



Minutes
Regular Session and Possible Executive Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
December 3, 2008
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:09pm.

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 (by telephone) and Mayor Sanders.

3. Pledge of Allegiance:

Led by Mayor Sanders.

4. Invocation:

A moment of silence was observed.

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

None.

6. Committee Reports

A. Parks, Trails and Open Space Committee – November 18, 2008: Council Member Wootten reported on the discussion of design options for the Queen Creek Wash – Desert Mountain trail link and heard updates on Horseshoe Park and completion of Founder’s Park restrooms.

B. Finance Review Task Force – November 24, 2008: Deputy Town Manager Shane Dille reported on the first meeting of the Task Force. Steve Sossaman was selected as Chair; objectives of the Task Force were reviewed and discussed and presentations on the Parks, Trails and Open Space Master Plan and Five Park Master plan were given. The next meeting will be January 12, 2009.

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.

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None.

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 a professional services contract in the amount not to exceed \$92,000 with Van Scoyoc Associates for the purpose of federal representation.

B. Consideration and possible approval of a professional services contract in the amount not to exceed \$60,000 with Williams and Associates for the purpose of state representation.

C. Consideration and possible approval of the appointment of Lee Ester of Salt River Project to the Economic Development Commission.

D. Consideration and possible approval of the Meridian Road “Map of Dedication” located in a portion of the northeast quarter of Section 24. Corporation of the Presiding Bishopric of the Church of Jesus Christ of Latter - Day Saints – applicant.

E. Consideration and possible approval of the “Replat of Power Marketplace at Queen Creek” located in a portion of the southwest quarter of Section 6. Power & Rittenhouse LLC – applicant.

F. Consideration and possible approval of an Intergovernmental Agreement with Maricopa County and Pinal County to prepare a design concept report for the future intersection of Meridian – Riggs and Rittenhouse in the amount of \$200,000.

G. Consideration and possible approval of a job order to AJP Electric, Inc. JOC #2006-70 in the amount not to exceed \$74,474 for construction of a temporary signal at Rittenhouse and Hawes Roads.

H. Consideration and possible approval of a professional services contract in the amount not to exceed \$18,500 with Planning Technology, Incorporated for aviation consulting services related to SRP line siting.

Council requested Items A & B removed for discussion.

Motion to approve remainder of the Consent Calendar as presented (C-H)
(Mortensen/Barnes/Unanimous)

Item A: Council Member Brown asked for a staff report. Intergovernmental Liaison Mark Young reviewed Van Scoyoc Associates work/success during the past year. Mr. Young said that an increased presence of Queen Creek regarding transportation projects and wastewater/effluent funding would be beneficial. Town Manager John Kross added that all possible funding for infrastructure would be explored. Council asked if there was list of projects to be worked on. Mr. Young referred to the federal legislative agenda approved by Council on October 15, 2008.

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Council asked for three specific road projects to be named. Mr. Young responded with Ellsworth – Cloud to Empire; Riggs Road archaeology study; Meridian Road – QC Wash bridge/phasing plan. There was also discussion on the reporting process from the lobbyist.

Motion to approve Item A on the Consent Calendar as presented
(Mortensen/Brown/Unanimous)

Item B: Council Member Brown asked for a staff report. Intergovernmental Liaison Mark Young reviewed the work of Williams and Associates over the past year with state/county and other city/town representatives. Mr. Young said that one goal for the next year is to lobby the legislature to remove the “loan” provision from the Congestion Mitigation Fund. Mr. Young also referred to the state legislative agenda approved by Council on October 15, 2008.

Motion to approve Item B on the Consent Calendar as presented
(Brown/Hildebrandt/Unanimous)

PUBLIC HEARINGS: If you wish to speak to the Council on an item listed as a Public Hearing, 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.

Mayor Sanders announced that requests for continuance had been received for the three Major General Plan Amendment cases.

Planning Manager Wayne Balmer reviewed the Major General Plan Amendment procedures and the affect on the process with requests for indefinite continuances by the three applicants. He said that one case in 2006 that was indefinitely continued was never brought back to Council for consideration. Mr. Balmer requested Council direction on bringing the applications back to Council for consideration at a future date.

9. Public Hearing and possible action on GP08-117 Major General Plan Amendment – Resolution 762-08 – a request by Rob Schemitsch for Victoria Lund Investment Group LLC to amend the Land Use Map designation for 33.5 acres (Victoria Parcels 5 and 9) at the northwest corner of Ocotillo and Ellsworth Loop Roads from Medium Density Residential (MDR/ 2-3 dwellings per acre) to Town Center (TC).

Planner Fred Brittingham reviewed the original request for a 51 acre amendment and the revised request for 33.5 acres.

The Public Hearing was opened.

Rosie Hyde, Queen Creek, submitted written comments in opposition.

Gwen Black, Queen Creek, Desert Mountain Elementary School PTO President, spoke in opposition citing concern with accommodating additional students in overcrowded schools.

Corey Littleton, Queen Creek, spoke in opposition to higher density housing.

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Orean Wright, Queen Creek, submitted written comments in opposition.

Karen McPherson, Queen Creek, spoke in opposition to higher density.

Jordan Rose, Rose Law Group, representing the applicant, asked for an indefinite continuance in order to allow the staff, applicant and Town Center Committee to address the resident's concerns.

The Public Hearing was closed.

Mr. Balmer stated that staff would work with the applicant and residents through neighborhood involvement on an action plan to be presented during the first quarter of 2009.

Council asked whether a general plan amendment and zoning application could be submitted and considered at the same time. Town Manager John Kross replied that staff is researching that option and will bring something back to Council as soon as possible. There was further Council discussion of major/minor amendments and length of continuances. Council requested information on how residents/neighborhoods would be notified when the amendment application would be discussed again. Mr. Balmer explained the notification process. The question of whether the Planning and Zoning Commission would rehear the cases was asked. Mr. Balmer said the Council could direct that be the procedure.

Motion to continue GP08-117 Major General Plan Amendment – Resolution 762-08 to the March 18, 2009 Council meeting, with an action plan to include rezoning or site plan information to be presented to Council during the first quarter of 2009 (Mortensen/Hildebrandt)

There was discussion on a possible "sunset date" at which time the plan couldn't be presented.

VOTE: Unanimous

10. Public Hearing and possible action on GP08-118 Major General Plan Amendment – Resolution 763-08 – a request by Ralph Pew on behalf of Taylor Morrison Homes to amend the General Plan Land Use Map for 130 acres (Victoria Parcels 10, 11 and 11A) at the northeast corner of Ocotillo and Hawes Roads from Medium Density Residential (MDR/2-3 dwellings per acre) to Medium High Density Residential-A (0-5 dwellings per acre).

Planner Brittingham reviewed the general plan amendment application and Planning and Zoning Commission's recommendation for denial.

The Public Hearing was opened.

Gwen Black, Queen Creek, Desert Mountain Elementary School PTO President, spoke in opposition and referred to written comments from the Desert Mountain Elementary School PTO Executive Board.

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Corey Littleton, Queen Creek, spoke in opposition. She said she would like the original 2-3 dwellings per acre remain and was concerned with the overcrowded schools.

Jennifer Pflum, Queen Creek, submitted written comments in opposition.

Louis Guitierrez, Queen Creek, spoke in opposition to higher density and increased traffic.

Patty Campbell, Queen Creek, spoke in opposition. She said there was no guarantee of an adult community and the schools are overcrowded.

The Public Hearing was closed.

Ralph Pew, representing the applicant, responded to the comments regarding overcrowding of the schools. Mr. Pew said that a continuance of the amendment would allow time to bring back a plan for an adult community that would not add students to the schools. He said at this time there was no zoning district for medium-high density residential A but that it was a general plan designation only and that once the Planning and Zoning Commission and Town Council approved a new zoning district, then a specific plan could be brought forward.

Council asked about creating a new zoning district. Mr. Balmer reviewed the process for creating a new zoning district used for the Queen Creek Station general plan amendment. Mr. Balmer also stated that the zoning ordinance revision should be complete in May 2009. Council discussed the zoning ordinance timeline and addressing residents concerns.

Motion to deny GP08-118 Major General Plan Amendment – Resolution 763-08
(Brown/Barnes)

Vote: 4-3 – Motion Passed. (Barney, Sanders, Mortensen opposed)

Vice Mayor Barney declared a conflict of interest.

11. Public Hearing and possible action on GP09-119 Major General Plan Amendment – Resolution 764-08 – a request by Ralph Pew on behalf of Barney Farms to amend the General Plan Land Use Map designation for 257 acres at the northwest corner of Queen Creek and Meridian Roads from Employment Type B to Employment Type A (20 acres); Community Commercial (20 acres); Medium High Density Residential-A (0-5 dwellings per acre) (138 acres) and Medium High Density Residential-B (0-8 dwellings per acre) (79 acres).

Planner Brittingham reviewed the general plan amendment application and Planning and Zoning Commission's recommendation for denial.

The Public Hearing was opened.

Gwen Black, Queen Creek, spoke in opposition because of the affect on the Queen Creek School District.

Corey Littleton, Queen Creek, spoke in opposition of the high density residential.

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Karen McPherson, Queen Creek, submitted written comments in opposition.

Patty Campbell, Queen Creek, spoke in opposition and had concerns that homes would be in the flight path.

The Public Hearing was closed.

Ralph Pew, representing the applicant, asked for the opportunity to present the case and asked for a continuance. He said residents concerns should be discussed with the community so a defined plan could be brought back for Council's consideration. He added that a zoning district would have to be approved before bringing back a rezoning or site plan application. Mr. Pew also asked for a reconsideration of GP08-118 Major General Plan Amendment – Resolution 763-08.

Council discussed protection of the employment area of Phoenix-Mesa Gateway Airport and the opportunity to address some of the issues with this case.

Motion to continue indefinitely GP08-119 Major General Plan Amendment – Resolution 764-08 (Wootten/Mortensen)

Discussion was in regard to continuing the case to a date certain. Mr. Balmer said that there were many issues including the airport area and employment areas that could be included in an plan brought back to Council in the first quarter of 2009.

Amended motion to continue GP08-119 Major General Plan Amendment – Resolution 764-08 to March 18, 2009 with an action plan to be submitted first quarter of 2009 (Wootten/Mortensen/Unanimous – 6-0)

Council discussed reconsidering **GP08-118 Major General Plan Amendment – Resolution 763-08** which was previously denied. The previous vote for denial was verified.

Motion to reconsider the prior denial of GP08-118 Major General Plan Amendment – Resolution 763-08 (Hildebrandt/Mortensen) Roll Call Vote:

**Mortensen – aye
Barnes - nay
Hildebrandt – aye
Sanders – aye
Brown – nay
Barney – aye
Wootten – nay**

Motion to reconsider passed 4-3.

Motion to continue GP08-118 Major General Plan Amendment – Resolution 763-08 to the March 18, 2009 meeting (Hildebrandt/Mortensen) Roll Call Vote:

**Brown – nay
Wootten – nay
Hildebrandt – aye
Mortensen – aye
Barney – aye**

**Sanders – aye
Barnes – nay**

Motion to continue passed 4-3.

12. Public Hearing and possible action on SP08-073/CU08-074 “Schnepf Farms Outdoor Musical Events” a request by Mark Schnepf for approval of modification to an existing site plan and conditional use permit (CU03-01) to allow for outdoor live musical events. The property is located at the southwest corner of Cloud and Rittenhouse Roads. (*continued at the September 3, 2008 meeting*).

Planner Dave Williams reviewed the site plan and request for 15 musical events that would be allowed to end at 11pm. Mr. Williams also said that the noise level is proposed to be measured at the property line. Mr. Williams discussed the public comment received to date which includes 153 e-mails and two petitions. The petition in opposition has 119 signatures within the Queen Creek area and the petition in support has 435 signatures within the Queen Creek area.

Mr. Williams reviewed staff’s recommendations to approve a five-year permit which would expire July 2013, allow 12 events and the noise would have to be in compliance with the zoning ordinance. He also said that Schnepf Farms would have to be in compliance with PM10 requirements and that directional signs and banners could be approved by staff to ensure compliance with Town ordinances. There was some discussion about having a fixed billboard/sign rather than several banners and having a one year review period before approving a longer term for the conditional use permit. Council asked why staff was supporting 12 days rather than the 15 days originally supported. Mr. Williams responded that staff reduced the number of days/events after the Planning and Zoning Commission meeting and public comments.

Council requested a recap on the recent Edgefest event. Mr. Williams provided information on the traffic, dust, noise and light:

Light: baseline readings were taken prior to the event and during the concert at the same location. Both readings were within requirements. He said that one light tower was unintentionally located in the wrong area.

Dust: water trucks arrived late in the morning but dust was kept under control for the most part.

Noise: A noise engineer hired by Schnepf Farms took readings at 7pm and 9:30pm and the highest noise level was 65db on Rittenhouse Road which was attributed to traffic and the railroad (this reading was done prior to the concert). Noise readings at the west boundary were just at the limit; south boundary well below the limit. Mr. Williams said the speakers were aimed south but there seemed to be some concerns about the bass noise and if that was measured.

Public Safety/traffic: average traffic for an event with 15,000 people.

Mark Schnepf, the applicant, said it was his goal to preserve a part of the agriculture activities on the farm and that entertainment and education activities provide diverse economic support to the

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farm and brings in tax revenue to the Town. Mr. Schnepf explained that Schnepf Farms is a private venue and relies on events to support it financially.

Mr. Schnepf said he is aware of the neighbors opposition regarding the types of music and people attending different events and the traffic issues, but his request isn't to allow 12 days of Edgefest type events but a variety of events. He mentioned that he is currently working on a Christian concert. Mr. Schnepf said that traffic in the area is a daily issue and it is not generated only by the farm or events and said that once roads are improved, traffic shouldn't be noticeable. In response to dust complaints, he said that he can't pave the parking areas as he grows alfalfa, hay and grass at those locations. Mr. Schnepf, in response to some neighbors suggesting he pave major roads, said it was unrealistic. He also said that noise from the farm is buffered by trees on the west boundary. Mr. Schnepf addressed the issue of alcohol sales, saying it was standard practice for large events and that in addition to private security there is a presence of the MCSO and PCSO for public safety.

Mr. Schnepf added that the request would also allow current events such as the Chili Festival and London's Run to continue to be held as the current conditional use permit doesn't permit them. He said that there is currently a 400 acre regional mall planned to the south and major roadway improvements to Riggs Road in the future.

Council asked if Schnepf Farms notified neighbors prior to large events. Mr. Schnepf said this year there was notification. There was some discussion on whether neighbors should be notified when a contract is signed between Schnepf Farms and promoter/event. Mr. Schnepf also said that 138 sq. ft. of banner wasn't much to cover four miles of frontage road and would allow some flexibility to reduce costs for signage. Concerns from neighbors on conflicting events between Schnepf Farms and individual property owners was discussed.

The Public Hearing was opened.

Dena Larsen, Queen Creek, spoke in support stating Schnepf Farms provides family activities.

Scott Hinkle, Scottsdale, spoke in support stating Schnepf Farms provides family and education activities.

Al Reyes, Queen Creek, said he was representing the Queen Creek Kiwanis Club and supports Schnepf Farms request. He said that Schnepf Farms provides support to the Club and community.

Todd Hebdon, Queen Creek – Maricopa County, spoke in support. He said all farms create dust and he couldn't hear or feel any noise/vibrations from Edgefest.

Amy Hebdon, Queen Creek – Maricopa County, spoke in support. She said other events provide community activities.

Rustyn Sherer, representing the Queen Creek Chamber of Commerce, spoke in support. He said Schnepf Farms is identified as a major point of interest for tourists.

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Allan Shirley, Queen Creek – Maricopa County, spoke in support. He said he lives 800 ft. west of the farm and doesn't experience any real disruptions. He said the events keep the farm running and provides community support.

John Biggs, Queen Creek, spoke in support. He said the farm operates responsibly and is considerate of neighbors.

Jake Wirthlin, Queen Creek, submitted Speaker Card in support.

Larry Agle, Queen Creek, spoke in support and said he was a regular visitor to Schnepf Farms and has the benefit of watching fireworks from his home.

Jerry Chadwick, Queen Creek, spoke in support. He said Schnepf Farms has been putting on events before any homes were built near the farm.

Elise Dana, Queen Creek – Maricopa County, spoke in opposition. She said she wrote the petition but there was never any intention of shutting the farm down. She said she was concerned with late night events and the crime statistics from Edgefest were disturbing.

Adrienne Call, Queen Creek – Maricopa County, spoke in opposition. She said the types of events held have changed over the years and statements and advertising from Schnepf Farms is misleading.

Peggy Peterson, Queen Creek – Maricopa County, submitted written comments in opposition.

Bonnie Bright, residence not stated, submitted Speaker Card in opposition.

Wayne Call, Queen Creek – Maricopa County, spoke in opposition to the request for 12 larger events but said he supports smaller events. He said he would like to be notified of what type of concerts would be held.

Paul Reese, Queen Creek – Maricopa County, supports Schnepf Farms but not large events such as Edgefest and the effect on roads and children's safety with such events.

Leroy Hale, Queen Creek – Maricopa County, spoke in opposition. He said the farm was not family oriented anymore and disagrees with the ads by Schnepf Farms.

Patrick Crewse, Queen Creek – Maricopa County, submitted written comments in opposition.

Sherry McDonald, Queen Creek – Maricopa County, spoke in opposition to the proposed 12 events because of dust, traffic, loud music and noise.

Connor Schnepf, read a letter in support from Verlynn and Jill Dees.

Chad Dana, Queen Creek – Maricopa County, spoke in opposition to 12 large events. He said smaller events weren't a problem but Edgefest types are.

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Jerry Lamb, Queen Creek – Maricopa County, submitted written comments in opposition.

Nygra Lamb, Queen Creek –Maricopa County, submitted written comments in opposition.

Vincent Davis, Queen Creek – Maricopa County, spoke in support. He said there are two options for tourism – Schnepf Farms and San Tan Mountain Regional Park and both create spin-off sales tax revenues.

Michelle Mark, Queen Creek – Maricopa County, spoke in opposition and the types of events that might happen and the effect on infrastructure.

Bill Pennell, Queen Creek - Maricopa County, was opposed to large music events and fireworks.

Donna Riffel, Queen Creek – Maricopa County, said she was not opposed to cultural, family or agricultural events but was opposed to fireworks and concerts.

Michelle Solomon, Queen Creek – Maricopa County, spoke in opposition to large events but said she supports smaller events and that the news articles and ads were misleading.

Cynthia Pennell, Queen Creek –Maricopa County, submitted written comments in opposition.

Lee Eckman, Queen Creek, spoke in opposition and said he was entitled to quiet enjoyment of his property.

Warren Solomon, Queen Creek, spoke in favor.

Stephanie Biggs, Queen Creek, spoke in favor. She said there were no problems with Edgifest.

Jason Barney, Gilbert, spoke in support. He said Schnepf Farms is one of the primary assets of Queen Creek.

The Public Hearing was closed.

The meeting was recessed from 10:52 – 11:08pm.

Council asked for additional information on the traffic control and traffic patterns from the recent Edgifest concert. Mr. Williams said that experience from the previous year's event was used to plan for the recent event. He said there was initially a back-up on Rittenhouse Road due to a security guards actions, but was resolved quickly.

Mike Pacelli, Traffic Engineer, provided additional information on the traffic problems encountered with the 2007 Edgifest event. Those problems included parking on the right-of-way and along Rittenhouse Road. He said that this year there was additional MCSO on duty and the rights-of-way were blocked – preventing people from parking there. He said that traffic control implementations can help with the flow of event traffic but can also disrupt the normal flow of traffic temporarily. Council asked if traffic could be routed one-way. Mr. Pacelli said it is to some extent.

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Council's comments and suggestions included:

- One-year review period to allow issues to be addressed early; economic, social and cultural support from diverse activities at Schnepf Farms; and Queen Creek is a growing community that needs a diversity.
- Limiting events to weekends (Friday & Saturday). Mr. Schnepf responded that it would not be feasible as many events/venues are on tour or specific routes.
- Impact on community can be both positive and negative.
- Preference for small family activities but not large ones.
- Unique tourism opportunities but need to consider neighbors complaints. Need to define family friendly events and concerts that will be held.
- Uncertainty of events that would be held.
- Current approved zoning south of Schnepf Farms will not provide a dark, quiet atmosphere.

There was some discussion on dictating or judging what type of entertainment could be allowed.

Mr. Schnepf said that without 6 of 7 votes required to have the conditional use permit approved, he would like to request a continuance rather than receive a denial. He said he would like to bring more activities/events to the farm to remain economically viable and an asset to Queen Creek.

Additional Council discussion was in regard to the type of music performed and noise levels. Town Attorney Fredda Bisman added that the 1st Amendment prohibits dictating what type of music is allowed.

Motion to continue SP08-073/CU08-074 "Schnepf Farms Outdoor Musical Events" to February 18, 2009 (Mortensen/Sanders/Unanimous)

FINAL ACTION: If you wish to speak to the Council on an item listed under Final 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.

None.

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

None.

13. Motion to adjourn to Executive Session for the following purpose:

A. Discussion and consideration of evaluation, assignments, and employment of Town Clerk: (A.R.S. 38-431.03(A)(1)).

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B. Discussion and consultation with the Town's attorneys for legal advice and discussion and consultation with the Town's attorneys to consider the Town's position and instruct its attorneys regarding issues involving or related to Federal Aviation Administration (FAA) and airport regulations, guidelines and policies and issues involving or related to the Arizona Corporation Commission (ACC) transmission line siting process. (A.R.S. 38-431.03(A)(3)&(4).

Motion to adjourn to Executive Session at 11:44pm (Mortensen/Brown/Unanimous)

14. Adjournment

The Regular Session was adjourned at 12:02 am.

TOWN OF QUEEN CREEK

Arthur M. Sanders, Mayor

Attest:

Jennifer F. Robinson, MMC

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 December 3, 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, MMC

Passed and approved on December 17, 2008.