MINUTES OF THE STUDY SESSION MEETING
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY
TUESDAY, SEPTEMBER 12, 2023
6:00 P.M.

CHINO VALLEY COUNCIL CHAMBERS
202 N. STATE ROUTE 89, CHINO VALLEY, AZ

Present: Mayor Jack Miller; Vice-Mayor Eric Granillo; Councilmember Annie Perkins; Councilmember Tom Armstrong; Councilmember John McCafferty; Councilmember Sherri Phillips; Councilmember Robert Schacherer

Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire; Development Services Director Laurie Lineberry; Administrative Services Director Joe Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Deputy Police Chief Josh McIntire (arrived at 5:36 p.m.); Public Works Director/Town Engineer Frank Marbury; Senior Planner Will Dingee; Community Services Director Cyndi Thomas; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

1) CALL TO ORDER; ROLL CALL

Mayor Miller called the meeting to order at 5:00 p.m.

2) Discussion regarding the Town's Utility Connection Requirements.

Mark Holmes, Water Consultant, presented the following:

- There had been discussion among Council and staff regarding recent development applicants and the question of water and sewer connections.
- Provided common definitions from the Town's water and sewer codes.
- Provided a map from the General Plan showing the Town water and sewer service areas along with the private water company service areas.
- Highlighted portions of the water code including § 51.041 (A) and (B).
  - These requirements were currently in the works with the Town Council having recently approved the Integrated Water Master Plan (IWMP).
  - Any future developments would follow the IWMP once complete and would identify the sizing and location of infrastructure.
- Highlighted portions of the water code including § 51.075 (A), (B), (E), (F), and (G).
  - (B) referred only to non-exempt wells.
  - Referring to (G), the Town's water budget could grow and be added to, and the Council had approved some water rights purchases.

Council and Holmes discussed the following:

- Council asked for clarity on § 51.075 (B) referring to non-exempt wells.
Staff stated that new developments could continue to use their irrigation rights and not be required to abandon their wells and could even drill a new one.

Frank Marbury, Town Engineer, presented the following:

- Highlighted portions of the sewer code including § 51.155 (A), (B), and (C).
  - There were differences between the sewer and water codes because sewer was required for all houses, whereas for water, a home could utilize a cistern and haul water. But sewer required a septic or sewer connection.
  - (A)(2) did not necessarily mean that a resident could not repair a septic system. If they have some expansion area there may be leeway to keep the septic system. But if the Town or County deemed the situation a menace to public health, it would need to be abandoned.
  - There were procedures the Town could take should someone refuse to connect.

Mark Holmes, Water Consultant, presented the following:

- Discussed the current conditions and the options available to the Town for expansion.
  - The systems were not expanding based on the majority of growth (primarily dry lot and lot split type developments).
  - Small developments were applying for zoning or platting that laid outside of the 300-foot requirement.
- Expansion options included:
  - Modify current water and sewer codes.
  - Increase connection distance required for connections.
  - Mandate water and sewer connections to all lands.
  - Mandate water and sewer for existing residential.

Council and staff discussed the following:

- Council members felt that increasing the distance requirement for new developments would cause the developers to move their developments farther away outside of the hook up requirement.
- One Council member stated that the Town should not be concerned about developer cost.
- Council members expressed being against mandating water and sewer for existing residential.
  - Staff clarified that it only referred to when water and sewer were available at the property line, not forcing connections from miles away. It had been mandatory to connect, even with a working system, until 2016.
  - The code currently allowed homeowners to repair their septic if possible.
  - Council members were agreeable to homeowners connecting to sewer once their septic went out.
  - Code currently required abandoning exempt wells when connecting to the system.
  - Staff offered the option of allowing residents to keep their wells, but hooking them up to Town water when available and collecting monthly fees associated with having the infrastructure in place. Residents would eventually have a well impact, it was just a matter of when.
- Council asked for clarification regarding mandates for commercial hook ups.
  - Staff stated that businesses were mandated to hook up if infrastructure was available.
  - Council asked about specific businesses like a car wash.
    - Staff stated that the business’s treatment would be onsite through County approval.
    - Staff discussed the likelihood of businesses hooking into sewer. In particular, car washes would rather hook into sewer.
Council inquired how many incorporated towns or cities allowed subdivisions not to hook into water and sewer.

- Staff referred to one case in Lake Havasu that ended up contaminating the Colorado River and had to build a water treatment facility, sewer systems, and infrastructure all at once and ended up costing somewhere around $700 million. Prescott had pockets that were historically on well and septic.
- Staff referred to “growing pains” the Town would endure being a fairly new utility. There was a certain amount of debt the Town would have to bear until the customer base reached a certain level that would allow the Town to afford larger extensions.
- Council expressed a desire to see it be mandatory for any subdivisions to hook up as sewer was the best tool for recycling water.

- One Council member suggested waiving hookup fees to get more people on the system.

- Council inquired about properties that were set back farther from the property line and would require a sizeable extension to get the home hooked up to sewer.

- Staff discussed various scenarios and what options the property owner would have depending on engineering feasibility. Staff wanted Council to consider the more difficult situations.
- Staff stated the code tried to cover every scenario, but there would be unique scenarios where the Public Works director would have to make an independent assessment.
  - Town Attorney, Andrew McGuire, stated there could be a provision that allows this, but there would need to be guardrails on what would or would not be allowed.

- Council inquired about the one-acre rule and whether it referred to a plotted one acre or if it included dedicated land.
  - Staff stated that lots with right-of-way dedications are still given entitlements for one acre to avoid legal issues.
  - Council inquired if that was an industry standard.

- Andrew McGuire, Town Attorney stated that it would depend on the municipality as they all had different goals in how they measured lots.

- Council inquired if there should be different policies for water or sewer, or if the codes should parallel each other.
  - Staff felt that water should be considered almost as important due to the conservation effort that resulted from being on a meter. Sewer completes the cycle by getting the water back.

- Council asked if Prescott Valley required hook ups.
  - Staff was not familiar with that issue.

- Council inquired if staff had ever seen where a subdivision was allowed water and septic but was required to hook up once the infrastructure became available.
  - Staff stated that developments beyond the set foot amount could be required to put in dry lines so that the home would be ready to connect once the utilities were in place.
  - Staff was concerned about having everyone on sewer so that once the Town began importing water it could be reclaimed, recycled, and brought back for mitigation for the Upper Verde River.

- Council asked what staff had seen as far as distance requirements for mandatory water and sewer hookups.

- Staff stated that Kingman required all subdivisions to connect, and one subdivision had to run a sewer line three miles. Single lots had to connect if within 500 feet.
- Staff stated that often utilities would amortize payment so that it wasn’t such a large expense for private homeowners.
- Council discussed other options like requiring package plants for subdivisions that were not within hook up distance.
• Council inquired what the Town’s sewer plant capacity was.
  ▪ Staff stated it was close to capacity in terms of treatment. Inflow was at about 60-70%, but certain times of the day when inflow was higher it would max out the treatment. Staff would be presenting options to Council next week of how to even out the treatment and extend timing until they could design the plant expansion.

• Council members individually stated their opinions and what they hoped to see change in the code including:
  ▪ Mandatory hook up for subdivisions.
  ▪ Other options included dry lines or extending the distance that would require hook ups.
  ▪ Leave private residences alone unless the systems began to pose a health risk.
  ▪ Should the Council require hook ups, find a way to waive the hook-up fees.
  ▪ Commercial should be required to hook up to utilities.

3) ADJOURNMENT

MOVED by Councilmember Sherri Phillips, seconded by Vice-Mayor Eric Granillo to adjourn the meeting at 5:47 p.m.

AYE: Mayor Jack Miller, Vice-Mayor Eric Granillo, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

7 - 0 PASSED - Unanimously

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 12th day of September, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of October, 2023.

Erin N. Deskins, Town Clerk