote:

Barnes – aye

Brown –aye

Hildebrandt – aye

Mortensen – aye

Wootten – aye

Barney – aye

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Sanders – aye

**Motion Passed Unanimously**

**11. Public Hearing** on the Final Budget FY08-09. *(The Regular Session will be recessed after this Public Hearing and a Special Session to adopt the Budget will be held. Upon the adjournment of the Special Session, the Regular Session will reconvene and the order of agenda items will continue)*

Town Manager John Kross stated that the Tentative Budget was approved on May 21, 2008 which set the bottom line for the FY08-09 Budget and provided a few highlights of the proposed budget. Mr. Kross also commended the Council Budget Committee and staff for creating the budget.

The Public Hearing was opened. No one came forth and the Public Hearing was closed.

The Regular Session was recessed at 9:25pm and reconvened at 9:45pm.

**12. Consideration and possible action** on the approval of Town Event Sponsorship Program requests for FY08-09 to Kiwanis Club of Queen Creek in the amount of \$5,000 for the Fourth of July Celebration; Boys and Girls Club of the East Valley – Queen Creek Branch in the amount of \$5,000 for the Queen Creek Holiday Parade and Festival; and to Nova Youth Cycling Foundation in the amount of \$5,000 for London’s Run.

Assistant Parks & Recreation Director Creighton Wright reviewed the staff report and recommendations for approving the sponsorship requests.

**Motion to approve the three Town Event Sponsorship Program requests as presented**  
(Wootten/Barnes/Unanimous)

**ITEMS FOR DISCUSSION:** These items are for Council discussion only and no action will be taken. In general, no public comment will be taken.

**13. Discussion** on possible regulations of Check Cashing/”Payday” Loan businesses.

Planning Manager Wayne Balmer requested Council direction on pursuing code amendments or regulations for check cashing/payday loan businesses based on recent concerns and comments on the number of and locations of establishments. He said that a conditional use permit with a 1200 ft. spacing requirement would be consistent with other communities. Council asked if any requirements could be established to control predatory interest rates. Mr. Balmer said no and that the Town could only regulate the zoning.

Vice Mayor Barney stated that the League Resolution Committee has been trying to get the Legislature to regulate the check cashing/payday loan businesses but have had no luck so far.

Council discussed the possibility of one-mile spacing; implementing regulations similar to the sexually oriented businesses ordinance or limiting businesses to certain zoning districts. Council

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requested adding a distance requirement to any regulations for payday – pawn; payday – payday and pawn – pawn businesses.

**14. Discussion on DR08-095 “Hastings Farms Fence Amendment”.**

Principal Planner Fred Brittingham stated that Hastings Farms currently has an approved fence plan and the amendment meets the current Council policy for enhanced solid fencing standards. Council asked if the amendment provided additional distance between the fence and street. Mr. Brittingham said no but additional landscaping was being provided (larger trees and denser bushes) and is consistent with the current policy. Council also asked whether the proposed 6-foot solid fence was only along Ellsworth Road. Mr. Brittingham replied that a revised solid and view fence plan was proposed for Cloud Road. Council discussed the possibility of reviewing the current fence policy requirements and concern that they were taking away from the rural character of the Town.

**15. Motion to adjourn to Executive Session:** The Council may reconvene the Executive Session for any of the items listed on the Executive Session Agenda.

**Motion to adjourn to Executive Session at 10:00pm** (Mortensen/Barnes/Unanimous)

**16. Adjournment**

The Regular Session was adjourned at 10:38pm.

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TOWN OF QUEEN CREEK

\_\_\_\_\_  
Arthur M. Sanders, Mayor

Attest:

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Jennifer F. Robinson, CMC

I, Jennifer F. Robinson, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the June 18, 2008 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present

\_\_\_\_\_  
Jennifer F. Robinson, CMC

Passed and approved on July 16, 2008.