



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
February 18, 2009
7:00 p.m.

1. Call to Order

The meeting came to order at 7:03pm.

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: Led by Boy Scout Troop 838

4. Invocation: Mr. Chadwell – Boy Scout Troop 838

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

6. Committee Reports

A. Transportation Advisory Committee – February 5, 2009: Robin Benning, Chair of the Transportation Advisory Committee reported that the members reviewed, discussed and voted on a recommended Town Center Street Design Concept and Access Management Plan which will be discussed at this Council meeting. The next meeting is scheduled for March 5, 2009.

B. Finance Review Task Force – February 9, 2009: Assistant Town Manager Patrick Flynn reported that Dru Alberti was appointed as Vice Chair; discussion included topics for future meetings; presentations on transportation projects, retail developments and first quarter financial statements.

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.

Kolby Nielsen, Gilbert, said he was honored to be selected as the Youth of the Year Candidate and spoke about the positive effects and experiences with the Boys & Girls Club.

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

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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 February 4, 2009 Work Study and Regular Session Minutes.

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

C. Consideration and possible approval of expenditures over \$25,000.

D. Consideration and possible approval of a Cooperative Purchasing Agreement in the amount of \$84,264 with up to four one-year renewals with U.S. Peroxide LLC for wastewater collection system odor control.

E. Consideration and possible approval of the Ellsworth Road “Map of Dedication” located in a portion of the southwest quarter of Section 15 between Rittenhouse & Ellsworth Roads – Queen Creek Crossroads, LLC.

Motion to approve the Consent Calendar as presented (Brown/Barnes/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.

9. Public Hearing and possible approval of a Town Center Street Design and Access Management Plan as recommended by the Transportation Advisory Committee (TAC).

Deputy Town Manager Shane Dille commented on the public process used by the Transportation Advisory Committee and thanked staff for their assistance to the committee.

Robin Benning, Chair of the TAC, reported on the TAC’s assignment to discuss an Access Management Plan subsequent to installation of medians on Ocotillo Road west of Ellsworth Loop Rd., which included a review of existing plans and the Town Center Streets Design Concept Report and significant public comment at every committee meeting. Mr. Benning said based on the review and public input, revisions were made to the Design Concept Report and a Town Center Street Design and Access Management Plan was created and being presented to Council for consideration.

Planning Manager Wayne Balmer gave an overview of the TAC meetings that were held between October 2008 and February 2009. He said the committee considered the transportation challenges of Queen Creek and providing access to existing and new businesses while also providing safety and ability to accommodate pass-through traffic.

Mr. Balmer then reviewed the recommendations for flush medians, raised medians, full access and right-in/right-out locations. Areas of review included:

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- Southbound Ellsworth – south of Ocotillo: has less traffic based on uses (no 24-hr activity; high municipal use)
- Northbound Ellsworth – north of Ocotillo: intense commercial/retail activity

Mr. Balmer said that the most controversy was over a proposed raised median immediately north of Ocotillo Road and explained that on a road with one travel lane each direction and without a raised median, there could be extensive traffic back-ups if a car were trying to turn left into a business. He also said that the existing parking will not be there when the road is widened but some parallel parking spaces could be installed and additional parking is currently available on the west side of the buildings and parking is available to the north adjacent to the library and additional signage could train customers on parking and business entrances.

- Ellsworth Rd north of Rittenhouse Road to Ellsworth Loop Road-future development

Mr. Balmer said the implementation plans include the removal of the raised median (median 4) on Ocotillo Road as soon as possible; revised design standards to be used with new projects; new street improvements to be grouped if possible and have periodic reviews of the design standards.

Council had comments on how medians on Ocotillo Road lines up with a Circle K drive and at the intersection of Heritage and Ocotillo Roads. There was also some discussion on the public participation process and following engineering standards.

Mr. Benning said the final report shows a great reduction in raised medians and provides more turning movements which could enhance economic development.

Council discussed current financial situations and that the approval of the plan doesn't commit to funding at this time. Clarification was also given that the removal of "median 4" is included in the plan but not as a separate agenda item.

The Public Hearing was opened.

Russ Carlson, Queen Creek, said that he didn't believe Discount Beverage had adequate access and raised medians shouldn't be adjacent to existing businesses and would lead to urban blight.

Victoria DiForte, Shining Stars business owner, spoke against raised medians.

Dan Mullenau, Queen Creek Dental owner, recommended no raised medians until roads are four-lanes.

Kyle Robinson, Queen Creek, spoke in support of the TAC recommendation which is based on compromises for safety and business access.

Howard Young, Queen Creek business owner, was opposed to raised medians.

Bob Clausen, Queen Creek, said he was concerned with access to his business and was opposed to medians. He said speed limits need to be enforced on Ocotillo Road.

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Bob Hildebrandt, Queen Creek, said he was opposed to all medians and doesn't believe the plan is necessary until the area is redeveloped.

Eric Clausen, Queen Creek, asked why this was happening now.

Anne Reed, Pinal County, said she thought citizen input was ignored.

Chris Clark, Queen Creek, (member of TAC), said all citizen input was considered and the plan has minimal impact on existing businesses but he did have some concern that four-lane roads weren't pedestrian friendly and suggested that Ellsworth Road between Maya and Victoria be two-lane.

Jill Charette, Queen Creek, said she was opposed to raised medians and was directly impacted by "median 4". She said she wasn't informed of the plan and made reference to a petition.

Gordon Brown, Pinal County, said he was opposed to raised medians in front of existing driveways.

The Public Hearing was closed.

Council asked for clarification on the impact of approving the plan. Town Manager Kross said construction drawings could be formalized for the Ellsworth section but that no funding for any part of the plan has been identified but will be looked at in future CIP's. Council asked if future segments would be approved by Council. Mr. Kross explained that future parcels for development have to be approved by Council but the Town needs to move forward so developers have guidelines for roadway improvements. There was additional discussion on preparing and planning ahead for future development, increased traffic and additional traffic signals.

Motion to accept and approve the Town Center Street Design and Access Management Plan as recommended by the Transportation Advisory Committee (TAC) (Brown/Barnes)

Vice Mayor Barney stated he was voting no because he didn't believe any raised medians were necessary.

Council Member Hildebrandt stated raised medians weren't necessary.

Amended Motion to add direction to staff to work with business owners on west side of Ocotillo Road to create additional signage (Brown/Barnes)

Council Member Wootten stated the plan was a good compromise but dislikes raised medians.

**Vote: 5 – aye
2 – nay
MOTION PASSED.**

10. 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 December 3, 2008 meeting*).

Planning Manager Wayne Balmer gave an overview of the current approved uses for Schnepf Farms (commercial, residential and industrial) and the proposed modification that would cover 34 acres. The site plan for large events includes campsites, stage area, food area and restrooms. Mr. Balmer also reviewed the original request to allow 15 event dates that would end no later than 11pm; provide noise measurement at the property line; allow the continuance of smaller events and allow temporary signage. The modified request reduces the event dates to 12, five of which would end at 10pm and seven would end at 11pm; noise level would be reduced to a maximum of 108 dB; require notification to the adjacent neighborhoods within five days of signing a contract; require fencing along Signal Butte Road (western boundary); security patrol on Signal Butte; and lighting in the west parking lot wouldn't point west. Mr. Balmer also reviewed several conditions of approval including the termination of the conditional use permit in 2013; noise level measurement procedures and signage.

Council asked what noise level is allowed at public parks. Mr. Balmer responded and said the zoning requirements apply to private property but the Town complies also. Council also asked for additional information on the temporary signage request. Mr. Balmer said that the temporary signage has to comply with the zoning ordinance. Council discussed possibly extending the time allowed for having temporary signs posted. Council also asked if a buffer along the T-post fence would be installed. Mr. Balmer said the fence was a security fence and not a noise barrier.

Mark Schnepf, applicant, said he began this process one-year ago and has worked through the public hearing procedures and neighborhood meetings. He said he has tried to mitigate the concerns and complaints of the neighbors and has included these changes into the modified request. Mr. Schnepf said the goal of the farm is to retain a rural area while development occurs in the surrounding area and diverse activities are needed to generate revenue and preserve the farming area.

Council asked Mr. Schnepf what the T-post fence material would be. Mr. Schnepf said no climb/sheep fencing. Council also asked how the 12 events would be scheduled. Mr. Schnepf said it would be hard to answer and that only two events are planned at this time and festivals are generally held in the fall and spring. Further questions were in regard to event scheduling. Mr. Schnepf explained how events are scheduled, sometimes two years in advance but really depends on the routing of the performer.

Council asked Town Attorney Fredda Bisman about termination or other recourse of non-performance of any of the conditions of approval. Ms. Bisman responded that the zoning ordinance has a provision for revocation of conditional use permits and also allow a review of the permit.

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Further discussion was in regard to neighborhood notification of events and traffic plans. Mr. Schnepf said that the Town controls and approves the traffic plan/restrictions but agrees with notification and will work with the Town.

The Public Hearing was opened.

Thomas Murch, Queen Creek, submitted written comments in support.

Kyle Robinson, Queen Creek, spoke in support and said the farm provides diversity in the community.

Jerry Chadwick, Queen Creek, spoke in support of the request. Mr. Chadwick said the farm provides support to the community and Kiwanis Club.

Corrine Walker, Queen Creek, spoke in support. She said the Edgefest event she attended was a positive experience.

Bill Malkasian, Queen Creek, spoke in opposition. He said approval will drive down home values and tax revenues and prevent quiet enjoyment of his home.

Larry Agle, Queen Creek, submitted written comments in support.
Elise Dana, Queen Creek, submitted written comments opposed.

Alan Shirley, Queen Creek, spoke in support. He said the Council needs to consider the entire community.

Rustyn Shearer, Gilbert – representing QC Chamber of Commerce, spoke in support of the economical contribution and identity of a destination point.

Karen Joseph, Queen Creek, submitted written comments in support.
Deann Schnepf, Queen Creek, submitted written comments in support.
Maurice J. Peck, Phoenix, submitted written comments in support.
Mikel Hansen, Queen Creek, submitted written comments in support.

Anne Reed, Pinal County, spoke in opposition. She said the application should be approved by Pinal County. She also commented on the noise levels and stage location.

Bob Hansen, Queen Creek, submitted written comments in support.

Adrienne Call, Queen Creek, spoke in opposition to the large outdoor concert concept. She said it doesn't go with farming and there would be no stopping future requests. She also said she doesn't like alcohol.

Wayne Call, Queen Creek, spoke in opposition. He said he didn't believe that the application complies with the zoning ordinance and approval would be detrimental and dangerous to the public.

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Randall Lockner, Queen Creek, spoke in support.

Peggy Peterson, Queen Creek, spoke in opposition. She said an entertainment farm and large concert venue don't mix and that a precedent would be set in going against the zoning ordinance. She also said the noise is too loud.

Carrie Bachrach, Queen Creek, spoke in support. She said the application was for only 12 days out of 365 and even with taking so many measures, not everyone would be satisfied.

John Biggs, Queen Creek, submitted written comment in support.

Velia Gomez, Queen Creek, spoke in opposition. She said farm uses changing are not appropriate.

Luis Gomez, Queen Creek, was opposed.

Vincent, Queen Creek, submitted written comment in support.

Odilia Molina, Queen Creek, submitted written comment in support.

Sharman Hickman, Buckeye, submitted written comment in support.

Gordon Brown, San Tan Foothills, said Schnepf Farms needs to accommodate surrounding residents and noise measurement should be at the homes. He also said an annual party for the neighborhood should be held.

The Public Hearing was closed.

Council discussed the requirement to abide by conditional use permit requirements in order to keep the permit and that the permit is reviewable at any time. Council asked Town Attorney Bisman if approving a conditional use permit would be against the zoning ordinance. Ms. Bisman replied no.

Council asked Mr. Schnepf if the stage could be redirected. He explained that in Arizona, outdoor venues/stages face south for the performer and audience.

There was discussion on the type of T-post fencing and the one-year review period. Ms. Bisman stated that the zoning ordinance provides for a review of a conditional use permit at any time if conditions of approval aren't being met.

Motion to approve 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 subject to the original conditions including the more restrictive conditions proposed by Mark Schnepf and the more restrictive #7 notification to neighborhood no less than 30 days from the event and additional #19 providing a traffic routing pattern report to residents within 1/8th mile (Brown/Barnes/Unanimous)

The meeting was recessed from 10:35pm – 10:42pm.

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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.

11. Discussion and possible action on directing staff to participate in a regional process to improve emergency medical transport services for the Town of Queen Creek.

Martin Nowakowski, representing Southwest Ambulance-Mesa, submitted written comments about continuing service to the residents of Queen Creek at the highest level of pre-hospital emergency assistance possible.

Fire Chief Van Summers gave a brief overview on a regional emergency (911) medical transport services. Mr. Summers explained how the current system of Certificate of Need, issued by the State, creates territorial boundaries for ambulance service. He said the proposed plan would be to integrate ambulance services would be similar to the automatic aid system for fire services. Mr. Summers added that the City of Mesa will be leading the RFP process and partners include Apache Junction, Gilbert, Mesa and Queen Creek.

Council discussion was in regard to cost recovery for medical supplies and services provided by other ambulance agencies.

Motion to direct staff to proceed with participation in a regional process
(Mortensen/Hildebrandt) Vote: 6 – aye
1 – nay (Hildebrandt)

Motion Passed.

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.

12. Adjournment

The meeting was adjourned at 10:58pm.

TOWN OF QUEEN CREEK

Arthur M. Sanders, Mayor

Attest:

Jennifer F. Robinson, MMC

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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 February 18, 2009 Work Study 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 March 18, 2009.