



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
July 16, 2008  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:05pm.

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

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

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

**4. Invocation:** Jason Powers, Pastor of New Life Nazarene Church

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

A. Presentation of the Neighborhoods in Bloom Awards: The following individuals/business was presented with the Neighborhood in Bloom Award:

Kelly & Brandi Slade: Residential

The Cottage at Queen Creek (Debbie & Randy Green): Business

Art & Vicki Roa: Make-over

San Tan Vistas HOA: Neighborhood

**6. Committee Reports**

A. Arts, Culture and Experience Sub-Committee – June 25, 2008: The Committee approved the FY08-09 Committee Work Plan; received an overview & update on the QCPAC and Farmers Market information. The next meeting is scheduled for August 27, 2008.

B. Recreation Advisory Board – June 24, 2008: The Board heard department updates and discussed the Council approved fee philosophy for parks & recreation programs. The next meeting is scheduled for August 27, 2008.

C. Senior Advisory Committee – June 24, 2008: The Committee members discussed the Recreation Needs Assessment Survey results and further investigation of participant leaders/instructors to informing residents of available trails in the Town.

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D. SRP Task Force – July 8, 2008: SRP gave a presentation on the Abel-Moody and Morcom Line Sitings and the Task Force members discussed with SRP the importance of receiving input from the Town, residents and others affected by the transmission lines. The next meeting is scheduled for August 4, 2008.

**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.

Silvia Centoz, Queen Creek (unincorporated Maricopa County) said she was concerned with the recent rains, fissures and geotechnical problems in the area. She also had concern that the Town now had to deal with the issues even though problems were caused by development not approved by the Town.

Sylvia Barrett, Queen Creek (unincorporated Maricopa County) commented on the Resolution Copper project and contaminated water going into the Magma Irrigation system.

Teresa Novak, Queen Creek, said she was concerned with the median along Ocotillo Road and diverting traffic to the Loop Road would cause more problems. She said the Town should concentrate on a small town atmosphere.

**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 June 18, 2008 Work Study, Special Session and Regular Session Minutes.

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

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

D. Consideration and possible approval of **Resolution 751-08** authorizing the application to the Greater Arizona Development Authority (GADA) for a loan of \$2,045,000 to finance the construction of Horseshoe Park and Equestrian Centre (HPEC).

E. Consideration and possible approval of a contract with Taylor Morrison in the amount of \$29,885.67 for installation of a sewer service across Ocotillo Road.

F. Consideration and possible approval of **Ordinance 433-08** setting the secondary property tax rate and levy for FY08-09 for Street Light Improvement Districts.

G. Consideration and possible approval of a consulting agreement with Al Holler & Associates, sales tax auditors, in the amount of \$66,000.

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H. Consideration and possible approval of the appointment of a Council Sub-Committee and the following members: Council Member Jeff Brown, Council Member Joyce Hildebrandt, Carlos Acuna, David Weiss and Molly Jacobs for the purposes of considering changes to annual holiday festivities.

I. Consideration and possible approval to transition the Town's Flag Football program to San Tan Youth Football League.

J. Consideration and possible approval of an Intergovernmental Agreement with the Flood Control District of Maricopa County for half of the design and utility relocation costs estimated at \$1,200,000 for improvements to the Sonoqui Wash from Chandler Heights Road to Crismon Road.

K. Consideration and possible approval of a consulting contract in the amount not to exceed \$23,030 to Professional Services Industries, Inc., (PSI) for materials testing of Ellsworth Road (Loop Road to Cloud Road).

L. Consideration and possible approval of a construction contract in the amount of \$27,324 to SRP for the installation of street lights and cable for the Ellsworth Road Improvement Project from the Loop Road to Cloud Road (Project A0203).

M. Consideration and possible approval of a special warranty deed from Elane R. Palmer, Sanokai Creek Ranch Phase 5, LLC for the dedication of a portion of Sossaman Road and Cloud Road located in the southwest quarter of Section 29 to the Town of Queen Creek.

N. Consideration and possible approval of a warranty deed to dedicate right-of-way for a portion of Ellsworth Road to the Town of Queen Creek, a request by James and Jackie Mahoney (applicant).

O. Consideration and possible approval of a request for direction to begin the statutory 60-day public agency comment period for Major General Plan Amendments.

P. Consideration and possible approval of the appointment of Karen Fehlan to the Planning and Zoning Commission.

Q. Consideration and possible approval of **SP08-067 Lot 18** of Power Market Place Business Park a request by Ken Mohn, architect, for site plan, building elevations and landscape plan approval for an approximately 16,600 sf. two story industrial/office building on 1.07 acres at 18375 S. 187<sup>th</sup> Place in the I-1 zoning district.

R. Consideration and possible approval of **Resolution 713-08** authorizing a development agreement with Highland Ranch Construction Company LLC, providing for the partial reimbursement by the Town to developer for costs associated with the construction of the Crismon Road Culvert.

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S. Consideration and possible approval of an amendment to the Intergovernmental Agreement with Pinal County relating to intersection improvements at Ellsworth and Empire that extends the time of performance and gives ownership and maintenance of the traffic signals to the Town.

T. Consideration and possible approval of the renewal of the contract with Cigna Healthcare.

\*U. Public Hearing and possible approval of **RZ08-059/SP06-111 “Grulich’s Service & Collision Center”** a request by Chris Grulich on behalf of Northeast Scottsdale Auto Group Grulich Brother Industries, for rezoning, site plan, building elevation and landscape plan approval for two primary buildings totaling approximately 17,000 square feet of automotive oriented service and office space. The applicant is requesting rezoning from I-1 Light Industrial to I-1 Light Industrial with a PAD overlay. The property is located north of the re-aligned Rittenhouse Road between Power and Sossaman Roads.

\*V. Public Hearing and possible approval of a Series 12 Restaurant liquor license application submitted by Randy D. Nations on behalf of Uncle Bear’s Grill & Bar to be located at 21151 E. Rittenhouse Rd., Suite 101 (Cornerstone).

Items B, C, Q & U were pulled from the Consent Calendar.

**Motion to approve remainder of Consent Calendar as presented**  
(Barney/Mortensen/Unanimous)

**Item B:** Council Member Brown requested additional information on the need to purchase seven vehicles for the water department. Water Utility Director Paul Gardner and Street Maintenance Manager Jan Martin explained the replacement program for fleet vehicles and that some of the vehicles needed to be replaced due to age/mileage/reallocation between departments. Mr. Gardner also said that some of the replacement vehicles were larger as they would be used to transport equipment. There was discussion about using the state contract or going out to bid for vehicles and getting the best price. Ms. Martin said that the process should take about three months but she could call other dealers to get prices too.

**Motion to continue purchase of the seven vehicles to the next meeting and to approve remaining items on the staff report** (Brown/Barney/Unanimous)

**Item C:** Council requested clarification on the reallocation for Water Department supplies. Town Manager Kross explained that it was a reallocation within the Water Department budget.

**Motion to approve Item C as presented** (Brown/Mortensen/Unanimous)

**Item Q:** Town Manager Kross stated that action on this item would take place at the August 6, 2008 Council Meeting and this item would be for introduction only.

Principal Planner Fred Brittingham reviewed the site plan which meets all ordinance requirements and was recommended for approval by the Planning and Zoning Commission. Council had no questions.

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**Item U:** Principal Planner Fred Brittingham reviewed the PAD and site plan that was recommended for approval by the Planning and Zoning Commission. The case will be on the August 6, 2008 Council agenda for possible approval.

Council asked if there was adequate parking for the damaged vehicles. Mr. Brittingham reviewed the parking area on the site plan and pointed out the storage area for vehicles. He added that the allowed lot coverage was 80% and the project is at 20% lot coverage.

**Motion to continue Items Q & U to the August 6, 2008 Council Agenda**  
(Mortensen/Barney/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.

**Motion to suspend the rules and hear Items 19 & 21 before 9**  
(Brown/Hildebrandt/Unanimous)

Planning Manager Wayne Balmer gave a brief introduction of Items 9 & 10 which are a part of the former General Motors Proving Grounds.

**9. Presentation** by DMB on Mesa General Plan Amendment application and consideration and possible direction to provide comments to the City of Mesa.

Grady Gammage, representing DMB gave a presentation on the general plan amendment for 3,100 acres on the north portion of the former proving grounds. The amendment includes annexation, MPC designation and rezoning.

**10. Presentation** by Paul Gilbert on Mesa Major General Plan Amendment application (Levine property) and consideration and possible direction to provide comments to the City of Mesa.

Paul Gilbert, representing Pacific Proving (referred to as Levine Property) gave a presentation on the general plan amendment for 1,700 acres on the south portion of the former proving grounds. Mr. Gilbert stated that the application is requesting the Mixed Use designation but doesn't include any additional rezoning request at this time. He also said that the property owners were pursuing annexation into Mesa.

After the presentations discussion was in regard to the impact on Queen Creek with the possibilities of job saturation, altered flight paths over Queen Creek (based on high density/high rise buildings), maintaining Ellsworth Road alignment and consideration of additional north/south arterial roads including Signal Butte and Meridian Roads.

Council directed staff to send comments to the City of Mesa as recommended in the staff report and discussed.

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**11. Public Hearing and possible approval of Ordinance 434-08** setting the primary property tax rate and levy for the Town for FY08-09.

Assistant Town Manager Patrick Flynn stated adoption of the property tax ordinance was the last step in adopting the 08/09 Budget. He said the Final Budget was approved and the public hearing on the property tax held on June 18, 2008. He stated the tax rate was remaining at \$1.95 per \$100 assessed valuation and revenue generated would fund public safety (Fire Department, EMS & MCSO).

There was no public comment.

**Motion to approve Ordinance 434-08** (Barney/Mortensen/Unanimous)

**12. Discussion and possible action on Resolution 748-08** encouraging Salt River Project to include criteria for the location of the proposed Abel-Moody 230KV transmission line.

Planning Manager Wayne Balmer referred to a previous presentation to Council on the proposed Abel-Moody line location and the Town's concerns that are included in the resolution.

Council discussed private property and SRP easements and possible use restrictions on the easements. Mr. Balmer said the SRP easement for a 230KV line is typically 100 feet and uses that are suggested include parking areas, parks or open space while any buildings are discouraged. Council asked if the Town had any requirements for uses within an easement. Staff responded it would depend on the zoning district.

Janeen Rahovit, representing SRP, commended staff and Council for their engagement in the siting process. She responded to Council's questions on uses within the easement. Ms. Rahovit said that SRP receives development plans from the Town and SRP encourages open space type uses.

Court Rich, Rose Law Group and representing several developers requested the Town let SRP know specific locations such as Rittenhouse Rd, Meridian Rd, and mid-section/line section roads in the Town to avoid in putting the 230KV lines.

Council asked staff if specific locations should be listed. Mr. Kross suggested that discussions with SRP continue and that approval of the resolution would provide guidance to SRP for consideration.

**Motion to approve Resolution 748-08** (Mortensen/Hildebrandt)

Further discussion was in regard to adding an additional recommendation within Exhibit A of the resolution to address alternative transportation corridors such as light rail or commuter rail.

**Vote:** Unanimous

**13. Consideration and possible action on DR08-095 “Hastings Farms Fencing Modification”** a request by Greg Davis, of Iplan Consulting LLC., on behalf of William Lyon Homes, Inc. for Design Review for revisions to the approved perimeter fencing plan for Hastings Farms. The project is located on the east side of Ellsworth Road north of Cloud Road.

Principal Planner Fred Brittingham reviewed the application for a fence amendment which complies with the current fence ordinance requirements. Council requested information on height restrictions. Mr. Brittingham explained how the six foot height on the high side is based on the slope. There was discussion on the height of the solid fence at the Lucia development. Mr. Brittingham said that the Hastings Farms fence would not be more than six feet because of the grade at the project. Council Member Barnes said he preferred open fencing such as the white vinyl.

Greg Davis, the applicant and representing Hastings Farms was available for questions. There were none.

**Motion to approve DR08-095 “Hastings Farms Fencing Modification”**  
(Barney/Mortensen/Unanimous)

**14. Discussion and possible action** on outreach to the non-profit groups.

Town Manager Kross said the purpose of this request was to organize a meeting with non-profit organizations to discuss providing services/programs to citizens. He said that the Town provides funding for several non-profit organizations. He referred to a program in San Jose, CA as an example of a city/town working with non-profit organizations for code enforcement programs. Council Member Barnes said that the Town needs to work with the local non-profit organizations and larger area wide organizations to help provide some services and relieve the Town from all of the burden and expenditures. He added that some of the organizations could provide services to families in need. Council Member Barnes added that he would like to distribute a questionnaire and discuss the results at the upcoming Council Retreat. Council discussed creating a network of non-profits and the need to determine the viability and interest.

**Motion to direct staff to assist the Council in holding an informational meeting with the community’s non-profit agencies** (Barnes/Barney/Unanimous)

**15. Discussion and possible action** on directing staff to initiate a text amendment to the Queen Creek Zoning Ordinance pertaining to fencing.

Principal Planner Brittingham stated this item was on the agenda at the request of Council and provided a brief history of the Town’s fencing standards including view/partial view fencing and solid fencing. Mr. Brittingham also reviewed the fencing amendment requirements.

Council Member Brown stated that he had requested this item be placed on the agenda for discussion. He said that he was uncomfortable with the current text in the fencing policy and that he believed the current ordinance provided for a maximum height of six feet.

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Discussion was in regard to the maximum height of fence from street side grade and set-back and undulation requirements. Mr. Brittingham added that the current code requires the top two feet of a solid fence to be open of the height, based on the slope is eight feet. He also explained the additional requirements for materials and landscaping for solid fencing. Council discussed the need to break up the visual impact of solid fencing.

**Motion to begin a text amendment to evaluate the fencing ordinance** (Brown/Barnes/2-4)  
Motion Failed.

**16. Discussion and possible action on Resolution 740-08** recommending proposed corridor for further consideration for the location of the proposed Williams Gateway Freeway/State Route 802.

Intergovernmental Liaison Mark Young gave a presentation on the proposed routes being considered by MAG & ADOT for Route 802 with Corridors 2 & 4 being preferred. Mr. Young presented an Alternative Corridor 4 that would have less impact on existing residential developments, schools and businesses. He said that the Transportation Advisory Committee, Planning and Zoning Commission and the Economic Development Commission recommended the Alternative Corridor 4. Mr. Young reviewed the proposed Resolution which also supports the resolution supports the one recently approved by Pinal County Board of Supervisors.

Julia MacDougall, Queen Creek (unincorporated Pinal County) referred to a statement of community involvement and support of the Alternative Corridor 4.

Edwin Orenberg, Queen Creek (unincorporated Pinal County) said he preferred the Alternative Corridor 4.

Linda Hirsch, Queen Creek (unincorporated Pinal County) said her family would lose their livelihood if Corridor 4 was approved and prefers the Alternative Corridor 4.

**Motion to approve Resolution 740-08** (Mortensen/Hildebrandt/Unanimous)

**17. Discussion and possible action** on the removal of the planned median on Ocotillo Road in front of Russ' True Value Hardware Store and approval of a change order at an undetermined cost.

Deputy Town Manager Shane Dille reviewed the request submitted by Russ Carlson to remove the median in front of his business Russ' True Value located on Ocotillo Road. Mr. Dille as part of his report reviewed the approval in 2000 of the Victoria PAD, located on the north side of Ocotillo Road and the off-site improvements that were approved in 2007 as part of the Victoria PAD. The developer has decided to proceed with the off-site improvements and has received permits to do so. Subsequently, staff has met with Mr. Carlson regarding the improvements and discussed options for Mr. Carlson, including a variance request for additional or modified signage. Mr. Dille said that there had been many inquiries from citizens regarding the median issue but staff continues to recommend that the approved plans remain unchanged.



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Traffic Engineer Mike Pacelli, gave a powerpoint presentation focusing on the effect of traffic safety. He provided additional information on the Victoria project and the location for the traffic signal at the shared drive of Russ's and Queen Creek Veterinary Clinic. The location was determined after public hearings and requests by the business owners to locate the signal at the shared drive. The other business properties adjacent to Russ' were designed with shared drives and rear parking.

Mr. Pacelli explained arterial street functions and how competing needs and conflicts arise. He said that raised medians provide safety as well as reasonable access on arterial streets. He showed exhibits of the median design on Ocotillo Road and the median breaks and signal locations.

Although staff recommends the raised median as approved, several options were presented for Council to consider. Those included:

- 1) delete the median in front of Russ' with a cost of approximately \$15-20,000 for change orders
- 2) delete the median from Hawes to 205<sup>th</sup> with a cost of approximately \$60-80,000 for change orders
- 3) delete all raised medians on Ocotillo Road which would conflict with the Town Center Streets design concept report

Council discussed speed limits, full access and median breaks and asked how the Town determined placement. Staff responded that Maricopa County standards are used. Council also asked if the raised medians provided adequate access for public safety vehicles. Fire Chief Van Summers responded that raised medians pose no problems. Council also discussed the right-of-way width on Ocotillo Road.

Russ Carlson stated that the raised median would devastate his business and presented petitions signed at his store containing more than 400 signatures. He said he did support the location of the traffic signal at the shared drive but wasn't aware of any other improvement plans for Ocotillo Road. He said he began the design of his new store/location in 1998 and after a delay, began again in the spring of 2001. He said he would have flipped the layout of the building if he knew about the median. He said that the raised median will make it too difficult for people to turn into the store parking lot.

Council discussed further traffic safety with large volume of traffic with and without medians.

Gordon Brown, Queen Creek (unincorporated Pinal County) commented on business planning vs. traffic planning and the possibility of a lawsuit under Proposition 207.

Stu Searing, Queen Creek (unincorporated Pinal County) stated he goes to the standpipe on Ocotillo Road twice a week and raised medians would cause a hardship. He said he would support drive over medians.

Ed Guerra, Queen Creek (unincorporated Pinal County) submitted written comments requesting the removal of raised medians on Ocotillo Road.

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Jill Charette, Queen Creek, stated that she lived on Ocotillo Road and would not have left turn access to her home (heading west) and supported removing the median.

Bob Hildebrandt, Queen Creek, said there should be no raised medians in Queen Creek. He said u-turns are dangerous and raised medians impact businesses. He said that drive over medians would be preferable.

Howard Young, Queen Creek, said that raised medians restrict the flow of traffic into businesses.

Russ Carlson came forward and stated his opposition to the water standpipe and current Post Office location having full access.

Council discussed options to raised medians such as cobblestone or textured pavement and whether it would have any effect on traffic. Mr. Pacelli said that the conflict points would still exist. There was also discussion on cities/towns that removed raised medians over time and costs associated with removal as well as textured pavement. Council continued to discuss safety vs. convenience on roadways.

**Motion to keep the approved plans for Ocotillo Road (Brown) No 2<sup>nd</sup> – Motion Died**

Council continued discussion.

**Motion to keep the approve plans for Ocotillo Road (Brown/Mortensen)**

**Roll Call Vote:** Barnes – nay  
Brown – Aye  
Hildebrandt – nay  
Mortensen – aye  
Barney – nay  
Sanders aye

**Motion Failed 3-3**

**Motion to remove all medians (Alternative 3) (Hildebrandt/Barnes)**

**Roll Call Vote:** Barnes – aye  
Brown – nay  
Hildebrandt – aye  
Mortensen – nay  
Barney – nay  
Sanders – nay

**Motion Failed 2-4**

There was discussion on putting the contractor on hold and costs incurred to the Town for delaying the project.

**Motion to approve Alternative 1 (deleting raised median in front Russ') and consider future changes if necessary (Barney/Barnes)**

**Roll Call Vote:** Barnes – aye  
Brown – nay

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Hildebrandt – aye  
Mortensen – nay  
Barney – aye  
Sanders – nay

**Motion Failed 3-3**

Council asked where funds for any changes would come from. Town Manager John Kross replied that reallocations would be made from the Transportation Contingency Fund.

**Motion to continue to a Special Meeting in one week or less (Brown/Barney/Unanimous)**

Bill Fischbach, Queen Creek, was in disagreement with the costs presented to take out the median and said that a light could be put in later if needed.

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

**18. Queen Creek Chamber of Commerce quarterly update.**

Rustyn Sherer, Interim President & Executive Director of the Queen Creek Chamber of Commerce, provided the 2<sup>nd</sup> & 3<sup>rd</sup> Quarter update, highlighting that the Chamber had fulfilled 22 of 24 projects; upgraded their website and participation with the East Valley Chambers of Commerce Alliance.

**19. Discussion** and update on the Municipal Corporation Yard Master Plan prepared by Arrington Watkins Architects.

Mike Quinn of Arrington Watkins Architects provided an overview of the process followed to complete the concept designs for a maintenance & operations complex that provides for flexibility for phasing and implementation. The proposed building elevations were presented and conceptual layout/uses of buildings were shown. Council asked where access to the site was. Mr. Quinn said that the east boundary of the adjacent park site (Town-owned property) was the main access. Similar facilities in other communities were discussed.

**20. Discussion** on current and planned transportation projects.

**Motion to continue** (Brown/Barnes/Unanimous)

**21. Community Crime Prevention update** including the crime free multi-housing program.

Public Safety Manager Joe LaFortune gave an overview of the Town's crime prevention program in coordination with MCSO which includes a Community Policing Deputy, SRO and the Queen Creek Crime Prevention Posse and briefly discussed the responsibilities of each. Mr. LaFortune reviewed the printed brochures that are available that provide tips & checklists including ID theft and auto theft. He also discussed the community outreach plan that includes

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working with HOA's & other neighborhood contacts as well as website & Queen Creek Connection information.

Mr. LaFortune provided an overview of the Crime Free Multi-Housing Program, developed by the City of Mesa. Council asked about the effectiveness of the program. Mr. LaFortune responded that some communities have experienced up to 70% reduction in calls. Council also asked when vacation watch information would be available on the website. Mr. LaFortune said it should be available within the month.

**22. Progress report and next steps for the Zoning Ordinance update.**

**Motion to continue** (Brown/Barnes/Unanimous)

**23. Adjournment**

**Motion to adjourn the Regular Session at 12:11am** (Mortensen/Brown/Unanimous)

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TOWN OF QUEEN CREEK

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

Attest:

\_\_\_\_\_  
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 July 16, 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 August 6, 2008.