



TOWN COUNCIL REGULAR MEETING

Minutes

Wednesday, April 21, 2021 at 6:00 pm

Attendees: Staff: Heidi Wink - Interim Town Manager/ Finance Director, Kelsi Miller - Town Clerk, Tim Rasmussen - Public Works Director / Interim Planning and Zoning Admin, Christina Estes-Werther - Legal Counsel, Robert Pena Jr. - Fire Chief/ PW Foreman, James Kemp- Police Sergeant

**Springerville Town Council Chambers - 418 E. Main St.
Springerville, AZ 85938**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the Springerville Town Council and to the general public that the Council will hold a meeting open to the public at the Springerville Town Hall, 418 East Main Street, Springerville, Arizona. The Town Council reserves the right to adjourn into Executive Session in accordance with Arizona Revised Statutes Section 38-431.03 (A)(1)(3)(4) and (7) for legal consultation on any of the following agenda items.

TOWN COUNCIL MEETING: 6:00 P.M.

1. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE:

Minutes:

Mayor Hanson called the meeting to order at 6:00 p.m.
Doug Henderson led the pledge of allegiance.

2. ROLL CALL:

Minutes:

The Town Clerk completed a Roll Call: Councilor Llamas - Present, Vice-Mayor MacKenzie- Present, Mayor Hanson - Present, Councilor Davis- Present, Councilor Reidhead -Present.
A quorum is present.

3. PUBLIC PARTICIPATION:

Minutes:

Terry Shove gave an update on High School sports. It is now baseball, softball, and track season. Students and parents must follow the AIA guidelines even though they are outside. She updated that next Tuesday they are doing an activity for Juniors to learn about going to college. The subjects include financial aid and scholarships. On May 5th she will host a career day for students, they have planned 16-17 speakers to help inspire the career paths of the youth.

Michelle Madrid addressed the Council. She informed them she is a long-time member of the community and has lived in the Coronado Acres neighborhood for 19 years. Her concerns are regarding the marijuana farm. She has reviewed all of the meetings. A recap of the concerns includes Council going forward with this project despite the election results of prop 207 in this area, Council's decision to put the farm in a residential area, concerns regarding disclosure to nearby citizens, public hearings, conflicts of interest, water resources, and quality of life to homeowners. She stated this company was asked to leave St. Johns and was voted down at the Town of Eagar. This company referred to the concerned citizens as gnats that need to go away. The farm's close proximity to the airport could affect FAA regulations and she is concerned it could ultimately affect the community's ability to offer emergency transport. She pointed out the Council has heard from the Round Valley Coalition for Family Values, Apache County Youth Coalition, long-standing community members, those in local government, healthcare workers, educators, business owners, parents, and friends and neighbors. You have committed to serving your people. She asked if Council is listening?

Jerry Campeau of Coronado Acres addressed the Council. He informed them today the wind blew from that direction blowing directly over his property. At the November 10th meeting, the farm said there are some minor agricultural smells. He believes Council has ignored the evidence from Oregon, Northern California, and Colorado. He is 175 yards from the farm's fence. He wanted to cite a case in Colorado that tends to contradict the comments made by the farm. In Colorado a resident claimed suit for a public nuisance from the smells coming off of a nearby marijuana farm. He has heard nothing from staff or Council that indicates they have looked at anything in way of negative opinion but rather he feels they are taking the word of the farm. This is in reference to the impacts on the environment and the residence. The winds carry everything over Coronado Acres and down town. He feels Council has done them all a great disservice. In Colorado the public nuisance case was once thrown out then it went to the 9th circuit court of appeals. They reinstated that case and sent it back to the district court saying this person has the right to sue because their quality of life was affected. He asked Council if money is more important than the community.

Shannon Latham with the Apache County Youth Council addressed the Council regarding marijuana dispensaries. Through the lottery system, Springerville was awarded two licenses. Colorado has 64% of its jurisdictions that have opted out of allowing marijuana. Right now Springerville, Eagar, and St. Johns are all in the same position. Once you allow it you can not opt-out. She said due to how they passed the laws it is very different for marketing in comparison to alcohol and cigarettes. It is a

lot freer. The availability will be much higher for youth if there are two dispensaries in this area. Dispensaries will result in higher potency of THC products. In places such as Washington, they saw increases in calls to poison control and hospitalizations from children accidentally ingesting edibles. She feels dispensaries will increase the number of people using marijuana and driving. She said we need to look at things besides dollars and tax incomes. She feels marijuana will also cost us.

Travis Udall addressed the Council as the school Superintendent. For the last 16 years, they have had almost 1500 students in our district 3500 parents, they deal with many social issues in our community. He has been a coach, teacher, and principal. He has watched the effects of marijuana on youth thousands of times with students he has dealt with. He feels they become "zombified" they lose interest in school, sports, and doing things in life. He feels this avenue is not the best for this area and for our families. As a school district, they want to work with the Town to form a more positive partnership and work together. This year they took a risk by opening the schools since day 1. They saw people move into our community by taking this risk. They saw an enrollment increase of about 150 students. They also saw an increase in their budget because of this. He would like to partner to find new ways to increase revenues for both towns. He asks Council to reconsider marijuana in our community.

Kay Dyson addressed the Council. She told Council as they enter the phase of litigation over land ownership and jurisdiction she requests Council to ask for the total removal of everything that is on that parcel. She stated pack it in, pack it out. She asks that after this is over they reinstate that parcel back to being zoned AR-43 to be consistent with the neighborhood. She would also like a hydrology study completed so if this happens again we have facts about our water. She asks the Council to work with her to have a strong economic base for our town. They have ideas for economic development and a committee could be created. She reminded them of all the interest the town has had in the past. This is just one more and things will be okay. She requests that they be a drug-free community. We need to focus on health, wellness, and vitality.

Kelsi Miller the Clerk read a written submission to be read during the call to the public from Joseph Jarvis. The statement read as follows: Since 2011, the Apache County FCD has been a partner in efforts to resolve the Coconino Street flooding in your Town. Our understanding is that flood hazard endangering infrastructure, homes, and business has been ongoing prior to 2011. In 2020, the FCD provided funds in the amount of \$22,500 to prepare engineering analyses, draft construction plans, and a formal grant application to FEMA in the amount of \$1.1M to resolve the flooding issues, and lay the foundation for permanent removal of this area from the floodplain. We learned through public information that the Council is considering canceling the grant application. The grant was received by FEMA in January of 2021 and is currently in the process of national review and selection. During this period of time, no construction work or other engineering work has occurred. No work by the Town is required at this time, unless/until the grant is selected for funding. To assist the Town in understanding its options with respect to the grant, we view three potential

scenarios: 1) The Town takes no action to cancel the grant, and the grant is not selected. In this scenario, the Town could either re-apply in future years, or use the existing engineering as the basis for a Town-funded construction solution.

2) The Town takes no action to cancel the grant, and the grant is selected. In this scenario, the Town would have approximately 3-4 years in the Period of Performance to construct the project. Minor administrative costs would be incurred by the Town to respond to FEMA requests for information, in the environmental review of the project, as a requirement of federal funding. The environmental review is paid for entirely by FEMA. At any time, the Town could decline to spend the grant to resolve the problem.

3) The Town cancels the grant, while it is currently in the selection process (current proposal.) This could potentially bias the selection process against future efforts by the Town to secure federal funding, and is an unnecessary action, should scenario 1 be the result. If the project were to be funded in the future, the costs for the engineering, paid for by the FCD, would not be eligible as part of the Town's 25% in-kind contribution. In either scenario, the flood hazard continues to exist. It is plausible that the litigation referenced could be resolved within the period of performance of the selected grant. It is also plausible that if funded by the grant, the property values would increase, thereby having a positive impact on the litigation. If the grant is not selected, there would be no impact on the litigation. The FCD is pleased to assist communities in its flood hazard mitigation, as historic data indicates this has the highest return on taxpayer dollars. It could be argued that canceling the grant prior to the outcome of the FEMA selection process, does not place the Town in a favorable light to resolve the historic problem, especially when there is no additional engineering or grant administration work being undertaken. It seems that none of the other parties involved in this application were informed of Springerville's intent. Please consider all options before making a decision to cancel your application.

4. COUNCIL, MANAGER AND STAFF REPORTS:

a. Mayor & Council Reports: Summary Updates on committee meetings.

Minutes:

Mayor Hanson reported he attended a meeting in Eagar with Apache and Navajo Counties Mayor and Councils. It went well he is happy to report Snowflake and other towns plan to have their summer events coming back this year. We will also have our rodeo, fireworks, and parade.

b. Interim Manager Heidi Wink: Summary Updates & presentation(s)

c. Staff Reports: Summary Updates

Minutes:

Fire Chief Robert Pena addressed the Council. He updated that work is progressing on the new fire station and he invited Council to come take a look. They have the flagpole up and ready. The extraction tools came in and it was used for the first time on an accident. The new air packs should be in service within a week or two. Mayor Hanson asked when the doors will arrive. Mr. Pena responded they are scheduled for May, but with COVID it could change.

Kelsi Miller reported we will have our Independence day celebration including fireworks and parade on Saturday, July 3rd this year.

5. CONSENT ITEMS:

Minutes:

ACTION: Robert MacKenzie/ Shelly Reidhead motioned to approve consent items 5a,5b, 5c as presented.

DISCUSSION: None

Vote results:

Ayes: 5 / Nays: 0

- a. Consider approval of the proposed transfer from General Fund grant match to General Fund legal department by \$45,000 as presented.
- b. Consider approval of the March 17, 2021 Regular Town Council minutes.
- c. Consider ratification and approval of accounts payable register from 3/08/21 to 4/12/21.

OLD BUSINESS

6. COCONINO FLOOD MITIGATION:

Minutes:

DISCUSSION: Interim Town Manager Heidi Wink explained we are still doing some research on this item and would like to ask the Council to table the item until our research is complete. Councilor Llamas suggested this is an item that we can be add to a work session. Council agreed.

ACTION: Robert MacKenzie / Shelly Reidhead motioned to table this item.

Vote results:

Ayes: 5 / Nays: 0

7. ARIZONA PARKS AND TRAILS GRANT:

Minutes:

DISCUSSION: Interim Town Manager Wink explained this is the grant that was supposed to coincide with the Community Development Block Grant. CDBG was going to be used as our matching funds. Since we have not received the grant we can not use that. We will be out of pocket over \$300,000. Staff is asking if they would like to go through with the grant. Councilor MacKenzie asked if we have gotten the grant. She responded not yet. He asked is their a chance we will get the grant. She said possibly.

ACTION: Shelly Reidhead/ Ruben Llamas we do not move forward with the application for the AZ Parks and Trails Grant.

Vote results:

Ayes: 5 / Nays: 0

8. WHITE MOUNTAINS FLOWER AGREEMENTS:

Minutes:

COUNCILOR LLAMAS DECLARED A CONFLICT AND RECUSED HIMSELF FROM THIS AGENDA ITEM.

1ST ACTION: Richard Davis/ Shelly Reidhead motion to enter into executive session at 6:25 pm.

VOTE: AYES:4 NAYES: 0

2nd ACTION: / motion to enter into regular session at 7:07 pm.

VOTE: AYES:4 NAYES: 0

3rd ACTION: Robert MacKenzie / Shelly Reidhead motioned to cancel the development and lease agreement with White Mountain Flower, and direct the attorney to proceed as instructed.

VOTE: AYES:4 NAYES: 0

NEW BUSINESS

9. TOWN ATTORNEY CANDIDATES:

Minutes:

1st ACTION: Robert MacKenzie/ Shelly Reidhead motioned to enter into executive session for this item at 7:09 pm.

VOTE: Ayes: 5 Nays:0

2nd ACTION: Robert MacKenzie / Ruben Llamas motioned to enter into regular session at 7:32 pm.

VOTE: Ayes: 5 Nays:0

3rd ACTION: Ruben Llamas/ Richard Davis motioned we open negotiations with Tosca Henry regarding her interest as Town Attorney.

VOTE: Ayes: 5 Nays:0

10. MCCAULEY CONSTRUCTION PROJECT AWARD:

Minutes:

ACTION: Shelly Reidhead / motioned we award bid and approve payment to McCauley Construction, Inc. in the amount of \$428,307.00, authorize change order authority to the interim Town Manager for 10% of the bid amount, and authorize the interim Town Manager to execute the necessary documents.

DISCUSSION:

Vote results:

Ayes: 5 / Nays: 0

11. INTERGOVERNMENTAL AGREEMENT REGARDING NORTHEREASTERN ARIZONA LAW ENFORCEMENT TRAINING ACADEMY:

Minutes:

ACTION: Ruben Llamas / Robert MacKenzie motioned to adopt the updated intergovernmental agreement with Northeastern Arizona Law Enforcement Training Academy as presented.

DISCUSSION: None

Vote results:

Ayes: 5 / Nays: 0

12. PROCLAMATION OF FAIR HOUSING:

Minutes:

ACTION: Robert MacKenzie / Richard Davis motioned to proclaim April 2021 as Fair Housing month in the Town of Springerville.

Vote results:

Ayes: 5 / Nays: 0

13. ADJOURNMENT:

Minutes:

ACTION: Robert MacKenzie / Shelly Reidhead motioned to adjourn at 7:35 pm.

Vote results:

Ayes: 5 / Nays: 0

Members of the public who only want to provide written comments can express their comments by emailing the Town Clerk at **kmiller@springervilleaz.gov** to be read during the call to the public. All comments must be submitted by 5:00 p.m. on the day of the meeting.

Americans with Disabilities Act (A.D.A.): The Town of Springerville intends to comply with A.D.A. If you are physically challenged or disabled and need special accommodations to participate in this town meeting, please contact the Town Clerk at (928) 333-2656 ext. 224 forty-eight (48) hours prior to the meeting to arrange necessary accommodations.