



TOWN COUNCIL REGULAR MEETING

Wednesday, January 20, 2021 at 6:00 pm

Attendees: Staff: Joseph Jarvis - Town Manager, Kelsi Miller - Town Clerk, Dayson Merrill - Chief of Police, James Kempt- Police Sergeant, Robin Aguero - Community Services

**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:

2. ROLL CALL:

Members of the Town Council or Legal Counsel that are unable to be present in person at a scheduled Council meeting, may participate in the meeting by telephone or video conference.

3. PUBLIC HEARING & PUBLIC FORUM:

a. White Mountains Flower LLC.:

Discussion and possible action regarding entering into a public forum to take public and council comments on White Mountains Flower LLC.

b. Small cells wireless facilities in the right-of-way fees:

Discussion and possible action regarding entering into a public hearing to take public and council comments on the proposed fees to collect annually for the use of the right-of-way for the purposes of installing small cells wireless facilities.

4. PUBLIC PARTICIPATION:

Non-agenda items presented during the public participation portion of this agenda

cannot be acted on at this time by the Council. Individual council members may ask questions of the public or ask staff to review the matter, or defend themselves, but are prohibited by State of Arizona Open Meeting Laws from discussing the item among themselves until the item is noticed according to open meeting requirements as an agenda item. The Chair MAY allow public comment on agenda items and will limit time of discussion to 3 minutes per person no longer than 10 minutes per topic.

5. COUNCIL, MANAGER AND STAFF REPORTS:

Summary reports will be given on the items listed and no action will be taken on any matters mentioned in the summary unless listed in the agenda. (A.R.S. 38.431.02(k))

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

b. Staff Reports: Summary Updates

c. Manager Joseph Jarvis: Summary Updates & presentation(s)

6. CONSENT ITEMS:

a. Consider approval of the December 16, 2020 Regular Town Council minutes.

b. Consider approval of the January 6, 2021 Special Council Meeting minutes.

c. Consider ratification and approval of accounts payable register from 12/09/2020 through 01/12/2021.

d. Consider reappointment of Brian Carpenter to the Planning and Zoning Commission with a 3 year term.

Brian Carpenter has served on the Springerville Planning and Zoning Commission for a 3-year term, it is the staff's recommendation to renew Brian as a commissioner for another 3-year term.

7. APACHE COUNTY YOUTH COUNCIL PRESENTATION:

8. BROADBAND PRESENTATIONS:

a. ATNI:

Presentation by ATNI regarding broadband.

b. Executive Session:

The Town Council will receive a presentation on a potential partnership to bring broadband to the Town of Springerville.

OLD BUSINESS

9. RESOLUTION 2021-R002:

Discussion and possible action on Resolution 2021-R002, regarding the proposed fee schedule changes associated with establishing the application and annual fees for small cell wireless facilities in the Town right-of-way.

10. Discussion/Action leading to the events of White Mountains Flower LLC (Erin Silva, Doug Henderson).

See attachment

11. COVID-19:

Discussion, updates. and possible direction regarding COVID-19.

NEW BUSINESS

12. PROPOSED CHANGES TO THE TOWN CODE PERTAINING TO ADULT-USE MARIJUANA:

Discussion and direction regarding the Town Code pertaining to adult-use marijuana.

13. CONFLICT OF INTEREST:

Discussion, consultation, and clarification with legal council regarding conflict of interest.

14. CONTRACTED TOWN MANAGER:

Discussion and possible action to retain Joseph Jarvis as the Town Manager.

15. LOCKHART BUILDING LLC:

a. Limited Release and Settlement Agreement:

Discussion and possible action regarding entering into a limited release and settlement agreement.

b. Resolution 2021-R004:

Discussion and possible action on Resolution 2021-R004.

16. DRUG AND ALCOHOL TESTING POLICY:

a. Resolution 2021-R003:

Discussion and possible action regarding Resolution 2021-R003, regarding the Town of Springerville Drug and Alcohol Testing Policy.

b. WMRMC Testing:

Discussion and possible action to partner with White Mountain Regional Medical Center for testing.

17. PIONEER IRRIGATION ANNUAL MEETING:

Discussion and appointment of representation for the Pioneer Irrigation annual meeting.

18. PLANNING AND ZONING ADMINISTRATOR:

Discussion and possible action appointing Joseph Jarvis as the Planning and Zoning Administrator.

19. ADJOURNMENT:

Submitted by: _____

Posted by: _____

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.

Contact: Kelsi Miller, Town Clerk (kmiller@springervilleaz.gov) (928) 333-2656 x 224 | Agenda published on 01/14/2021 at 4:25 PM

**TOWN OF SPRINGERVILLE
MEMORANDUM**

TO: Springerville Town Council
FROM: Joseph Jarvis, Town Manager
DATE: 01/20/2021
SUBJECT: Public Forum and Public Hearing

SUGGESTED MOTION:

a. I move to go into a public forum to take council and public comments on White Mountains Flower LLC.

OR I move we table.

b. I move to go into a public hearing to take council and public comments on fees associated with small cells wireless facilities in the right-of-way.

OR I move we table.

STAFF REPORT



Town Council Agenda Staff Report

January 1, 2021

AIRPORT MANAGER'S REPORT

1. Recent Fuel Sales

- a. December 2020: \$6,278.15 (2,044.53 gallons ↑ 12% over December 2019)

2. Recent Traffic Operations

- a. December 2020
 - 256 Total** (↑ 35% over December 2019 (190 total))
 - 12 Local, 92 Itinerant, 148 Air Taxi, 4 Military**
 - 252 GA, 4 Military**
 - 133 Medevac**
 - 74% Business Related**
 - 50% Based / 50% Transient**
 - 33 Fuel Purchases**

Calendar Year 2020 was a record year with 4,035 operations, the first time to ever exceed 4,000 (CY2019: 3,317 total ops). We were shy of a record for fuel sales by just 411 gallons with a total of 70,703.88 gallons sold (CY 2019: 51,219.33 gallons).

3. ACIP Projects:

Runway 3/21 Reconstruction: Our CatEx for the design of the project was approved by FAA.

4. Comments

Our current based aircraft count is 10.

JTJ Holdings hangar structure has been erected and enclosed, except for the door. They continue to work on the interior.

The South Hangar gate has been ordered and should be delivered (hopefully) within the next couple of weeks.

Arizona Game & Fish Department will be operating from the Airport from January 20 through February 12 and will be renting nightly hangar space during that time.



Town Council Agenda Staff Report

1-12 -2021

Mayor & Council Report for Community Development 12-2020

Multiple Building Inspections.

Planning and Zoning is currently working on,

- **Combination on airport properties**
- **Re-zoning the airport property**

Implemented a program/ software for Community Development and Code Enforcement. IWorQ.

Valuations reported to the Apache County Assessors.

Multiple phone calls on a daily basis about zoning for land sales and home/ business sales.

Calls/ e-mails about marijuana dispensaries and cultivation, town code, and land that fits in the correct zoning.



COMMUNITY SERVICES DEPARTMENT DECEMBER 2020

COMMUNITY ASSISTANCE DIVISION

• Electric Deposits/Water Payments	4	Gasoline Vouchers	2
• Utility Assistance	28	Emergency Food Cards	2
• Appliance Replacement	0	Diapers (Adult packs)	2
• Transportation Passes	0	Referrals	11
• Rental Assistance	13	Volunteer Hours	46
• Community Food Boxes	518	Food Boxes Delivered	49

SENIOR CENTER DIVISION STATISTICS

• Congregate Meals	380	Food Boxes (Seniors Only)	118
• Home Delivered Meals	288	Pet Food Bags Delivered	11
• Long Term Care Meals	68	Transportation Units	77
• Indigent Meals	83	Blood Pressure Checks	0
• Head Start Breakfasts	188	Referrals	22
• Head Start Lunches	188	Volunteer Hours	60

Word is getting around that we are now providing rental assistance, so we have had a number of individuals come in for assistance this month. Last month, we were able to assist 3 people, and this month we assisted 13 locals in paying their rent to prevent homelessness.

Continued support for low income individuals is primarily done via phone or drive through service. Case manager, Lisa Wilkins provides direct assistance for utilities services, rentals assistance, etc. Due to COVID, applicants bring in the documentation required, i.e. social security cards, birth certificates, bank statements, etc., so the appropriate data can be submitted into the State data base for processing. We are seeing steady demand for services. In fact, we recently learned that between July and December of 2020, over \$80,000 was spent to support Springerville residents in paying utility bills.

Delivered over 30 Christmas presents due to collaboration with the White Mountain Regional Medical Center Senior Citizens Elf Tree. Participants were so excited to receive the presents. It was like seeing young children open presents on Christmas morning. One couple commented that this was the first Christmas they had actually received a present in decade.

Provided fundraising support for The Giving Box, the mechanism for charitable giving earmarked for the following: a mobile “donation box” available for community members to donate to us as well as other local charitable organizations. This year we are requesting donations to support our participants in the following ways: Heat for a Week, Food Box Extras, Hygiene Supplies, One Week of Senior Meals on Wheels. This year, proceeds were over \$3,800 for the four agencies involved. We will provide the exact amount received to support our services in the January report.

The Arizona Department of Transportation will putting out their request for proposal for 5310 vehicles to support senior transportation services in January. During the last 5310 grant round, we put together a joint application with Apache County to fund a mini-van with a wheelchair lift, but the County was unable to meeting the qualifications for insurance. The grant only comes around every 2 years, so we plan to apply for this grant. It requires a 20% (approximately \$6,800) match for the van, which we will use exclusively to transport our senior citizens. There is currently no service available to provide rides for those who are wheelchair bound.

Due to receipt of additional commodities, we were able to distribute larger food boxes for Christmas. In addition, we coordinated the delivery of a Christmas meal by the American Legion to our senior participants. (All homebound senior participants also received a Christmas meal via the senior center.)

Robin Agüero, soon to be the new director, is being trained to take over on February 8th. She is scheduled in an upcoming Council meeting to provide a presentation regarding the variety of grants and other contracts utilized to support a variety of critically needed services in our community.

All Community Services Staff and Volunteers wish to express their sincere thanks to the Manager and Town Council for the monies set aside for the Christmas party and gifts.

We are working closely with NACOG regarding the Charitable Tax Credit Program. Since we no longer receive Community Services Block Grant Dollars, we are no longer able to receive direct donations for the program. To remedy this situation, NACOG has agreed to accept the checks sent on our behalf and is then sending the money to us for use in our programs.

The new Be Connected Door to Door Program is working well in the area. This is program that support the transportation needs of veterans, family members and caregivers in rural communities.

Message from Director

On the best sunny day, the most powerful magnifying glass will not light paper if you keep moving the glass. But if you focus and hold it, the paper will light up. That is the power of concentration.

A man was traveling and stopped at an intersection. He asked an elderly man, "Where does this road take me?" The elderly person asked, "Where do you want to go?" The man replied, "I don't know." The elderly person said, "Then take any road. What difference does it make?"

How true. When we don't know where we are going, any road will take us there.

Suppose you have all the football eleven players, enthusiastically ready to play the game, all charged up, and then someone took the goal post away. What would happen to the game?

There is nothing left. How do you keep score? How do you know you have arrived?

"Enthusiasm without direction is like wildfire and leads to frustration."

Goals give a sense of direction. Would you sit in a train or a plane without knowing where it was going? The obvious answer is no.

*You are never too old to set another
Goal or to dream a new Dream*

Round Valley Community Services & Senior Center Newsletter January, 2021

Contact Information

356 S Papago St.
Springerville, AZ 85938
928-333-2516
raguero@springervilleaz.gov

Important Dates

- 01/01 New Year's Day
- 01/05 Commodities Pick Up
- 01/18 Martin Luther King Day
- 01/12 Commodities Pick Up
- 01/19 Commodities Pick Up
- 01/19 Senior Boxes
- 01/26 Commodities Pick Up



- 01/11 Ila May Hixon
- 01/24 Doug Beale
- 01/27 Lavera Shinn



Seven Winter Safety Tips for Seniors and their Caregivers

During the winter months, ice, snow and cold temperatures can make life challenging for anyone. Slippery sidewalks and cold weather can cause a wide range of injuries and illnesses, especially for older people. Check out the tips below for preventing common cold weather dangers to older adults.



1. Avoid slipping on ice

Icy, snowy roads and sidewalks make it easy to slip and fall. Unfortunately, falls are a common occurrence for senior citizens, especially during the winter months. Often these falls cause major injuries such as hip and wrist fractures, head trauma and major lacerations. While younger people often recover relatively quickly from such injuries, older adults face complications, which are a leading cause of death from injury in men and women over the age of 65. For that reason, we recommend older adults wear shoes with good traction and non-skid soles, and stay inside until the roads are clear. Replacing a worn cane tip can make walking easier, and older people are advised to take their shoes off as soon as they return indoors, because often snow and ice attach to the soles and, once melted, can lead to slippery conditions inside.

2. Dress for warmth

Cold temperatures can lead to frostbite and hypothermia, a condition in which the body temperature dips too low. According to the CDC, more than half of hypothermia-related deaths were of people over the age of 65. That's why older adults are advised to wear warm socks, a heavy coat, a warm hat, gloves and a scarf if heading outdoors. In very cold temperatures, they should cover all exposed skin and use a scarf to cover their mouth. If you confirm via thermometer that your older loved one's temperature has dipped below 95 degrees, seek medical assistance immediately.

3. Fight wintertime depression

Because it can be difficult and dangerous to get around, many older adults have less contact with others during cold months. This can breed feelings of loneliness and isolation. To help avoid these issues, family members can check in on seniors as often as possible a short, daily phone call can also make a big difference. Seniors can also arrange a check-in system with neighbors and friends, where each person looks in on one or two others daily.

4. Check the car

Driving during the winter can be hazardous for anyone. But it is especially dangerous for older people, who may not drive as often anymore or whose reflexes may not be as quick as they once were. Get their car serviced before wintertime hits. Checking the oil, tires, battery and wipers can make a big difference on winter roads. Also make sure your older loved one's information is up-to-date in case of emergencies. If driving is necessary during the winter, review safe and reliable senior transportation options.

5. Prepare for power outages

Winter storms can lead to power outages. Make sure your older loved one has easy access to flashlights and a battery-powered radio in case the power goes out. Stockpile warm blankets. Longer power outages can spoil the food in your refrigerator and freezer so keep a supply of non-perishable foods that can be eaten cold on hand. If the power goes out, older adults should wear several layers of clothing, including a hat. Check out this winter weather checklist from the CDC to make sure your loved one has everything they may need.

6. Eat a varied diet

Because people spend more time indoors and may eat a smaller variety of foods, nutritional deficits, especially vitamin D deficiency (which has been associated with health concerns like cognitive decline, depression and osteoporosis, among others) can be a problem. We recommend that older people consume foods that are fortified with Vitamin D, such as milk, grains and seafood options like tuna and salmon.

7. Prevent carbon monoxide poisoning

Using a fireplace, gas heater or lanterns can lead to carbon monoxide poisoning. Ensure your loved one's safety by checking the batteries on their carbon monoxide detector and buying an updated one if you need to. The most important tip to keep in mind during the colder months is to encourage older people to ask for help. Whether they need to clear their property of snow and ice, or stock up on nourishing groceries, they should feel free to ask a family member or neighbor or hire a professional.

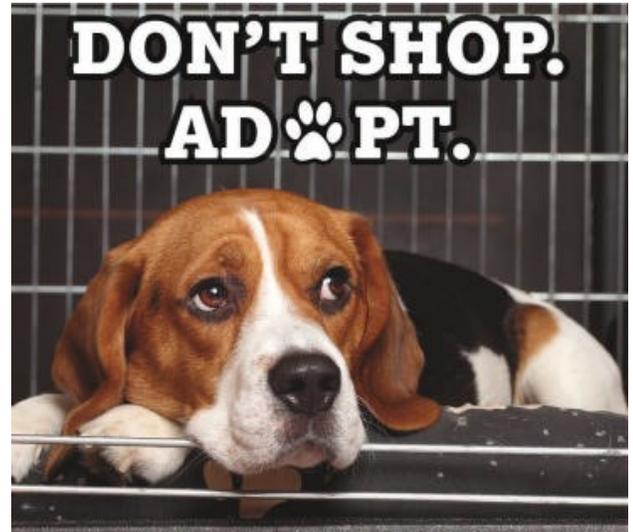
Wintertime certainly poses challenges for older adults, but with a bit of planning and awareness, they will stay healthy and experience the joys of springtime soon enough.



Round Valley Animal Rescue

A Perfect Place to find your new Best Friend!

Round Valley Animal Rescue is located in Springerville Arizona. We're a 501(c) (3) non-profit, no-kill animal shelter. Our shelter hours are Tuesday-Saturday 10am to 4pm, 928-333-1133. Visit our Thrift Store located on Main Street across from Junk n Java in Springerville, 928-333-1166. All proceeds from the store go to the animals at the shelter. We love and adore each shelter pet that joins our family and search for their perfect home. We are always looking for people to join our team!!



"Dogs are the leaders of the planet. If you see two life forms, one of them's making a poop, the other one's carrying it for him, who would you assume is in charge." — Jerry Seinfeld

THIS YEAR

A bad habit I'm going to break:

A new skill I'd like to learn:

A person I hope to be more like:

A good deed I'm going to do:

A place I'd like to visit:

A book I'd like to read:

A letter I'm going to write:

A new food I'd like to try:

I'm going to do better at:

FLAB-U-LESS Walking Group



Tuesdays and Thursdays
11:30 am—12:30 pm at The Dome
(enter in on the east side)

ALL ARE WELCOME!

For more information call
Irene 333-6429 or Sarah 333-6525

Sponsored by
Apache County Public Health Services District
Bureau of Chronic Disease and Health Promotion

COME WALK WITH US!

WALK AT YOUR
OWN PACE...

BEGIN YOUR
JOURNEY TO
BETTER HEALTH
TODAY!



Top 10 Healthy New Year's Resolutions for Older Adults

Making New Year's resolutions to eat better, exercise, watch your weight, see your healthcare provider regularly, or quit smoking once and for all, can help you get healthier and feel better for many more years to come. The American Geriatrics Society's Health in Aging Foundation recommends these top 10 healthy New Year's resolutions for older adults to help achieve your goal of becoming and staying healthy.

Eat fruits, vegetables, whole grains, fish, low-fat dairy and healthy fats

In later life, you still need healthy foods, but fewer calories. The USDA's Choose My Plate program (choosemyplate.gov), and your healthcare provider, can help you make good choices.

Eat at least five servings of fruits and vegetables daily. Choose a variety with deep colors: dark green, bright yellow, and orange choices like spinach, collard greens, carrots, oranges, and cantaloupe are especially nutritious. Include nuts, beans, and/or legumes in your daily menu. Choose fiber-rich whole grain bread, brown rice, and whole grain pasta. Pick less fatty meats like chicken or turkey. Have heart-healthy fish, like tuna, salmon, or shrimp, twice a week. Include sources of calcium and Vitamin D to help keep your bones strong. Two daily servings of low-fat milk, yogurt, or cheese are a good way to get these nutrients. Use healthier fats, such as olive and canola oils, instead of butter or lard. Use herbs and spices to add flavor when cooking, which reduces the need to add salt or fat.

Be active

Physical activity can be safe and healthy for older adults—even if you have heart disease, diabetes, or arthritis! In fact, many of these conditions get better with mild to moderate physical activity. Exercises such as tai chi, water aerobics, walking, and stretching can also help you control your weight, build your muscles and bones, and improve your balance, posture, and mood. Check with your insurance plan to see if you are eligible for the SilverSneakers program, which can provide access to local fitness centers.

See your provider regularly

You should schedule an annual Medicare wellness visit with your healthcare provider around your birthday month to discuss health screenings and any changes in your advance directives. At each visit, talk to your provider about all the medications you're taking, and whether or not you still need them. Find out if you should be getting any new or booster immunizations/shots.

Quit smoking

Did you know that cigarette smokers are twice as likely to develop heart disease as non-smokers? It is never too late to quit. You can still reduce your risk of many health problems, breathe easier, have more energy, and sleep better if you quit smoking. You can access the National Cancer Institute's website (www.smokefree.gov) for resources. Additionally, ask your healthcare provider for help. Don't lose hope if you failed to quit in the past. On average, smokers try about four times before they quit for good.

Toast with a smaller glass

Excessive drinking can make you feel depressed, increase your chances of falling, cause trouble sleeping, interact with your medications, and can contribute to other health problems. One drink = 12 ounces of beer, 5 ounces of wine, or 1.5 ounces of hard liquor. The recommended limit for older men is no more than 14 drinks per week and for older women, no more than 7 per week.

Guard against falls

One in every three older adults falls each year — and falls are a leading cause of injuries and death among older adults. Exercises such as walking or working out with an elastic band can increase your strength, balance, and flexibility and help you avoid falls. Also ask your healthcare provider to check that you're not taking any pills that can make you more likely to fall. Eliminate items in your home that are easy to trip over, like throw rugs. Insert grab bars in your bathtub or shower, and install night lights so it's easier to see at night.

Give your brain a workout

The more you use your mind, the better it will work. Reading is a good choice. Socializing also gives your brain a boost, so join a bridge club or a discussion group at your local library or senior center. Or take a course at your local community college — some offer free classes for adults 65 and older.

Speak up when you feel down or anxious

About 1 in 5 older adults suffers from depression or anxiety. Some possible signs of depression can be lingering sadness, tiredness, loss of appetite or pleasure in doing things you once enjoyed. You may also have difficulty sleeping, worry, irritability, and wanting to be alone. If you have any of these signs for more than two weeks, talk to your healthcare provider and reach out to friends and family.

Get enough sleep

Older adults need less sleep than younger people, right? Wrong! Older people need just as much — at least 7 to 8 hours of sleep a night. Avoid daytime naps, which can keep you up in the evening. Visit the National Sleep Foundation's website (www.sleepfoundation.org) for more tips on how to sleep better.

Reconsider multivitamins

Reconsider using vitamins or nutrition supplements. as many older adults do not need them. Consult your healthcare provider if you have any issues or concerns about your nutrition.



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DISCLAIMER: This information is not intended to diagnose health problems or to take the place of medical advice or care you receive from your physician or other healthcare provider. Always consult your healthcare provider about your medications, symptoms, and health problems. February 2020

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10 Creative and Cheap Ways to Exercise at Home

Tone up while doing everyday activities, no equipment needed

Exercise is crucial to the health of your brain and body, but that doesn't mean you have to work out at the gym. These 10 moves can boost your metabolism, improve your memory, combat stress and slim your waist line. Even gym regulars can benefit from adding a few of these moves to their daily routines.

- **Extra Steps**—The Centers for Disease Control and Prevention recommends at least 150 minutes of exercise each week. Break that into chunks and take extra steps each day by moving around the house while doing everyday chores, such as putting up groceries or folding laundry. Do a “small dose of fitness” each day, even when you don't feel like it, says Leslie Sansone, creator of the Walk at Home fitness program.



- **TV Stepping**—Americans watch an average of three hours of TV per day, according to the American Time Use Survey, conducted annually by the Bureau of Labor Statistics. You can enjoy your leisure time and still get in some exercise by standing up and walking in place during commercials, says Jeremy Steeves, an associate professor at the University of Wisconsin-Milwaukee. “The key is creating a cue, such as the commercial break, to trigger your new habit,” he adds.

- **Island Ballet**—Don't stand around the kitchen and wait for water to boil — practice your ballet moves. Stand in front of a kitchen counter or stool and place your hands on the surface for balance. Stand on your toes to work your calves, or do pliés by turning out your toes and lowering your knees over your toes to work your thighs. By the time that water boils, you can get in several sets of 10.

- **Sofa Squats**—To break up couch time, stand up and move. The ability to rise from a seated position is a crucial measure of longevity, says a Brazilian study. Squat down until your butt touches the sofa, tighten the muscles around your core and stand back up again. “Just trying to stand more throughout the day and disrupt those long periods of extended sitting will provide health benefits,” says Peter Katzmarzyk, a public health professor at Pennington Biomedical Research Center in Baton Rouge, La. This move works great on a chair as well.

- **Stair Push-Ups**—Strengthen your arms with angled push-ups at the stairs. Face the staircase with both feet on the floor. Place your hands shoulder-width apart on a step so your body is roughly at a 45-degree angle. Keeping your body straight and abs tight, lower yourself slowly, then push back up. The lower the step, the harder it will be.

- **Chair Dips**—Studies show we should take a break each hour from the computer screen to stretch and move. Sit on the chair with your hands holding the edge of the seat. Scoot to the front of the chair so that your butt is on the edge. Lower yourself off the chair and bend your elbows to work your arms. Repeat five to 10 Times

- **Singing Aerobics**—While completing everyday chores such as vacuuming or mopping, tighten your core as you move forward and backward, exaggerating your movements and changing hands to give both sides of your body a workout and burn more than 40 calories each 15 minutes. Crank up your favorite tunes and belt them out to get motivated and amp up the cardio factor, Walk at Home's Sansone says singing burns 130 calories an hour. Can't do that at the gym.

- **Activity Bursts**—While walking around your home, make an effort to step up your fitness level and raise your heart rate. The new cardio trend is high-intensity interval training (HIIT), which you can adapt at home. Jog to your mailbox in the afternoon and then lunge from side to side before sitting down to open your mail. “We're finding that high-intensity intervals — a 30-second to 90-second burst of activity — provide many of the same benefits that longer periods of exercise provides,” the Mayo Clinic's Laskowski says.

- **Step Tracker Challenge**—Research shows that people stick with an exercise routine when they do it with someone else. Use a step tracker device or an app such as Matchup.io to set a goal with friends and family members to take a certain number of steps each day. You may find yourself pacing around the house to win the competition.



MENU – JANUARY, 2021

Lunch Served at 11:30 a.m.

Recommended Donation - \$5 per meal. Please donate what you can afford.

Monday	Tuesday	Wednesday	Thursday	Friday
				1 HAPPY NEW YEAR!!!
4 Tuna Casserole Spinach Bread Fruit Cocktail	5 Fish Sticks Potato Wedges Green Beans Jello/bananas	6 Beef Stew w/ Red Beans, tomatoes & Peppers Apricots	7 Green Chili Enchiladas Lettuce/Tomato Beans Peaches	8 Meat Lasagna Broccoli Garlic Bread Apple
11 Chicken Drumstick Potatoes Peas/Carrots Pineapple	12 Roast Beef Mashed Potatoes 3 Bean Salad Yogurt/fruit	13 Pork Roast Roasted Potatoes Bread Spinach Applesauce	14 Sloppy Joes Bun Peas Tropical Fruit	15 Beef Tacos Lettuce/Tomato Rice Peaches
18 CLOSED MARTIN LUTHER KING JR DAY	19 Spaghetti w/ Meat Sauce Corn Mixed Greens Salad Garlic Bread Fruit Cocktail	20 BBQ Chicken Legs Sweet Potatoes Broccoli WG Roll Oranges	21 Beef Stew Potatoes/Carrots/Tom Apple Slaw Cumbread Pears	22 Cajun Chicken Gumbo Okra/Tomatoes/Peppers Zucchini Crackers Melon
25 Pepperoni Pizza Green Salad w/ Tomatoes 3-Bean Salad w/ Garbanzo, Green Beans & Corn Pineapple	26 Chicken Enchiladas Spinach Diced Cabbage & Tomatoes Tortillas Mixed Berries	27 Baked fish Mixed Veggies 7-Layer Salad Roll Fruit Cocktail	28 Beef Lasagna Seasoned Carrots Cucumbers & Tomatoes Garlic Bread Bananas	29 Southwest Chicken Salad Black Beans & Corn Mixed Greens Tortilla Peaches
30 Egg Salad Sandwich Coleslaw w/ Cabbage Peppers Strawberries	31 Meat Loaf Mashed Potatoes/Gravy Carrots Bread Tropical Fruit			

Services are funded by the Older Americans Act, SSBG funds and the State of Arizona. Funding is allocated on a regional basis from the Arizona Department of Economic Security, Division of Aging and Adult Services (DAAS) to Area Agencies on Aging. Eligibility for programs: Seniors or adults with disabilities.

Additional requirements may vary by program. Client contributions are encouraged and are vital for continuation of the programs. Language assistance and alternate forms of communication are available upon request Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI and VII) and the Americans with Disabilities Act of 1990 (ADA) Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975, Area Agency on Aging NACOG prohibits discrimination in admissions, programs, services, activities or employment based on race, color, religion, sex, national origin, age, and disability. Area Agency on Aging NACOG must make a reasonable accommodation to allow a person with a disability to take part in a program, service, or activity. Auxiliary aids and services are available upon request to individuals with disabilities.



Town Council Agenda Staff Report

Report for December 2020

Springerville Heritage Center & Casa Malpais Archaeological Park

- Visitor count in December for the Heritage Center was estimated to be approximately 82 visitors. The month was shortened, as we closed the Heritage Center during the week of Christmas.
- Although the regular Casa Malpais site tours concluded for the season at the end of November, nice weather allowed us to conduct site tours on two dates in December, which generated \$66 in tour revenue. In addition, one of our staff members accompanied the local archaeology group (LCRC - Little Colorado River Chapter of the Arizona Archaeology Society) for a "winter solstice" tour at sunset on the first day of Winter, December 21st. (Strategic shadowing displays on the petroglyphs during summer and winter solstices.) Our regular tour season will resume in March, however we're able to conduct tours upon request during the off season, if weather permits and a tour guide is available. The Heritage Center will remain open during the winter months, however with reduced staffing and a few possible short-term closures.
- The third annual Heritage Center Christmas Tree Decorating contest was held in December. There were four entries and this year's winning entry was submitted by the Town of Springerville Public Works department! Thank you to all who entered, and we look forward to the 2021 contest. (see attached photos)
- The Heritage Center is currently having a Winter Art Sale through mid-March featuring local consignment artists. (see attached flyer)

2020 Heritage Center Christmas Tree Decorating Contest





Congratulations to the winner of the third annual Christmas Tree Decorating Contest!

Christmas trees were decorated by local businesses and organizations and displayed at the Springerville Heritage Center. Local residents and visitors were invited to cast votes for their favorite tree, and the winner was announced on December 18, 2020.

The First place winner was:
Springerville Public Works

Second place was:
Boys & Girls Club of Round Valley

Thank you to all who entered and those
who cast ballots to select our winner!
We look forward to the 2021
Christmas Tree Decorating contest!

Springerville Heritage Center
418 East Main Street
Springerville, AZ 85938
(928) 333-2656, ext. 230
sseils@springervilleaz.gov
www.springervilleaz.gov

Springerville-Eagar Chamber of Commerce
7 West Main Street
Springerville, AZ 85938
(928) 333-2123
serccinfo@gmail.com
www.springervilleeagarchamber.com



Springerville-Eagar
Chamber of Commerce

Springerville Heritage Center

Open year-round! We're located at
418 E. Main Street in Springerville

Tuesday - Saturday

8:30 AM - 4 PM

Local History & Casa Malpais Museums

Exhibits | Art Gallery | Gift Shop

Free Admission!

Phone: 928-333-2656, Ext 230

Email: sseils@springervilleaz.gov



Winter Art Sale

(through March 13th)

Artwork created by local artists!

50% off SILK poinsettia flower
arrangements, plus 30% off other silk
flower arrangements, select framed
photos and paintings, canvas prints,
beaded jewelry, custom greeting
cards, pottery, baskets, and more.

Great gift ideas!



SPRINGERVILLE MAGISTRATE COURT STATISTICAL REPORT

Pursuant to Town Ordinance 2.36.030 (E), the undersigned magistrate hereby submits a summary of court activities for the month of December 2020.

Civil citations filed: 15

Criminal citations filed: 6

Pre-trial conferences held: 3

Sentencings held: 9

Trials held: 0

A total of \$3444.64 was submitted to the Town of Springerville on the 7th day of January 2021, by check number 1045. See *Remittance Report*.

1-6-2021
DATE


MUNICIPAL COURT JUDGE



Town Council Agenda Staff Report

Springerville Police Department Agenda Items and staff report

1. Springerville Police Department Stats

	November	December	Total
Calls for service:	155	94	249
Self-initiated Calls	35	83	118
Citizen:	6	5	11
Agency Assist:	31	43	74
Speed citations:	12	14	26
Nonmoving	7	3	10
Crim Speed:	1	0	1
Total traffic citations:	20	17	37
Verb warning:	11	28	39
Written Warning:	3	27	30
DUI	0	0	0
Felony Cases	8	8	16
Misdemeanor	16	21	37
DV	2	12	14
Arrests	3	5	8

2. Recruit Kevin Davis and Recruit Ronnie Beard will be attending the NALETA Police Academy starting January 25, 2021. The projected day of graduation is June 10, 2021.
3. Certification Confirmation from ALEAP. See attached
4. We are working to extend our GOHS Grant funding.
5. Office David Gregory will be retiring on February 27, 2021



December 15, 2020

Dear Chief Merrill:

ALEAP Commission

Chief Peter Wingert
Commission Chair
Paradise Valley PD

Chief Dan Brown (ret.)
Vice Chair
Winslow PD

Chief Terry Rozema
Marana PD

Sheriff David Clouse
Navajo County SD

Mike Orose
Arizona POST

Jim Jellison
Southwest Risk

Tom Belshe
League of Arizona
Cities and Towns

Mike Frazier
City of Surprise

Jim Thompson
City of Scottsdale
Arizona State Univ.

Roxie Heussner
AACOP Executive Director

Kevin E. Rhea
ALEAP Program Manager

On behalf of the Arizona Law Enforcement Accreditation Program (ALEAP), this letter confirms we are certifying that the Springerville Police Department meets certain eligibility requirements, set forth by the U.S. Department of Justice, for discretionary federal grants. The Springerville Police Department is qualified to receive federal grants for three years from the date of this letter.

Pursuant to Section 2 of the Presidential Executive Order on Safe Policing for Safe Communities, dated June 16, 2020, Executive Order No. 13929 (the "Executive Order on Safe Policing"), the U.S. Department of Justice's discretionary grant funding is only available to state, local, tribal, and university or college law enforcement agencies that have obtained (or are in the process of seeking) credentials certifying that they meet certain mandatory standards on use of force. The Executive Order on Safe Policing empowers the U.S. Attorney General to designate independent credentialing bodies — including the Arizona Law Enforcement Accreditation Program — to certify that a law enforcement agency meets the conditions of eligibility for federal grants.

Following our review, we have determined that the Springerville Police Department meets the conditions for certification. Accordingly, the Arizona Law Enforcement Accreditation Program will include your agency going forward within our database of certified law enforcement agencies. On or before January 31st each year, we will provide the name of each certified law enforcement agency to the U.S. Department of Justice.

If you would like to discuss further, please do not hesitate to contact me either by email at kevin.rhea@azchiefsofpolice.org or by phone at 480-635-7768. Thank you very much.

Sincerely,

A handwritten signature in cursive script that reads "Kevin E. Rhea".

Kevin E. Rhea
ALEAP Program Manager



Town Council Agenda Staff Report

1-2021

Mayor & Council Report for Public Works

Projects Completed in December 2020

- Street sweeping
- Pothole repairs
- Multiple sewer call outs (plugged sewer lines)
- Multiple water turn on and off
- Water meter reads
- Water meter replacements
- Multiple water break/ repairs
- Street light repairs
- Cemetery- Funeral
- Tearing down and storing all Christmas Decorations

Projects Working On

- Town Hall roof
- WIFA- Water projects
- WIFA- Sewer Projects
- Road Paving Projects
- ADA- Park and Town Hall
- Hot patching multiple roads (water repairs)
- Meter installs (Town)
- Hopi Adjudication Lawsuit

**TOWN OF SPRINGERVILLE
MEMORANDUM**

TO: Springerville Town Council
FROM: Joseph Jarvis, Town Manager
DATE: 01/20/2021
SUBJECT: Consent Item(s)

SUGGESTED MOTIONS:

I move we adopt consent items 6a, 6b, 6c, and 6d as presented.

OR

I move we table the consent items until next meeting.

STAFF REPORT

Please see attached documentation.



DRAFT

TOWN COUNCIL REGULAR MEETING

Minutes

Wednesday, December 16, 2020 at 6:00 pm

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.

Dayson Merrill 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 addressed the public and Council and wished them a Merry Christmas. She thanked the Fire Department for providing a Christmas Tree and setting it up as the "sharing tree". They were able to provide Christmas gifts to all 107 children that were on the tree. The tree was set up at the Western Drug, so thank you to Western Drug for allowing that. She thanked all those who donated to it, and Beckie Boone for the excessive amount of time she put into wrapping the gifts. They now have set up

DRAFT

the giving box at Western Drug, this is a way to donate to three non-profit groups; the Living Hope Center, the Boys and Girls Club, and the Senior Center. You can pick what you want to donate to and how much. She said this community is amazing with how giving they have been this holiday season. She updated them on the schedule for the Boys and Girls Club over the Holidays.

4. COUNCIL, MANAGER AND STAFF REPORTS:

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

Minutes:

Councilor Llamas wished everyone a Merry Christmas and reminded everyone to think of those currently deployed during this holiday season.

Mayor Hanson updated that the Christmas Tree lighting went very well, it was well attended. He thanked Brian Carpenter for volunteering to be our Santa Clause. We provided toys to around 300 children.

Councilor Davis wished everyone a Merry Christmas and Happy New Year. He complimented the Towns Christmas Tree.

Councilor Reidhead wished all a Merry Christmas.

b. Staff Reports: Summary Updates

c. Manager Joseph Jarvis: Summary Updates & presentation(s)

5. CONSENT ITEMS:

Minutes:

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

DISCUSSION: None

Vote results:

Ayes: 5 / Nays: 0

a. Consider approval of the November 12, 2020 Town Council Special Meeting minutes.

b. Consider approval of the November 18, 2020 Town Council Regular Meeting minutes.

c. Consider ratification and approval of accounts payable register from 11/07/2020 through 12/08/2020.

6. ELECTED OFFICIALS OATH OF OFFICE:

Minutes:

The Town Clerk administered the Oath of Office for newly re-elected Councilmember Richard Davis and Councilmember Shelly Reidhead.

OLD BUSINESS

7. Ordinance 2020-007: Transmitting Tower

Minutes:

Kelsi Miller completed the second reading of Ordinance 2020-007.

a. SECOND READING OF ORDINANCE 2020-007

b. ACTION ON ORDINANCE 2020-007

Minutes:

ACTION: move to adopt Ordinance 2020-007, regarding the regulation of wireless facilities and transmitting towers on private property.

Discussion: None

Vote results:

Ayes: 5 / Nays: 0

8. Ordinance 2020-008: Wired Facilities in the Public Highways

a. SECOND READING OF ORDINANCE 2020-008

Minutes:

Joseph Jarvis completed the second reading of Ordinance 2020-008.

b. ACTION ON ORDINANCE 2020-008

Minutes:

ACTION: Ruben Llamas/ Robert MacKenzie motioned to adopt Ordinance 2020-007, regarding the regulation of wireless facilities and transmitting towers on private property.

DISCUSSION: None

Vote results:

Ayes: 5 / Nays: 0

9. Ordinance 2020-009: Right of Way Regulations

a. SECOND READING OF ORDINANE 2020-009

Minutes:

Robert MacKenzie completed the second reading of Ordinance 2020-009.

b. ACTION ON ORDINANCE 2020-009

Minutes:

ACTION: Ruben Llamas/ Robert MacKenzie motion to adopt Ordinance 2020-009, regarding the right of way regulations.

DISCUSSION: None

Vote results:

Ayes: 5 / Nays: 0

10. COVID-19:

Minutes:

DISCUSSION: Manager Jarvis said there has been a surge of cases in our area. We have provided some letters that have been sent to Mayor Hanson for consideration. Kelsi Miller explained executive orders 2020-009 regarding public regulations for events of 50 people or over. They are asking Cities and Towns to collect mitigation plans for the events and sign off allowing the event to take place, then posting on the Towns website. We have collected a couple of different event applications from our sister towns for the Council to consider if they want to follow the executive order, and

if they do, what type of application would they support staff using. Phil said if he wants to hold an event at the American Legion with over 50 people we are saying he needs to do an application? Kelsi responded yes, that is what Governor Doucey is asking for the Town todo. Councilor MacKenzie asked if this will change now that the vaccines are becoming available? Manager Jarvis said at this time these executive orders continue until Governor Doucey announces he has ended them. Manager Jarvis explained that the Police Department is very busy with other duties. However, if they are called out on a different complaint and finds that people aren't following the Governors Executive orders, they could be in trouble. Council is encouraging people to follow CDC guidelines. Councilor Llamas feels this is ridiculous and doesn't want to staff to implement the 50 and over gather executive orders. Manager Jarvis asked what the direction of all Council is. They all agreed to not move forward with Governor Duceys Executive Order 2020-0059. Mayor Hanson and Councilor Llamas in closing stated businesses and individuals should take the precautions they feel are necessary and the government should not be making those decisions.

11. SPRINGERVILLE FIRE DEPARTMENT:

a. INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF EAGAR

Minutes:

ACTION: Ruben Llamas / Robert MacKenzie motion to not approve an IGA with the Town of Eagar for fire services.

DISCUSSION: Councilor Reidhead asked why we cant table this until we have more information. Manager Jarvis explained his motivation is shifting reoccurring costs to be able to help pay for equipment needed to provide a better service. He feels decreasing the duplication of services would do this. When the two Towns had a joint Council meeting a few months ago, they directed staff to hire someone to complete a feasibility study on combining of fire services. Unfortunately we had no response. Since then we have had a number of conversations between the two Towns. Council has directed staff to only bring back an IGA if we can save money. Staff feels the IGA before them would save costs in the following areas; \$70,000 in personnel costs, reducing four full time positions to two, reduce the funds available for the volunteer fire crew, decrease the volunteer reserve positions by \$15,000, and lower the operations budget by eliminating 5-9 vehicles and apparatuses. The IGA proposes a 40%-60% split, he explained that if you combine the total number of expenses from both departments that Springerville budget is 40% and Eagar's budget is 60%. With the capital expenses Springerville is 55% and Eagar is 45%. The Mayors visited about two months ago and worked out some details that are incorporated in the IGA. On December 9, 2020 Manager Jarvis was emailed by the Eagar Town Manager Mears about three additional changes Mayor Hamblin would like incorporated. Manager Jarvis explained the IGA has already been provided to Council, but he is willing to share the changes with them. The first change is Eagar Town Council has been very vocal that they do not want the

firefighters going on Wildland fires. They feel they have not been provided evidence that wildland fires benefits the town in anyway. In order for Eagar to move forward with the IGA, it must prohibit that any of our firefighters fight wildland fires. The second request was just a misprint that the fire employees would be employees of both Eagar and Springerville, were in fact they will only be employees of one Town. We are proposing they all be Springerville employees. The third request is to add an additional \$50,000 - \$70,000 to the cost of the remodel of the building. As proposed in the presented IGA the Towns would split the cost of the remodel 50%/50%. Councilor MacKenzie asked what building are we proposing to remodel. Manager Jarvis said the old NPC building jointly owned by both Towns. Manager Jarvis stated that if the Council voted to pass the IGA, the Town would stop the remodel at the Becker building. Councilor Llamas wanted verification that both Mayors agreed on presenting this IGA then after sending to Council Eagar's Mayor is now wanting to change it without first bringing the changes to his Council. Manager Jarvis said yes that is the direction he has received. Councilor Llamas has concerns on how things were handled and isn't sure this is the route we should take if this type of thing is to be expected. Councilor MacKenzie asked if Eagar Town Council has approved the IGA, Manager Jarvis said he believes they have not, but there is intent to add it to a future agenda. Manager Jarvis also let them know his proposal regarding wildland fire would to allow the person board to make that decision. Per the email he feels Eagar has already discussed this at meetings and are adamant they will not support their firefighters going on wildland fires. Councilor Davis asked Springerville Fire Chief Robert Pena how much money have we made this year on wildland fires. Chief Pena estimated around \$40,000. Councilor Llamas asked who came up with the breakdowns for the remodel of the NPC building. Manager Jarvis said it was a combination of ideas, but Eagar created the plans. Councilor Llamas asked if Chief Pena had input on the design of the plans, he responded he did not, but he would have loved to. Councilor MacKenzie asked for the Fire Chiefs opinion on the matter. Chief Pena said an IGA between the Towns working together would benefit the community, but the way it is right now to cut positions he feels it is not going to benefit the community. He explained we will not have backup if this IGA passes and personnel is cut, our neighboring Towns of Alpine and Fire can only supply 1-2 firefighters at best. He also stated personnel will be lost by those who either won't work for him or won't work for Chief Adams, they estimate to lose 1/3 of the crew. He does not support cutting positions. Council asked Eagar Fire Chief Adams if he is in support or against the IGA. Chief Adams said it depends on the motivation and he agrees with Chief Pena if the goal is to improve service he supports it, if the goal is to cut corners and people to save money he is against it. Councilor Llamas agrees that it would feel like putting a price tag on a life. Battalion Chief Robert Pena III, said that supply and demand doesn't add up on this IGA. If you triple your demand you can't cut your supply in half. Councilor Llamas also

doesn't agree with the split of costs and the way this keeps getting presented to them. Councilor MacKenzie and Mayor Hanson both expressed they do not support moving the fire anywhere but the Becker building. Mayor Hanson said we have been trying to figure this out with Eagar for a long time, and it is frustrating we can't come up with a plan that works for both of us. Councilor Llamas said staff has wasted a lot of time and money working on this and we aren't getting any closer. Councilor Llamas said he thinks we should build up the Springerville Fire Department and keep it moving forward. Councilor Reidhead said we have worked so long and hard on this she doesn't want us to completely kill it, and she sees both sides. Councilor Llamas said a number he can agree on is 28% Springerville and 72% Eagar funding and using the Becker building. Councilor Davis thanked for the Fire Departments for all they have done on this.

Vote results:

Ayes: 5 / Nays: 0

b. REMODEL OF THE PUBLIC SAFETY BUILDING

Minutes:

DISCUSSION: Chief Pena explained at the last Council meeting they supplied a breakdown of costs to complete 85% of the property done. They plan to have this done by June and completely out of the old Fire Department. Manager Jarvis explained this \$100,000 was already budgeted to put into the Becker Public Safety building, but he felt it was appropriate to bring to the Council to verify because of the variety of conversations.

ACTION: Councilor MacKenzie / Councilor Llamas motioned to authorize the use of \$100,000 to finish renovations to the public safety building.

DISCUSSION: Councilor Llamas asked Manager Jarvis to hold them to spending this money and getting the renovations completed. Manager Jarvis said yes this will be done this fiscal year. The Town of Springerville will be completing a lot of the work. If any public or Council would like to volunteer to help with some of the work they may. Councilor Reidhead asked Finance Director Heidi Wink if she supports this, Heidi said yes.

Vote results:

Ayes: 5 / Nays: 0

NEW BUSINESS

12. SPRINGERVILLE FIRE DEPARTMENT:

a. RESTRICTED REVENUE FUND

Minutes:

ACTION: Ruben Llamas / Robert MacKenzie motion to authorize staff to create a restricted revenue fund for the Springerville Fire Department.

DISCUSSION: Battalion Chief Pena explained this fund would be used to put a percentage of funds the Fire Department brings in from wildland fires, permits, and inspections. This money will be used in the next year or future years to

make capitol purchases. Currently all fire revenues are only going to the general fund. Heidi explained how this will work with wildland fires. Councilor Llamas asked who will manage this. Heidi let him know she would. Councilor Llamas asked who would be authorizing the expenditures from that account? Manager Jarvis said the Town Council would through the budget process. Robert Pena III also explained they plan to use 10% of what is in the restricted revenue fund to make improvements to our ISO rating via our water system.

Vote results:

Ayes: 5 / Nays: 0

b. SCBA

Minutes:

ACTION: Robert MacKenzie / Richard Davis motion to authorize staff to pursue and sign a lease purchase agreement with LN Curtis to purchase needed SCBA's for the Fire Department.

DISCUSSION: Councilor Reidhead asked if we just purchased these? Chief Pena said no, ours are about 17 years old. We have been buying bottles but not the setup. Councilor MacKenzie asked how long the lease would be for? Chief Pena said he would recommend 3-5 years to keep the cost down. We would most likely do quarterly payments for sake of the budget. Manager Jarvis likes the idea of the lease purchase and recommends it over using the Councils contingency fund. Manager Jarvis explained we will use the \$20,000 budgeted to buy SCBA's as our first two quarterly payments. Councilor Reidhead asked how many SCBA's this lease purchase would supply, Chief Pena said 16 and 32 bottles. Councilor Llamas asked what happens to the old equipment. He said the majority of the time they are donated to departments south of the border. Mayor Hanson asked that we stay caught up on updated equipment instead of having to replace it all at once if we update equipment as we go.

Vote results:

Ayes: 5 / Nays: 0

13. RESOLUTION 2020-R0022 COCONINO FLOOD CONTROL MEASURES:

Minutes:

ACTION: Robert MacKenzie / Ruben Llamas motion to adopt Resolution 2020-R0022, regarding the Coconino flood control measures.

DISCUSSION: Manager Jarvis explained Springerville has been working on this subject for a number of years. We have summited a preliminary application to the Department of Emergency Management of Arizona. As part of our application reviewal before going to FEMA we need to adopt a Resolution stating our intent. Within the Resolution is the estimated budget. The consultant we hired using the funds from the Apache County Flood District, feels we have a great application and chance of getting the grant. The Town of Springerville Public Works department is committed to using our staff and resources as the 25% match. Councilor Reidhead feels like Rob Toy the consultant might be creating a job for himself by channeling Eagars flood water to

Springerville. Manager Jarvis started by explained we have residences that having to carry flood insurance because of this water. Secondly, Rob Toy has indeed worked with Eagar to help mitigate their waters including the Alta Visita project. The water is flowing from cemetery hill, and all of the mountains around us. He agree that some of this water is going through Eagar and running into Springerville, as we are downhill. We are trying to all of the different areas the water is running from. He also added that he isn't certain Springerville flood situation has gotten worse based on the work Rob helped Eagar accomplish. He also added that Rob Toy has been presenting this project to Springerville for years, and he isn't sure why Springerville has never chosen to move forward with it. Councilor Reidhead asked what our portion of the expenses would be. Manager Jarvis said \$276,000 in in-kind services. This project is not budgeted for this year, if awarded it would not occur until next fiscal or the following fiscal year. This application is already preliminarily submitted and the complete application is due in January. If this Resolution is adopted we will have met the criteria. If Council does not support the project, Manager Jarvis asked that they direct staff to stop the application. Councilor Davis explained he has seen a reduction of water on Coconino. Robert Pena added that he hopes they tunnel under Coconino instead of tear up the new road. Manager Jarvis, said yes, and explained the plan with the catch basins and where they would run. Manager Jarvis went into detail on where the water would be directed.

Vote results:

Ayes: 5 / Nays: 0

14. ADJOURNMENT:

Minutes:

ACTION: Ruben Llamas/ Robert MacKenzie motion to adjourn at p.m.

DISCUSSION: None

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.



TOWN COUNCIL SPECIAL MEETING

Minutes

Wednesday, January 6, 2021 at 6:00 pm

Attendees: Joseph Jarvis - Town Manager, Kelsi Miller- Town Clerk,
Dayson Merrill- Chief of Police, James Kemp- 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 SPECIAL 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. Chris Dodge 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 with the RVBGC gave an update on little league basketball. They have 150 kids participating. Mayor Hanson asked if they will have restrictions, she said no. She updated them on the success of the sharing tree project. They were able to give

Christmas to 108 kids, each kid got 7-10 presents including shoes, shirts, and pants each. The giving box was also successful, the money went to 4 nonprofits, which received almost \$4,000 in donations. Since school has started kids and teachers have stayed healthy for the most part. High School basketball starts on January 18th, they will not allow spectators. The Middle School will allow spectators for home games. Kay Dyson of Coronado Acres addressed the Council and asked to read out loud a statement from her neighbors Kay and Phelps Wilkins. Council agreed. In opening the Wilkins stated this was regarding the marijuana farm, they understand that jobs are needed in this community, therefore they support the plant. The statement included several concerns. Wilkins's main concern is accessing the plant. They are concerned that the airport road is narrow and not designed for the amount of traffic the plant employees and delivery trucks will create. They live on Becker Lake Road, this road is unpaved and the dust is a major problem. They feel many employees and trucks will use this road. Although it is not a complete solution to the problem they feel having a road from the plant to Hwy 260 could help. The next concern is regarding water. They want to be certain that this plant will bear the cost of obtaining additional water and that additional water can be procured to not take away from businesses and residence. The final concern they have is regarding fertilizer entering into the ecosystem, they hope the Town is studying these impacts. Kay Dyson then spoke on her own behalf regarding White Mountains Flower. She asks that an environmental assessment focusing on water and sustainability be done by an independent source to see how this farm will affect the Little Colorado River and the Towns water sources. For the last 40 years, they have helped restore the Little Colorado River. She went over who depends on the river and what they have done to restore the river. She said millions of gallons of water will be needed by the farm for phase 1. She is also requesting proof of an ADEQ permit related to stormwater drainage, she states permits are required. She wanted to know if all those who have rights to river water been informed. Does the farm meet all requirements set forth. Springerville is increasing water rates, dispersing water-saving devices, reoccurring notices on doors of radon levels, and ten years of drought we have learned water is a fragile resource and issue. Now the Town is adding an agriculture business to the mix with 30 thousand plants in phase one and 237 thousand gallons per month. She doubts there will be phase two. She reiterated the Town creed is respect for the past and confidence in the future, she asked the Council to make wise decisions based on scientific evidence. She said they welcome jobs and new businesses but not at the expense of the quality of life we experience.

Erin Silva of Coronado Acres addressed the Council. She stated as a taxpayer and citizen of this community she has the right to expect our elected officials to act in an honorable and professional manner and treat everyone affected by a city ordinance equally and professionally and as a fiduciary of the Town. In the case of White Mountains Flower, she feels they have broken the trust with the citizens to act as the fiduciary of the Town. Erin wanted to list a few examples that she feels showed the lack of integrity and rush to action without considering consequences. It is her belief

that their are members of the Council currently employed by White Mountain Flower, and have not made any mention of the fact. The Town recently sold a home to the Lefler family, prior to development, without disclosing plans of the farm. She said the Lefler family was not included in the Planning and Zoning notification letter sent out on October 22nd. No impact study or detailed plan was conducted on the impacts of the farm to the neighbors and water supply. This operation was given the go-ahead without requiring a building permit. She listed Town ordinances that she feels this operation has violated: shall be located in a permanent building, shall not be larger than 1,000 square feet, shall not be located within 200 feet of a residentially zoned property, shall have operating hours no earlier than 10 am and no later than 7 pm. On the CUP handwritten it says they will request the conditional use of a temporary manufactured building and multiple other buildings and 50 employees working two separate shifts around the clock. Springerville has been told 300 people and Eagar was told, 400 people. She requests the Council immediately start rectifying the current state of affairs.

Kerry Nedrow addressed the Council. He reminded them the last time he spoke to Council it was regarding his concerns in the zoning map changes from the 1998 zoning map from when he was on the commission. He said the Town Manager has not been able to provide him the records showing the zoning change. Additionally, it is his understanding that any Council member with an interest in any manner that comes before them must declare a conflict of interest and recuse themselves from the vote. He stated this did not occur at the meeting where the parcel was rezoned from industrial to light industrial zones. He asked these items be placed on the agenda for the next meeting. He would also like to see a copy of the permit that is in place for them to be operating, and their building permit.

Doug Henderson addressed the Council and the public regarding item #9 on the agenda pertaining to the Udall Property off of the road to no where. He reminded Council this item was on the November 18th Regular Council Meeting Agenda and Council was opposed to purchasing this land to connect the road to no where to Highway 260. He quoted some of the comments Council made at the November 18th meeting. He asked why this is coming into question again and some may speculate it is due to White Mountains Flower. He reminded them that during a public meeting when the question was asked about traffic to WMF, the public was told, if their is an increase in traffic, a traffic study will be conducted. He has not seen a traffic study being conducted on Airport Road. He urges Council to remember their reasons two months ago on why they were opposed to building this road. He is also concerned about WMF's construction, especially setbacks to the property lines. He quoted the Town code regarding distance to a residential building. On the west end the green houses are 83 feet from his property line. He pointed out he has brought this up with staff, and staff feels he is zoned in the County. When they built their home in 2002 the Town required the building permit and conducted all inspections. He has met with the Town Manager, and still does not have a definitive answer if they are in Town or County. He has also asked the Manager about the setbacks on two other parcels with

houses that are 100 foot from the property line.

Cindy Henderson addressed the Council and the public. She stated her property is just off of Williams Drive and Airport Road. Her biggest concern is the use of the Road To No Where. She is against this expansion to Highway 260. Her reasonings include the increased traffic and noise to the Airport community, safety concerns with more traffic, safety at the Airport with it not being fully fenced, and by passing the businesses in Eagar and Springerville.

Steve Martin of 712 Airport Road addressed the Council and public. He said he has spoke before and wanted to reiterate his concerns of water. How will residence wells be protected if an additional well is needed for the farm. He also has concerns about rumors of our elected officials being employed and making contracts with the company they are employed by. He feels if this is true he said that creates a crises of confidence. He would like a timeline of when contracts were made, who was involved, and who negotiated this contract. He asks the Town attorney investigate this and report if criminal activity took place and those people be removed from office. He would like this in an official report. Lastly, he feels the lease amount for 25 years was not in the best interest of the city. He would like to know how that amount was arrived at and why their is not cost of living increase over the 25 years.

Bryce Hamblin the Town of Eagar Mayor addressed the Council and public. He is here to address comments made by a Councilmember at the last Council meeting. He gave the background that a couple months ago the two Mayors and Town Managers met to discuss the joint broadband application. Mr. Jarvis brought up the potential to move forward on a joint Fire Department. The four of them discussed that and came up with something they thought would work. Mr. Jarvis was tasked with putting it into writing then distributed for comments. Mayor Hamblin did not receive that initial email due to it going to his personal email address, Mr. Jarvis reached out to the Town Manager of Eagar and let him know it was going before Council and asked if they had any comments. Mayor Hamblin then reviewed and supplied his comments as requested. He went over the three items in his comments, wildland fires, a typo on who they are to report to, and an increase in the amount for the building. The increase in that amount was because electrical and such had not been included. He thinks all would agree that without an accurate budget we cannot agree to an IGA. He said both Towns should have input. The others supplying input were not called unethical or dishonest, and after giving input when asked to a member of Springerville Council called him out. He said it is nonsense and Mayor Hanson was there. He expects the rest of the Council to speak out when this happens.

4. COUNCIL, MANAGER AND STAFF REPORTS:

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

Minutes:

DISCUSSION: None

b. Staff Reports: Summary Updates

Minutes:

DISCUSSION: None

c. Manager Joseph Jarvis: Summary Updates & presentation(s)**Minutes:**

Manager Jarvis let them know the White Mountain Independent contacted him to see if the Town was interested in participating in the annual yearly add for businesses that have been in the community for many years, and another for the annual accomplishment reports. He asked if the Council would like to direct staff to participate in these. Councilor Reidhead asked when the paper will need these by? Manager Jarvis said Friday. He will prepare something and send to the Council.

OLD/ NEW BUSINESS**5. TOWN CODE UPDATES:****Minutes:**

DISCUSSION: Manager Jarvis pointed out these are items for us to discuss to see what the Council likes and doesn't like. The staff has been reviewing the Town Code and has found some inconsistencies. The staff has prepared some suggestions for changes due to the inconsistencies. Examples are the positions that the Town Council selects and removing fees from the code and referring back to the Towns Fee Schedule. Council and Manager Jarvis reviewed the declaration of a state of emergency procedure and asked if Council has any recommendations for changes. Next, they discussed areas within the Town Code pertaining to traffic enforcement. As it stands the code is limited in allowing the Police Department to enforce traffic violations. With the help of Chief Merrill and Sergeant Kemp, we have put together some suggested code changes to be able to enforce traffic violations. Manager Jarvis explained we are just looking to see if the Council is interested in us bringing back some of these suggestions and if there are some they do not have interest in. Councilor Reidhead asked the opinion of Sergeant Kemp and Chief Merrill. Chief Merrill explained that they generally write citations with A.R.S. This would allow them to cite via city ordinance instead. If passed, the Police Department will support this as best as they can. Councilor MacKenzie asked how this would affect the traffic light and parking at the post office. Sergeant Kemp said they would paint the curb and signage would be added for 15-minute parking. He explained how it would affect places like Davis Hardware and they would supply a loading and unloading zone. He gave an example of how a simple traffic parking violation to a CDL driver when cited through A.R.S could lead to the loss of his CDL and a misdemeanor. If the simple traffic parking violation is cited via the Town ordinance the driver would pay a fine and not jeopardize his driver's license. Councilor Davis gave examples where these traffic codes would have been beneficial. Currently, the agenda allows anyone to add an item to it, it is being proposed that an item can be added by the Mayor, two Council

Members, or the Town Manager. The Council discussed the other positions that are appointed by the Town Council and the proposal to change them to appointed by the Town Manager. The Town does not have an overall emergency management plan. However, some departments have individual emergency management plans. Manager Jarvis has contacted DEMA to find out what the process of creating one entail. Per the Town Code, the Council is in charge of creating the plan.

DIRECTION: Councilor Llamas showed support of changes to the Town Code to better help traffic parking violations, but requested those changes come through the Council and not the Chief of Police as presented. Council directed to leave all sections where Town Council was marked out to be kept as the Town Council and not other staff. Councilor Reidhead directed to leave proposing agenda items as-is. Councilor Llamas reiterated it's the Mayor, a Council Member, or the Town Manager that can add an item and that is how he wants it to stay. The Council would like to leave the Town Council as the one appointing the Fire Chief and they want the Town Council to appoint the Police Chief. The Council directed to leave the other positions that were proposed to be changed to appointment by the Town Manager to stay as appointed by the Council. Council directs staff to drop the section of the Electrical Inspector and combine that with the Building Inspector. Councilor Reidhead directed the Town Manager and other staff to create the emergency management plan and present it to the Town Council. Council agreed to leave 2.48.030 as is. Council directed staff to make the proposed change to 12.04.020. Council with the exception of Councilor MacKenzie directed staff to keep 15.08.020 as appointed by the Town Council. Council directed to keep Chapter 2.52 as is. Council directed to keep the Council as the designator in Chapter 10.12.

6. RESOLUTION 2021-R001 NOTICE OF INTENT:

Minutes:

ACTION: Robert MacKenzie/ Shelly Reidhead motioned to adopt Resolution 2021-001, regarding the Notice of Intent for fees associated with traffic enforcement.

DISCUSSION: Councilor Llamas asked how we came up with the proposed fees? Manager Jarvis explained we reached out to the City of Flagstaff and used their schedule as an example. We reviewed this with the Magistrate, she cannot express an opinion on the fees, but she did show support for changes to the code. Chief Merrill asked Council to look over the fees and see if they find them to be fair. The base fees are the ones we would actually keep, due to state laws the other fees go to the county and state. Councilor Llamas is concerned that the City of Flagstaff may have higher rates than we should. Councilor Reidhead does not feel the fines are too high. Mayor Hanson feels the presented fees are fair. Councilor Llamas feels we should be getting the message out more where people should not park instead of imposing high fines if the purpose is to minimize parking problems. He asked if we are trying to make money off of this or correct a traffic issue? The majority of the Council supports the fees as presented.

Vote results:

7. UTILITY RATE DEFINITION:

Minutes:

DISCUSSION: Manager Jarvis explained we have been having a discussion as to what fees should be charged in differently zoned areas of Town, particularly the Airport. Staff is proposing to change how the Town Code sees different properties regarding their water and wastewater rates. The attached proposal shows different zones that would be charged commercial rates and zones that would be charged residential rates. It is the staff's intent to create an airport zone in the future. Another option once an airport zone is created is to charge a specific different airport rate. The reason we are discussing this is requested from community members specifically pertaining to the airport hangars. Councilor Davis said the water and sewer at the hangars won't be used often, it is just a convenience to the pilots. He feels we should not make it so expensive that we discourage them from building restrooms in their hangars. He feels a residential rate is fairer due to the minimal amount of usage. Manager Jarvis brought us that the construction of restrooms in airport hangars are not clearly defined in the zoning code. Councilor Davis pointed out that the air medical companies need staff on stand by 24 hours a day. Manager Jarvis said guardian air will be building resting quarters. Manager Jarvis said all pilots to do have a keycode to use the restrooms in the airport as well.

DIRECTION: Council all support airport hangars being charged a residential rate, not commercial. Councilor Llamas said we can further discuss different rates for different parcels and directed staff to put the item on a future agenda.

8. ACQUISITION OF HARPER PROPERTY 105-18-021F

Minutes:

DISCUSSION: Manager Jarvis explained to the Town Council that with past discussions regarding White Mountains Flower coming to town the item of acquiring parcel 105-18-021F has come up. Mr. Harper came up with a proposal on how that could happen. He proposed a swap, he is constructing a hangar at the airport. He went over the different items Mr. Harper would trade us for his future hangar as a trade for the parcel. The FAA has informed us that we cannot swap the lease on airport property for something else. The value at the end of what we could do is only equal to about \$4,200, and Mr. Harper's property is estimated to be valued at \$30,000. His property has not had a formal appraisal. Councilor Reidhead asked why we couldn't trade for land that benefits us and them, such as the fire department. Manager Jarvis explained later in the meeting we can talk about asking for a Request for Proposals and that is the manner get those proposals. If the Council asks us to move forward with a trade transaction with Mr. Harper the property will need to be assessed. The Town has to have an equal trade per the gift clause. Councilor Llamas asked what do we need this property for? Do we have plans for this since we are trying to get rid of property? Manager Jarvis said this is in the industrial zone, but outside the FAA control zones.

This property has more options for development not being under FAA control.
DIRECTION: Mayor Hanson directed because we did not budget it we shouldn't purchase it. Councilor MacKenzie said in the future we can discuss this, and choose certain properties that we want appraised.

9. ACQUISITION OF UDALL ESTATE PARCELS 104-18-004C, 104-17-003A, & 104-19-001F:

Minutes:

DISCUSSION: Mayor Hanson said this is the property off of the Road To Nowhere. Manager Jarvis said he is glad a citizen has brought up concerns. Councilor Reidhead said we can not build a bypass around our town. Manager Jarvis reminded them they had given past direction to not obtain an easement through this property. Since then he has been contacted to see if there is interest in purchasing the land. They stated they would be visiting both towns. Eagar did not confirm they have discussed this item. He pointed out that obtaining this isn't promising roads will be built.

DIRECTION: Councilor Llamas said he does not see a reason to purchase this property. Councilor Reidhead and Mayor Hanson also do not support this as it will cut off our businesses and we are trying to sell property.

10. 578 NORTH MAIN STREET EAGAR, AZ:

Minutes:

DISCUSSION: Manager Jarvis said an IGA was signed between the two towns on how this property was to be managed. Springerville is responsible for actively working to find a buyer or lease. Recently Springerville and Eagar looked into an IGA to utilize the property, Council gave the direction they are no longer interested in that. Manager Jarvis also added he feels there are some parties interested in buying this parcel when Council is ready to sell it. Councilor MacKenzie was under the impression we had been trying to find a buyer for years. Mayor Hanson was also under this impression.

DIRECTION: Council all agrees to get put this property on the market to sell.

11. 23 SOUTH PAPAGO:

Minutes:

DISCUSSION: Manager Jarvis reported this is the former/ transitioning fire department. Once the new fire station located at 225 E Main is ready, hopefully by the end of this fiscal year, the fire department will be moved out of 23 South Papago. In the past Council suggested they will want to sell this property. He asked how would they like to sell this property?

DIRECTION: Council directed staff to sell this property in an RFP format.

12. ADJOURNMENT:

Minutes:

ACTION: Robert MacKenzie/ Shelly Reidhead made a motion to adjourn.

DISCUSSION: None

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.

Contact: Kelsi Miller, Town Clerk (kmiller@springervilleaz.gov (928) 333-2656 x 224)



TOWN OF SPRINGERVILLE

"GATEWAY TO THE WHITE MOUNTAINS"

Council Meeting January 20, 2021

Check Register

12/09/21 thru 01/12/21 Accounts Payable Expenses	\$270,411.37
Pay Period End 12/19/21 & 01/02/21	\$145,769.65
Total Expensed Dollar Amount for Consent Agenda	\$416,181.02
Total Revenue Received 12/09/21 thru 01/12/21	\$436,099.94

Balances on all cash accounts as of January 12, 2021

Checking Account	\$5,093,651.42
LGIP Savings	\$3,030,438.41

Report Criteria:
Report type: GL detail

Check Issue Date	Check Number	Payee	Description	Amount	Invoice GL Account
12/09/2020	97645	Apache County Attorney	Forfeiture of Monies	8,000.00	37-000-2000
12/09/2020	97646	Ascent Aviation Group, Inc.	wing points	8.17	04-180-5027
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	160.61	01-115-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	80.30	01-120-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	80.30	01-125-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	2,409.09	01-130-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	401.52	01-135-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	2,409.09	01-140-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	80.30	01-145-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	481.82	01-150-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	160.61	01-160-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	80.30	02-170-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	3,292.42	02-170-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	1,606.06	04-180-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	1,606.06	10-210-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	1,606.06	11-215-5053
12/09/2020	97647	AZ Muni Risk Retent Pool P&C	quarterly 40000944	1,606.06	16-240-5053
12/09/2020	97648	Blue Hills Env Assn Inc.	Dec Services	19.61	01-115-5018
12/09/2020	97648	Blue Hills Env Assn Inc.	Dec Services	11.05	01-120-5018
12/09/2020	97648	Blue Hills Env Assn Inc.	Dec Services	11.05	01-125-5018
12/09/2020	97648	Blue Hills Env Assn Inc.	Dec Services	11.05	01-130-5018
12/09/2020	97648	Blue Hills Env Assn Inc.	Dec Services	20.28	01-135-5018
12/09/2020	97648	Blue Hills Env Assn Inc.	Dec Services	43.28	01-140-5018
12/09/2020	97648	Blue Hills Env Assn Inc.	Dec Services	22.11	01-150-5018
12/09/2020	97648	Blue Hills Env Assn Inc.	Dec Services	42.53	01-160-5018
12/09/2020	97648	Blue Hills Env Assn Inc.	Dec Services	38.25	02-170-5018
12/09/2020	97648	Blue Hills Env Assn Inc.	Dec Services	43.28	04-180-5018
12/09/2020	97648	Blue Hills Env Assn Inc.	Dec Services	38.25	10-210-5018
12/09/2020	97648	Blue Hills Env Assn Inc.	Dec Services	43.28	11-215-5018
12/09/2020	97648	Blue Hills Env Assn Inc.	Dec Services	43.28	22-270-5018
12/09/2020	97649	Brewer Law Office	Court appointed defense	5.00	01-106-5055
12/09/2020	97650	Brown & Brown Law Offices-(PT) Corp.	water adjudication	5,070.29	10-210-5033
12/09/2020	97651	Cohens Electric Co.	Airport Electric trouble shoot	465.00	04-180-5061
12/09/2020	97652	Cowboy Up Hay and Ranch Supply	Chain saw, 20in chain, saw files	81.79	02-170-5061
12/09/2020	97652	Cowboy Up Hay and Ranch Supply	Chain saw, 20in chain, saw files	81.79	10-210-5061
12/09/2020	97652	Cowboy Up Hay and Ranch Supply	Chain saw, 20in chain, saw files	81.79	11-215-5061
12/09/2020	97652	Cowboy Up Hay and Ranch Supply	2 bags of dog food	39.17	01-135-5030
12/09/2020	97653	Devin Brown	Legal prosecution fees	465.00	01-106-5068
12/09/2020	97654	Future Tire	Tender 1544 Tires	2,550.27	01-140-5061

Check Issue Date	Check Number	Payee	Description	Amount	Invoice GL Account
12/09/2020	97655	Kienle, Sean	Mileage and per diem-travel to Payson Airport	137.82	04-180-5017
12/09/2020	97656	Patricia Pibum	Water Account Credit Balance Refund	53.27	10-000-1012
12/09/2020	97657	Pitney Bowes Global Financial	lease Nov	199.80	01-115-5093
12/09/2020	97657	Pitney Bowes Global Financial	Interest Nov	18.18	01-115-5094
12/09/2020	97658	RAGHT	Dec Prem	5,813.09	01-000-2020
12/09/2020	97658	RAGHT	Dec Prem	1,667.68	01-115-5004
12/09/2020	97658	RAGHT	Dec Prem	1,982.05	01-120-5004
12/09/2020	97658	RAGHT	Dec Prem	387.78	01-125-5004
12/09/2020	97658	RAGHT	Dec Prem	11,515.61	01-130-5004
12/09/2020	97658	RAGHT	Dec Prem	1,229.57	01-135-5004
12/09/2020	97658	RAGHT	Dec Prem	1,675.04	01-140-5004
12/09/2020	97658	RAGHT	Dec Prem	507.77	01-145-5004
12/09/2020	97658	RAGHT	Dec Prem	681.27	01-150-5004
12/09/2020	97658	RAGHT	Dec Prem	502.52	01-155-5004
12/09/2020	97658	RAGHT	Dec Prem	990.35	01-160-5004
12/09/2020	97658	RAGHT	Dec Prem	4,197.01	02-170-5004
12/09/2020	97658	RAGHT	Dec Prem	1,233.82	03-175-5004
12/09/2020	97658	RAGHT	Dec Prem	3,453.49	10-210-5004
12/09/2020	97658	RAGHT	Dec Prem	2,575.30	11-215-5004
12/09/2020	97658	RAGHT	Dec Prem	1,233.82	04-180-5004
12/09/2020	97659	Sierra Propane	Propane	119.87	01-115-5022
12/09/2020	97659	Sierra Propane	Propane	71.92	01-120-5022
12/09/2020	97659	Sierra Propane	Propane	47.95	01-125-5022
12/09/2020	97659	Sierra Propane	Propane	86.35	01-130-5022
12/09/2020	97659	Sierra Propane	Propane	206.89	01-135-5022
12/09/2020	97659	Sierra Propane	Propane	295.78	01-140-5022
12/09/2020	97659	Sierra Propane	Propane	239.75	01-150-5022
12/09/2020	97659	Sierra Propane	Propane	54.06	01-155-5022
12/09/2020	97659	Sierra Propane	Propane	54.06	01-160-5022
12/09/2020	97659	Sierra Propane	Propane	81.08	02-170-5022
12/09/2020	97659	Sierra Propane	Propane	86.46	04-180-5022
12/09/2020	97659	Sierra Propane	Propane	40.54	10-210-5022
12/09/2020	97659	Sierra Propane	Propane	40.54	11-215-5022
12/09/2020	97659	Sierra Propane	Propane	180.31	16-240-5022
12/09/2020	97660	Sunstate Technology Group	Phone service for Dec 2020	135.20	01-115-5016
12/09/2020	97660	Sunstate Technology Group	Phone service for Dec 2020	90.14	01-120-5016
12/09/2020	97660	Sunstate Technology Group	Phone service for Dec 2020	45.07	01-125-5016
12/09/2020	97660	Sunstate Technology Group	Phone service for Dec 2020	585.90	01-130-5016
12/09/2020	97660	Sunstate Technology Group	Phone service for Dec 2020	135.20	01-140-5016
12/09/2020	97660	Sunstate Technology Group	Phone service for Dec 2020	90.13	01-150-5016
12/09/2020	97660	Sunstate Technology Group	Phone service for Dec 2020	22.54	10-210-5016
12/09/2020	97660	Sunstate Technology Group	Phone service for Dec 2020	22.54	11-215-5016

Check Issue Date	Check Number	Payee	Description	Amount	Invoice GL Account
12/09/2020	97660	Sunstate Technology Group	Phone service for Dec 2020	169.52	16-240-5016
12/09/2020	97660	Sunstate Technology Group	Computer service for Dec 2020	324.10	01-115-5036
12/09/2020	97660	Sunstate Technology Group	Computer service for Dec 2020	324.10	01-120-5036
12/09/2020	97660	Sunstate Technology Group	Computer service for Dec 2020	162.05	01-125-5036
12/09/2020	97660	Sunstate Technology Group	Computer service for Dec 2020	1,134.35	01-130-5036
12/09/2020	97660	Sunstate Technology Group	Computer service for Dec 2020	162.05	01-140-5036
12/09/2020	97660	Sunstate Technology Group	Computer service for Dec 2020	324.09	01-150-5036
12/09/2020	97660	Sunstate Technology Group	Computer service for Dec 2020	648.20	02-170-5036
12/09/2020	97660	Sunstate Technology Group	Computer service for Dec 2020	162.00	04-180-5036
12/09/2020	97660	Sunstate Technology Group	Computer service for Dec 2020	81.03	10-210-5036
12/09/2020	97660	Sunstate Technology Group	Computer service for Dec 2020	81.03	11-215-5036
12/09/2020	97660	Sunstate Technology Group	Computer service for Dec 2020	162.00	22-270-5036
12/09/2020	97661	Becky Coffman	516 Belair Dr-Coffman	45.01	10-000-2025
12/09/2020	97662	Valley Auto Parts	Cutting wheels/ 6" trailer hitch tube	48.15	02-170-5061
12/09/2020	97663	Valley Imaging Solutions	Lanier Print Cart	28.75	16-240-5061
12/09/2020	97664	Verizon Wireless	Nov Cell Phone	60.56	04-180-5016
12/09/2020	97664	Verizon Wireless	Nov Cell Phone	25.72	10-210-5016
12/09/2020	97664	Verizon Wireless	Nov Cell Phone	25.71	11-215-5016
12/09/2020	97664	Verizon Wireless	Nov Cell Phone	41.33	42-365-5016
12/09/2020	97665	Woodland Bldg Center	Spray paint, tees, eye bolts, chain	40.61	01-160-5030
12/09/2020	97665	Woodland Bldg Center	Pvc pipe, SS eye bolt, 1x6x12 pine, deco chain	59.81	02-170-5030
12/09/2020	97665	Woodland Bldg Center	Thermostat for PSB	63.27	01-140-5062
12/09/2020	97665	Woodland Bldg Center	Thermostat for PSB	63.27	01-140-5062
12/09/2020	97665	Woodland Bldg Center	30" Squeegee	29.45	01-145-5073
12/09/2020	97665	Woodland Bldg Center	masking tape, drop cloth, lg drop cloth	50.85	01-145-5062
12/09/2020	97665	Woodland Bldg Center	STAT dual indoor timer, spray paint	47.43	01-160-5047
12/09/2020	97665	Woodland Bldg Center	5-Cutoff wheels	20.67	10-210-5073
12/09/2020	97665	Woodland Bldg Center	Pvc pipe, Sealant, tees, nipples, bushings	132.27	10-210-5129
12/09/2020	97666	Woodson Engineering & Surveying	Professional Services	6,192.25	25-285-5301
12/09/2020	97666	Woodson Engineering & Surveying	Professional Services	2,218.75	02-170-5301
12/16/2020	97667	Aflac	Dec UY855	213.18	01-000-2024
12/16/2020	97668	Albertsons / Safeway	cereal, chips, bread crumbs	36.24	19-255-5060
12/16/2020	97668	Albertsons / Safeway	choc. mints and candy	16.44	19-255-5060
12/16/2020	97668	Albertsons / Safeway	Hand sanitizer and soap	41.44	16-240-5089
12/16/2020	97668	Albertsons / Safeway	Cake mix	30.76	19-255-5060
12/16/2020	97668	Albertsons / Safeway	Hamburger, crackers, produce, baking items	73.11	19-255-5060
12/16/2020	97668	Albertsons / Safeway	cheerios, carrots	22.28	19-255-5060
12/16/2020	97669	All Weather, Inc.	Annual NADIN service	750.00	04-180-5025
12/16/2020	97670	Apache Co Board of Supervisor	Monthly Payment	3,356.25	01-110-5056
12/16/2020	97671	Apache Co Treasurer	Nov Docket Fees	53.60	01-000-2011
12/16/2020	97672	AZ State Treasurer	citation sucharge Nov 2020	2,685.07	01-000-2011
12/16/2020	97673	Backwoods Tees	Airport Hats	223.66	04-180-5076

Check Issue Date	Check Number	Payee	Description	Amount	Invoice GL Account
12/16/2020	97674	Davis Hardware	Christmas lights	209.38	02-170-5030
12/16/2020	97674	Davis Hardware	Christmas lights	228.96	01-160-5030
12/16/2020	97674	Davis Hardware	Discount	14.09-	01-160-5030
12/16/2020	97675	Ever Green Environmental	Bacterial Analysis Sampling	225.00	01-145-5062
12/16/2020	97675	Ever Green Environmental	Micro Air Sampling	975.00	01-145-5062
12/16/2020	97676	Gust Rosenfeld P.L.C.	Nov legal services for franchise & telecommunications	145.00	01-106-5131
12/16/2020	97677	IntelliCorp	Court fees, standard package	32.65	01-140-5012
12/16/2020	97678	Napa Auto Parts	Belt, rubber metal clamp	45.78	01-140-5061
12/16/2020	97678	Napa Auto Parts	cutting edge	1,440.09	04-180-5061
12/16/2020	97678	Napa Auto Parts	Fuses	52.30	02-170-5061
12/16/2020	97678	Napa Auto Parts	oil filter/oil	72.91	01-130-5024
12/16/2020	97679	NATC	User fees	1,250.00	01-130-5017
12/16/2020	97680	Navopache Electric Co-Op	Electricity	404.75	01-115-5021
12/16/2020	97680	Navopache Electric Co-Op	Electricity	20.39	01-120-5021
12/16/2020	97680	Navopache Electric Co-Op	Electricity	13.59	01-125-5021
12/16/2020	97680	Navopache Electric Co-Op	Electricity	281.11	01-130-5021
12/16/2020	97680	Navopache Electric Co-Op	Electricity	62.97	01-135-5021
12/16/2020	97680	Navopache Electric Co-Op	Electricity	187.34	01-140-5021
12/16/2020	97680	Navopache Electric Co-Op	Electricity	323.81	01-150-5021
12/16/2020	97680	Navopache Electric Co-Op	Electricity	160.01	01-155-5021
12/16/2020	97680	Navopache Electric Co-Op	Electricity	668.26	01-160-5021
12/16/2020	97680	Navopache Electric Co-Op	Electricity	2,763.39	02-170-5021
12/16/2020	97680	Navopache Electric Co-Op	Electricity	1,690.06	04-180-5021
12/16/2020	97680	Navopache Electric Co-Op	Electricity	3,952.17	10-210-5021
12/16/2020	97680	Navopache Electric Co-Op	Electricity	2,421.57	11-215-5021
12/16/2020	97680	Navopache Electric Co-Op	Electricity	467.65	22-270-5021
12/16/2020	97681	Painted Sky Engineering & Surv, LLC	project management	425.00	10-210-5301
12/16/2020	97682	Peoria Ford	2021 Ford F-150	34,947.24	01-140-5071
12/16/2020	97683	TOS Municipal Property	Fire engine loan payment to USDA Dec	1,933.80	01-100-5988
12/16/2020	97683	TOS Municipal Property	Public Safety USDA Payment Dec	1,678.60	01-100-5988
12/21/2020	97686	Albertsons / Safeway	Bday cake and flowers for Kelsi	20.96	01-115-5030
12/21/2020	97686	Albertsons / Safeway	Tree lighting items-hot coco, santa candy	107.16	01-105-5020
12/21/2020	97687	Frontier	phone service	152.11	01-115-5016
12/21/2020	97687	Frontier	phone service	34.57	01-120-5016
12/21/2020	97687	Frontier	phone service	34.57	01-125-5016
12/21/2020	97687	Frontier	phone service	276.56	01-130-5016
12/21/2020	97687	Frontier	phone service	306.55	01-140-5016
12/21/2020	97687	Frontier	phone service	34.57	01-150-5016
12/21/2020	97687	Frontier	phone service	191.81	02-170-5016
12/21/2020	97687	Frontier	phone service	635.67	04-180-5016
12/21/2020	97687	Frontier	phone service	69.14	10-210-5016
12/21/2020	97687	Frontier	phone service	55.31	11-215-5016

Check Issue Date	Check Number	Payee	Description	Amount	Invoice GL Account
12/21/2020	97688	Quill	Gloves	79.37	04-180-5059
12/21/2020	97688	Quill	Ink, calendars	55.87	01-150-5009
12/21/2020	97688	Quill	lysol wipes, staples	16.48	01-115-5009
12/21/2020	97688	Quill	staples, binder clips	28.20	01-120-5009
12/21/2020	97688	Quill	binder clips	15.91	01-125-5009
12/21/2020	97689	Rhinehart Oil Co. , LLC	Fuel	29.99	01-115-5011
12/21/2020	97689	Rhinehart Oil Co. , LLC	Fuel	387.25	01-130-5011
12/21/2020	97689	Rhinehart Oil Co. , LLC	Fuel	43.41	01-135-5011
12/21/2020	97689	Rhinehart Oil Co. , LLC	Fuel	47.93	01-160-5011
12/21/2020	97689	Rhinehart Oil Co. , LLC	Fuel	100.53	02-170-5011
12/21/2020	97689	Rhinehart Oil Co. , LLC	Fuel	46.22	10-210-5011
12/21/2020	97689	Rhinehart Oil Co. , LLC	Fuel	51.68	11-215-5011
12/21/2020	97689	Rhinehart Oil Co. , LLC	Fuel	15.78	13-225-5011
12/21/2020	97689	Rhinehart Oil Co. , LLC	Fuel	15.78	15-235-5011
12/21/2020	97689	Rhinehart Oil Co. , LLC	Fuel	15.77	42-365-5011
12/21/2020	97689	Rhinehart Oil Co. , LLC	Fuel	70.15	01-140-5011
12/21/2020	97689	Rhinehart Oil Co. , LLC	Fuel	82.32	01-150-5011
12/21/2020	97690	Shamrock Foods Co	Carrots, peaches, pear	518.43	19-255-5060
12/21/2020	97691	Sunstate Technology Group	Computer services	135.20	01-115-5016
12/21/2020	97691	Sunstate Technology Group	Computer services	90.14	01-120-5016
12/21/2020	97691	Sunstate Technology Group	Computer service	45.07	01-125-5016
12/21/2020	97691	Sunstate Technology Group	Computer service	585.90	01-130-5016
12/21/2020	97691	Sunstate Technology Group	Computer service	135.20	01-140-5016
12/21/2020	97691	Sunstate Technology Group	Computer service	90.14	01-150-5016
12/21/2020	97691	Sunstate Technology Group	Computer service	22.54	10-210-5016
12/21/2020	97691	Sunstate Technology Group	Computer services	22.54	11-215-5016
12/21/2020	97692	Timothy B. Shaffery Law Office	legal fee Nov 2020	1,805.00	01-106-5138
12/21/2020	97693	Town of Eagar	1/2 NPC Electric Dec 2020	109.27	01-115-5048
12/21/2020	97694	United Food Bank	United Food Bank	8.55	19-255-5060
12/21/2020	97695	York Technical Resources LLC	AWOS Annual Inspeccion	2,071.20	04-180-5061
12/30/2020	97696	Air Methods	Flight Insurance	1,030.00	01-000-2023
12/30/2020	97697	AT&T	Long Distance Phone Calls	.67	01-115-5016
12/30/2020	97698	Certizona Fire & Safety	Servicing and inspection of fire extinguishers	59.63	01-150-5061
12/30/2020	97699	Colby & Powell, plc	FY 19-20 Financial Audit	2,000.00	10-210-5031
12/30/2020	97699	Colby & Powell, plc	FY 19-20 Financial Audit	2,000.00	11-215-5031
12/30/2020	97699	Colby & Powell, plc	FY 19-20 Financial Audit	10,500.00	01-120-5031
12/30/2020	97700	GreatAmerica Financial Svcs	TH Lanier lease principal	396.12	01-115-5093
12/30/2020	97700	GreatAmerica Financial Svcs	TH Lanier Lease Interest	23.12	01-115-5094
12/30/2020	97700	GreatAmerica Financial Svcs	SC Lanier lease principal	113.56	16-240-5093
12/30/2020	97700	GreatAmerica Financial Svcs	SC Lanier lease interest	6.99	16-240-5094
12/30/2020	97700	GreatAmerica Financial Svcs	Color Copies	18.81	01-115-5019
12/30/2020	97701	Law Office of Tevis Reich, PLLC	Professional Services-Easement Dispute	433.50	01-106-5131

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12/30/2020	97702	LegalShield	0028900 Dec 20	59.80	01-000-2019
12/30/2020	97703	LN Curtis	helmets	1,355.33	34-335-5043
12/30/2020	97704	Mohave Environmental Lab corp	3 microbiological water analysis	60.00	10-210-5123
12/30/2020	97704	Mohave Environmental Lab corp	Gross Apla/Radium 226 & 228 Isotopic Uranium	830.00	10-210-5123
12/30/2020	97704	Mohave Environmental Lab corp	1-colfiform, 4-fecal colform	170.00	11-215-5123
12/30/2020	97705	Oracle Engineering Group, Inc.	prepare coconino street-FEMA Grant Application	7,480.00	50-400-5012
12/30/2020	97706	Petty Cash	Dollar General-Door prizes for Christmas party	14.55	01-105-5020
12/30/2020	97706	Petty Cash	Davis Ace Hardware-snow shovel	17.45	01-150-5059
12/30/2020	97706	Petty Cash	Safeway-Refreshements for Christmas tree decorating contest	19.54	01-150-5060
12/30/2020	97706	Petty Cash	Dollar General-Certificate frames for Christmas Tree Contest	9.82	01-150-5020
12/30/2020	97707	Pinckard, Sharon	Reimbursement for Christmas gifts for volunteers	130.00	16-240-5020
12/30/2020	97708	Pitney-Bowes Purchase Power	Fee to Purchase Postage	10.25	01-115-5010
12/30/2020	97708	Pitney-Bowes Purchase Power	Fee to Purchase Postage	36.50	01-120-5010
12/30/2020	97708	Pitney-Bowes Purchase Power	Fee to Purchase Postage	39.80	01-125-5010
12/30/2020	97708	Pitney-Bowes Purchase Power	Fee to Purchase Postage	30.65	01-130-5010
12/30/2020	97708	Pitney-Bowes Purchase Power	Fee to Purchase Postage	10.00	01-140-5010
12/30/2020	97708	Pitney-Bowes Purchase Power	Fee to Purchase Postage	10.20	01-150-5010
12/30/2020	97708	Pitney-Bowes Purchase Power	Fee to Purchase Postage	17.70	02-170-5010
12/30/2020	97708	Pitney-Bowes Purchase Power	Fee to Purchase Postage	25.90	03-175-5010
12/30/2020	97708	Pitney-Bowes Purchase Power	Fee to Purchase Postage	40.50	04-180-5010
12/30/2020	97708	Pitney-Bowes Purchase Power	Fee to Purchase Postage	115.00	10-210-5010
12/30/2020	97708	Pitney-Bowes Purchase Power	Fee to Purchase Postage	115.00	11-215-5010
12/30/2020	97709	Shamrock Foods Co	applesauce, peach, soup, oil	509.25	19-255-5060
12/30/2020	97709	Shamrock Foods Co	Containers, foil	64.15	16-240-5089
12/30/2020	97710	United Food Bank	Food Commodities	67.07	19-255-5060
12/30/2020	97711	Valley Imaging Solutions	Fax machine attachment for TH Lanier	28.75	16-240-5061
12/30/2020	97712	Woodland Bldg Center	all purpose straps and lock	17.43	01-145-5062
12/30/2020	97712	Woodland Bldg Center	6pk BLGP unit cover, brushes, drop cloth canvas, masking tape, 5 g	357.28	16-240-5062
12/30/2020	97712	Woodland Bldg Center	Concrete saw rental , 14' concrete saw blade	65.46	02-170-5023
12/30/2020	97712	Woodland Bldg Center	Black wire, nylon twine, breaker	118.35	01-145-5062
12/30/2020	97712	Woodland Bldg Center	Roof repair	106.11	01-140-5062
12/30/2020	97712	Woodland Bldg Center	24-celing tiles	153.70	01-145-5062
12/30/2020	97713	Woodson Engineering & Surveying	Professional Services	4,501.25	02-170-5301
12/30/2020	97713	Woodson Engineering & Surveying	Professional Services	2,123.75	25-285-5301
01/06/2021	97725	Ascent Aviation Group, Inc.	2200 Gallon Jet Refueler	350.00	04-180-5023
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	65.75	01-105-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	50.32	01-110-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	387.31	01-115-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	62.34	01-120-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	127.31	01-125-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	4,030.09	01-130-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	173.40	01-135-5006

Check Issue Date	Check Number	Payee	Description	Amount	Invoice GL Account
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	1,562.52	01-140-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	377.28	01-145-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	71.83	01-150-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	87.65	01-155-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	177.37	01-160-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	2,267.39	02-170-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	330.64	03-175-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	531.05	04-180-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	796.78	10-210-5006
01/06/2021	97726	AZ Municipal Risk Retention Pool	Work Comp quarterly	645.97	11-215-5006
01/06/2021	97727	Blue Hills Env Assn Inc.	Jan Services	20.14	01-115-5018
01/06/2021	97727	Blue Hills Env Assn Inc.	Jan Services	11.05	01-120-5018
01/06/2021	97727	Blue Hills Env Assn Inc.	Jan Services	11.05	01-125-5018
01/06/2021	97727	Blue Hills Env Assn Inc.	Jan Services	11.05	01-130-5018
01/06/2021	97727	Blue Hills Env Assn Inc.	Jan Services	20.55	01-135-5018
01/06/2021	97727	Blue Hills Env Assn Inc.	Jan Services	43.55	01-140-5018
01/06/2021	97727	Blue Hills Env Assn Inc.	Jan Services	22.08	01-150-5018
01/06/2021	97727	Blue Hills Env Assn Inc.	Jan Services	42.80	01-160-5018
01/06/2021	97727	Blue Hills Env Assn Inc.	Jan Services	38.25	02-170-5018
01/06/2021	97727	Blue Hills Env Assn Inc.	Jan Services	43.55	04-180-5018
01/06/2021	97727	Blue Hills Env Assn Inc.	Jan Services	38.25	10-210-5018
01/06/2021	97727	Blue Hills Env Assn Inc.	Jan Services	43.55	11-215-5018
01/06/2021	97727	Blue Hills Env Assn Inc.	Jan Services	43.54	22-270-5018
01/06/2021	97728	Cities West Media / Phoenix Magazine	Tourism Tax Ad for Phoenix Magazines "The Hike Book"	47.88	01-000-2006
01/06/2021	97729	Complete Aviation Fuel Systems	Gaskets	19.92	04-180-5061
01/06/2021	97730	Cowboy Up Hay and Ranch Supply	BG 50 leaf blower	169.04	01-135-5059
01/06/2021	97731	Davis Hardware	3- 5gal interior paint	664.26	16-240-5062
01/06/2021	97731	Davis Hardware	flagging tape	15.54	02-170-5030
01/06/2021	97731	Davis Hardware	snencil/ matchbox car	6.09	10-210-5030
01/06/2021	97731	Davis Hardware	Sharpie/ paint marker	8.27	10-210-5009
01/06/2021	97731	Davis Hardware	2-100ct mini lights	24.42	11-215-5030
01/06/2021	97731	Davis Hardware	Slif key rings, eye bolt, snap bolt, 6ft decor chain	24.97	01-160-5030
01/06/2021	97731	Davis Hardware	red bulbs, color changing bulbs	24.66	10-210-5030
01/06/2021	97731	Davis Hardware	Roughneck totes for Christmas lights	61.05	02-170-5030
01/06/2021	97731	Davis Hardware	extention cords	50.14	01-145-5062
01/06/2021	97731	Davis Hardware	discount	62.04	01-160-5030
01/06/2021	97732	David, Verna	Necklace-Red beads with silver	59.50	01-000-2006
01/06/2021	97733	Kimley - Horn and assoc. , Inc.	Project Admin services through November	313.08	35-340-5300
01/06/2021	97733	Kimley - Horn and assoc. , Inc.	Project Admin services through November	6,377.85	35-340-5305
01/06/2021	97733	Kimley - Horn and assoc. , Inc.	Project Admin services through November	313.07	35-340-5309
01/06/2021	97734	Law Office of Tevis Reich, PLLC	Professional Services-Easement Dispute	761.69	01-106-5131
01/06/2021	97735	Mead Publishing Inc	Ad for 2021 Springerville- Eagar Chamber of Commerce Directory	927.00	01-150-5019

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01/06/2021	97736	Napa Auto Parts	Trailer end	8.72	01-160-5061
01/06/2021	97736	Napa Auto Parts	12-brakleen	32.60	02-170-5028
01/06/2021	97736	Napa Auto Parts	Fuel injector	447.04	01-140-5061
01/06/2021	97736	Napa Auto Parts	Magnetic heater	53.99	01-140-5061
01/06/2021	97736	Napa Auto Parts	3-Antifreeze	41.76	01-140-5061
01/06/2021	97736	Napa Auto Parts	wiper-blades	30.48	01-130-5024
01/06/2021	97736	Napa Auto Parts	oil filter/oil	65.39	10-210-5024
01/06/2021	97736	Napa Auto Parts	starter fluid	10.87	11-215-5024
01/06/2021	97736	Napa Auto Parts	Trans filter	166.62	01-160-5024
01/06/2021	97736	Napa Auto Parts	credit	4.47-	01-140-5061
01/06/2021	97736	Napa Auto Parts	Motor oil/Capsules	83.43	01-130-5024
01/06/2021	97736	Napa Auto Parts	Credit	66.87-	01-140-5061
01/06/2021	97737	NBA Bank Card Center	Christmas decor	174.28	16-240-5020
01/06/2021	97737	NBA Bank Card Center	ink cart	187.08	16-240-5009
01/06/2021	97737	NBA Bank Card Center	Holiday party presents for senior center	257.16	16-240-5020
01/06/2021	97737	NBA Bank Card Center	Senior center stockings, candy	60.66	16-240-5020
01/06/2021	97737	NBA Bank Card Center	ASU-Clerks Academy	350.00	01-115-5017
01/06/2021	97737	NBA Bank Card Center	Luminaries-LED	719.90	01-105-5020
01/06/2021	97737	NBA Bank Card Center	Lunch for training-commissions & councils	224.76	01-115-5017
01/06/2021	97737	NBA Bank Card Center	Decor for councils Christmas tree entry	6.55	01-105-5020
01/06/2021	97737	NBA Bank Card Center	Thank you card-20 years-R. Pena	5.44	01-115-5057
01/06/2021	97737	NBA Bank Card Center	virtual learning employers council-Safe & Smart AZ Act 207 Heidi &	49.00	01-120-5017
01/06/2021	97737	NBA Bank Card Center	GFOAZ Zoom Training-Heidi	15.00	01-120-5017
01/06/2021	97737	NBA Bank Card Center	Sling Tv	60.00	04-180-5025
01/06/2021	97737	NBA Bank Card Center	USPS 2 hats	8.40	04-180-5010
01/06/2021	97737	NBA Bank Card Center	AZDA Fuel Meter Licence	96.00	04-180-5027
01/06/2021	97737	NBA Bank Card Center	Speaker mic for radio	96.74	04-180-5064
01/06/2021	97737	NBA Bank Card Center	Spectrometer kit	730.00	04-180-5064
01/06/2021	97737	NBA Bank Card Center	Disposable masks	43.64	04-180-5059
01/06/2021	97737	NBA Bank Card Center	cotton gloves	19.64	01-150-5009
01/06/2021	97737	NBA Bank Card Center	Heritage Center/Casa Christmas party dinner	111.56	01-105-5020
01/06/2021	97737	NBA Bank Card Center	Light Parade Entry Fee	10.00	02-170-5027
01/06/2021	97737	NBA Bank Card Center	8ft inflatable angel	75.28	02-170-5030
01/06/2021	97738	RAGHT	Jan Prem	5,813.09	01-000-2020
01/06/2021	97738	RAGHT	Jan Prem	1,667.68	01-115-5004
01/06/2021	97738	RAGHT	Jan Prem	1,982.05	01-120-5004
01/06/2021	97738	RAGHT	Jan Prem	387.78	01-125-5004
01/06/2021	97738	RAGHT	Jan Prem	11,515.61	01-130-5004
01/06/2021	97738	RAGHT	Jan Prem	1,229.57	01-135-5004
01/06/2021	97738	RAGHT	Jan Prem	1,675.04	01-140-5004
01/06/2021	97738	RAGHT	Jan Prem	507.77	01-145-5004
01/06/2021	97738	RAGHT	Jan Prem	681.27	01-150-5004

Check Issue Date	Check Number	Payee	Description	Amount	Invoice GL Account
01/06/2021	97738	RAGHT	Jan Prem	502.52	01-155-5004
01/06/2021	97738	RAGHT	Jan Prem	990.35	01-160-5004
01/06/2021	97738	RAGHT	Jan Prem	4,197.01	02-170-5004
01/06/2021	97738	RAGHT	Jan Prem	1,233.82	03-175-5004
01/06/2021	97738	RAGHT	Jan Prem	1,233.82	04-180-5004
01/06/2021	97738	RAGHT	Jan Prem	3,453.49	10-210-5004
01/06/2021	97738	RAGHT	Jan Prem	2,575.30	11-215-5004
01/06/2021	97739	Rhinehart Oil Co. , LLC	Fuel	366.26	01-130-5011
01/06/2021	97739	Rhinehart Oil Co. , LLC	Fuel	28.49	01-140-5011
01/06/2021	97739	Rhinehart Oil Co. , LLC	Fuel	71.03	01-150-5011
01/06/2021	97739	Rhinehart Oil Co. , LLC	Fuel	53.27	01-160-5011
01/06/2021	97739	Rhinehart Oil Co. , LLC	Fuel	127.68	02-170-5011
01/06/2021	97739	Rhinehart Oil Co. , LLC	Fuel	33.54	10-210-5011
01/06/2021	97739	Rhinehart Oil Co. , LLC	Fuel	58.77	11-215-5011
01/06/2021	97739	Rhinehart Oil Co. , LLC	Fuel	13.54	13-225-5011
01/06/2021	97739	Rhinehart Oil Co. , LLC	Fuel	13.54	15-235-5011
01/06/2021	97739	Rhinehart Oil Co. , LLC	Fuel	13.54	42-365-5011
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	64.80	01-115-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	49.76	01-120-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	14.95	01-125-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	226.16	01-130-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	19.44	01-135-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	28.62	01-140-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	18.02	01-145-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	21.55	01-150-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	8.02	01-155-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	11.47	01-160-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	68.56	02-170-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	32.40	03-175-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	31.54	04-180-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	68.21	10-210-5004
01/06/2021	97740	Standard Insurance Co, RA	00 156419 0003 Jan 21	55.80	11-215-5004
01/06/2021	97741	Sunstate Technology Group	Computer services Jan 21	324.10	01-115-5036
01/06/2021	97741	Sunstate Technology Group	Computer services Jan 21	324.10	01-120-5036
01/06/2021	97741	Sunstate Technology Group	Computer services Jan 21	162.05	01-125-5036
01/06/2021	97741	Sunstate Technology Group	Computer services Jan 21	1,134.35	01-130-5036
01/06/2021	97741	Sunstate Technology Group	Computer services Jan 21	162.05	01-140-5036
01/06/2021	97741	Sunstate Technology Group	Computer services Jan 21	324.09	01-150-5036
01/06/2021	97741	Sunstate Technology Group	Computer services Jan 21	648.20	02-170-5036
01/06/2021	97741	Sunstate Technology Group	Computer services Jan 21	162.00	04-180-5036
01/06/2021	97741	Sunstate Technology Group	Computer services Jan 21	81.03	10-210-5036
01/06/2021	97741	Sunstate Technology Group	Computer services Jan 21	81.03	11-215-5036

Check Issue Date	Check Number	Payee	Description	Amount	Invoice GL Account
01/06/2021	97741	Sunstate Technology Group	Computer services Jan 21	162.00	22-270-5036
01/06/2021	97741	Sunstate Technology Group	Phone service for Jan 2021	135.20	01-115-5016
01/06/2021	97741	Sunstate Technology Group	Phone service for Jan 2021	90.13	01-120-5016
01/06/2021	97741	Sunstate Technology Group	Phone service for Jan 2021	45.08	01-125-5016
01/06/2021	97741	Sunstate Technology Group	Phone service for Jan 2021	585.90	01-130-5016
01/06/2021	97741	Sunstate Technology Group	Phone service for Jan 2021	135.20	01-140-5016
01/06/2021	97741	Sunstate Technology Group	Phone service for Jan 2021	90.14	01-150-5016
01/06/2021	97741	Sunstate Technology Group	Phone service for Jan 2021	22.54	10-210-5016
01/06/2021	97741	Sunstate Technology Group	Phone service for Jan 2021	22.54	11-215-5016
01/06/2021	97741	Sunstate Technology Group	Phone service for Jan 2021	171.15	16-240-5016
01/06/2021	97742	United States Treasury	Under paid 4th Qtr taxes-Fire Dept Retirement Cashouts	18.26	01-140-5003
01/06/2021	97743	Cheryl James	utility deposit refund	10.69	11-000-2025
01/06/2021	97744	Valley Auto Parts	bead break, self 35in X	210.10	02-170-5028
01/06/2021	97745	Verizon Wireless	Dec Cell Phone	48.83	04-180-5016
01/06/2021	97745	Verizon Wireless	Dec Cell Phone	28.32	10-210-5016
01/06/2021	97745	Verizon Wireless	Dec Cell Phone	28.32	11-215-5016
01/06/2021	97745	Verizon Wireless	Dec Cell Phone	38.72	42-365-5016
01/06/2021	97746	Western Drug Co	Box Hoildays Card	5.23	01-145-5030
01/06/2021	97746	Western Drug Co	Box Hoildays Card	5.23	01-160-5030
01/06/2021	97746	Western Drug Co	Box Hoildays Card	5.23	02-170-5030
01/06/2021	97746	Western Drug Co	Box Hoildays Card	5.23	10-210-5030
01/06/2021	97746	Western Drug Co	Box Hoildays Card	5.22	11-215-5030
Grand Totals:				<u>270,411.37</u>	

Summary by General Ledger Account Number

Town of Springerville, Arizona

Proposed Agenda Item

Please add the following item to the Agenda for the next available Town Council meeting. Thank you.

Shannon Latham

Requester

480-285-8414

Phone number

1/4/2021

Date

Request:

Apache County Youth Council would like to present information on youth marijuana use.

This would be in preparation and related to zoning and ordinances that might be impacted

due to voter passed legalization of marijuana.

Please return form to the Town Manager or the Town Clerk and the items will be reviewed and may be placed on the next available agenda. Please keep presentations from 3 to 10 minutes. Thank you for your cooperation.

**TOWN OF SPRINGERVILLE
MEMORANDUM**

TO: Springerville Town Council
FROM: Joseph Jarvis, Town Manager
DATE: 01/20/2021
SUBJECT: Resolution 2021-R002

SUGGESTED MOTION:

I move to adopt Resolution 2021-R002, regarding establishing fees associated with small cell wireless facilities in the right-of-way.

OR

I move to table this item

STAFF REPORT

The Town of Springerville is preparing for potential technology that may be requested to be deployed in our community. The Town Council previously approved the design standards, terms and conditions for small cell technology. This resolution will establish the fees for the deploying the technology within our Town limits.

RESOLUTION NO. 2021-R002

**A RESOLUTION OF THE MAYOR AND THE COUNCIL OF THE TOWN OF
SPRINGERVILLE, ARIZONA AMENDING RESOLUTION 2020-R0024,
ADDING OR AMENDING FEES AS REQUIRED OR ALLOWED BY THE
TOWN CODE TO ADJUST FEES FOR SERVICES.**

WHEREAS, the Town wishes to update its fee schedule regarding fees associated with establishing and adopting the following application fees and annual rates for wireless facilities in the Town right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Springerville, Arizona that Resolution 2021-R001 and the attached Exhibit A incorporated herein by reference for the Town of Springerville be adopted.

PASSED AND ADOPTED by the Mayor and Council of the Town of Springerville, Arizona, this 20th day of January 2021.

Phil Hanson Jr., Mayor

ATTEST:

Kelsi Miller, Town Clerk

APPROVED AS TO FORM:

Timothy B. Shaffery,
Shaffery Law Offices P.L.L.C.

EXHIBIT A

**TOWN OF SPRINGERVILLE
PROPOSED NEW OR INCREASED FEES**

APPLICATION FEES AND ANNUAL RATES FOR WIRELESS FACILITIES IN TOWN RIGHT-OF-WAY

Facility Type	Application Fees	Annual Rates
New/Replacement poles NOT subject to zoning review	\$500	\$50 use of right-of-way and \$50 use of Town-owned pole
New/replacement poles subject to zoning review	\$1,000	\$200 use of right-of-way
Colocation on existing Support structure	\$100 per facility (up to 5) \$50 per additional facility (above 5, Up to 25)	\$50 use of right-of-way and \$50 use of Town-owned pole

The proposed application fees and annual rates for wireless facilities in the Town’s right-of-way are intended to recoup costs associated with managing the public right-of-way. While the total costs associated with the processing and permitting are greater than the proposed fees and rates, A.R.S. Section 9-951 et seq. sets a maximum for the amount for fees.

APPLICATION FEES AND ANNUAL RATES FOR MICROCELL EQUIPMENT MOUNTED ON STRANDS

Facility Type	Application Fees	Annual Fee
Microcell equipment	\$750	\$50 use of right-of-way

REPORT SUPPORTING NEW FEES

A.R.S. Section 9-951 allows wireless providers to install, operate and maintain small wireless facilities in the Town’s right-of-way. The Town may charge application fees and annual fees for the use of right-of-way, for the construction, installation, maintenance, modification, operation or replacement of a support structure in the right-of-way or for the collocation of a small wireless facility on a Town owned utility pole.

Application Fees

New/replacement poles that are not subject to zoning review: The total cost of reviewing and permitting a small wireless facility is estimated to be \$800.00; however, federal law caps the allowable application fee at \$500.00.

New/replacement poles subject to zoning review: The total cost of reviewing and permitting these applications are up to \$1,000.00. Additionally, the Building/Engineering Permit Review Fee is based on the valuation of the project and for this type of project would be approximately up to \$1,000.00; however, State law caps the allowable fee at \$1,000.00. There is no recommended fee for monopoles in the right-of-way, since Zoning Code Article VII, Section 23 prohibits monopoles in the right-of-way.

Collocation on existing support structures: The total cost of reviewing and permitting a small wireless facility to collocate on an existing support structure is \$50.00; however, State law caps the application fee at \$50.00. If there are no proposed changes to the existing support structure, the applications may be submitted in batches of up to 25 facilities. The total cost of reviewing and permitting these batches is estimated to be \$100.00 per facility; however, State law caps the application fee at for up to 5 facilities at \$100.00 per facility and an additional \$50.00 per facility over 5.

Microcell equipment: The total cost of reviewing and permitting microcell equipment on strands is estimated to be \$750.00; therefore, the application and permitting fee is \$750.00.

Annual Rates

State law authorizes the Town to collect annual rates for the use of right- of-way for the purposes of installing wireless facilities.

- For the category of new/replacement poles that are not subject to zoning review, the annual rate for use of the right-of way is \$50.00 and the annual rate for attaching to a Town-owned utility pole is \$50.00 – both set by state law.
- For new/replacement poles that are subject to zoning review, the annual rate is \$200.00 and is based on the calculation of direct and actual costs of managing the right-of-way, as allowed by state law.
- For collocation on support structures that do not require any modification, the annual rates are allowed to be charged and cannot exceed an amount equal to \$50.00 multiplied by the number of small wireless facilities within the jurisdiction located in the right-of-way and \$50.00 multiplied by the number of small wireless facilities collocated on Town-owned poles.
- For microcell equipment using Town poles of the Town, the annual rate is \$50.00.

Town of Springerville, Arizona Proposed Agenda Item

Please add the following item to the Agenda for the next available Town Council meeting. Thank you.

Erin Silva, Doug Henderson

Requester

928-245-0844

Phone number

Date

1/13/2021

Request:

Discussion/Action leading to the events of White Mountain Flower LLC.

⊗ Due Diligence for White Mountain Flower LLC.

⊗ Construction/Permits. Discussion/Action ADEQ/Building Permits, DHS, zoning violations, Town Code Violations. etc.

⊗ Development Agreement / Lease - Discussion/Action

⊗ Town staff and Council. discussion/action

⊗ AAA Discussion/action

Please return form to the Town Manager or the Town Clerk and the items will be reviewed and may be placed on the next available agenda. Please keep presentations from 3 to 10 minutes. Thank you for your cooperation.

Erin Silva
Doug Henderson
Cindy Henderson
Kay Dussow
Robert Dussow

Steve Martin, Serry Campeau
Debbie Martin

**TOWN OF SPRINGERVILLE
MEMORANDUM**

TO: Springerville Town Council
FROM: Joseph Jarvis, Town Manager
DATE: 01/20/2021
SUBJECT: Proposed Changes to the Town Code

SUGGESTED MOTION:

The Town Council should provide guidance on what should be amended of the proposed changes.

STAFF REPORT

The Town Council directed staff to present changes to the Town Code to allow adult-use marijuana to be dispensed, cultivated, tested, infusion, and manufactured within the Town. The included changes are in draft form and staff, including the attorney are still reviewing them. However, staff felt it was appropriate for the Town Council to see the proposal as it currently is so that their direction may be incorporated. The Ordinance is based upon a document created by the Arizona League of Cities and Towns. The other document reflects the Town's current Fee Schedule and the language in the current Town Code. Staff has marked both documents with comments and suggestions.

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF SPRINGVILLE, ARIZONA, AMENDING THE CODE OF SPRINGVILLE, ARIZONA BY ADOPTING A NEW TITLE [REDACTED] RELATING TO THE REGULATION OF RECREATIONAL MARIJUANA; REPLACING SECTION 17.68.030 V. RELATING TO MEDICAL MARIJUANA INFUSION, MANUFACTURING, CULTIVATION, AND DISPENSARY; ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; PROHIBITING MARIJUANA ON PUBLIC PROPERTY; REGULATING MARIJUANA ESTABLISHMENTS AND/OR MARIJUANA TESTING FACILITIES ESTABLISHING REGULATIONS FOR PERSONAL USE AT AN INDIVIDUAL’S PRIMARY RESIDENCE; AUTHORIZING RETAIL SALES FROM MARIJUANA AND MARIJUANA PRODUCTS; IMPOSING FEES; SETTING FORTH VIOLATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

WHEREAS, marijuana contains tetrahydrocannabinol (“THC”), which remains on Schedule I of the Controlled Substances Act pursuant to 21 U.S.C. § 811 et al. and any possession and use is a violation of federal law pursuant to 21 U.S.C. § 841 et. al.;

WHEREAS, the Arizona Medical Marijuana Act, Arizona Revised Statutes Sections § 36-2801 et al., and Title 9, Chapter 17 of the Arizona Administrative Code allow the establishment and operation of nonprofit medical marijuana dispensaries in [City/Town] according to a prescribed statutory and regulatory process;

WHEREAS, the statewide ballot measure I-23-2020, known as “Smart and Safe Arizona Act” has been certified as Proposition 207 and placed on the November 3, 2020 general election ballot and contains provisions authorizing the possession, consumption, purchase, processing, manufacturing or transporting of marijuana by an individual who is at least twenty-one (21) years of age; authorizing possession, transport, cultivation or processing of marijuana plants in a primary residence by adults over 21 years of older; allowing a nonprofit medical marijuana dispensary or other non-dispensary applicant to apply to the Department of Health Services to become a licensed marijuana establishment authorized to engage in the retail sale, cultivation and manufacturing of marijuana; and allowing the Department, or another entity designated by the Department, to become a marijuana testing facility to test the potency of marijuana and detect any harmful contaminants;

WHEREAS, the Town finds that Proposition 207 authorizes marijuana establishments to use chemical extraction or chemical synthesis, including butane and other flammable gases, to extract marijuana concentrate, which poses a threat to the health, safety and security of the community and increases the responsibilities of law enforcement and other Town

Green to be added, Blue my additions, Yellow selected League option

departments to respond to violations of state and local laws, including building, electrical and fire codes;

WHEREAS, the Town seeks to protect public health, safety, and welfare by enacting reasonable zoning regulations to limit the number of marijuana establishments and/or marijuana testing facilities in Town;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Springerville, Arizona, as follows:

Section I. In General.

The Code of Springerville, Arizona, is hereby amended by adding a new Title , Recreational Marijuana to read as follows:

- Title X-X
- Sec. X-X-1 Purpose
- Sec. X-X-2 Definitions
- Sec. X-X-3 Marijuana Prohibited on Public Property
- Sec. X-X-4 Marijuana Establishments Permitted; Nonresidential
- Sec. X-X-5 Title
- Sec. X-X-6 Individual's Primary Residence for Personal Use
- Sec. X-X-7 Retail Sales from Marijuana and Marijuana Products
- Sec. X-X-8 Fees
- Sec. X-X-9 Violations
- Sec. X-X-10 Enforcement; Penalties
- Sec. X-X-1 Purpose.

This article is adopted to protect the health, safety, and welfare of the community. Except as allowed by law for personal, private use, the Town enacts reasonable regulations and requires compliance with zoning laws for the retail sale, cultivation and manufacturing of marijuana or marijuana products in a marijuana establishment or marijuana testing facility and the cultivation, processing and manufacturing of marijuana in a primary residence. Nothing in this article is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of marijuana or marijuana products in violation of any applicable law.

Sec. X-X-2 Definitions.

The below words and phrases, wherever used in this article, shall be construed as defined in this section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

- A. “*Chemical Extraction*” means the process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.
- B. “*Chemical Synthesis*” means production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.
- C. “*Consume,*” “*Consuming,*” and “*Consumption*” mean the act of ingesting, inhaling or otherwise introducing marijuana into the human body.
- D. “*Consumer*” means an individual who is at least twenty-one years of age and who purchases marijuana or marijuana products.
- E. “*Cultivate*” and “*Cultivation*” mean to propagate, breed, grow, prepare and package marijuana.
- F. “*Deliver*” and “*Delivery*” mean the transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail location of a marijuana establishment.
- G. “*Department*” means the State of Arizona Department of Health Services or its successor agency.
- H. “*Dual Licensee*” means an entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.
- I. “*Enclosed Area*” means a building, greenhouse, or other structure that has:
 - 1. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;
 - 2. Is secure against unauthorized entry;
 - 3. Has a foundation, slab or equivalent base to which the floor is securely attached; and
 - 4. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.

- J. “*Extraction*” means the process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents, or other chemicals or chemical processes.
- K. “*Manufacture*” and “*Manufacturing*” mean to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.
- L. “*Marijuana*”
1. Means all parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.
 2. Includes cannabis as defined in A.R.S. § 13-3401.
 3. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
- M. “*Marijuana Concentrate*:”
1. Means resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.
 2. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.
- N. “*Marijuana Establishment*” means an entity licensed by the Department to operate all of the following:
1. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
 2. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
 3. A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
- O. “*Marijuana Products*” means marijuana concentrate and products that are composed of marijuana and other ingredients and that are

intended for use or consumption, including edible products, ointments, and tinctures.

- P. “*Marijuana Testing Facility*” means the Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.
- Q. “*Nonprofit Medical Marijuana Dispensary*” means a nonprofit entity as defined in A.R.S. § 36-2801(12).
- R. “*Open Space*” means a public park, public sidewalk, public walkway or public pedestrian thoroughfare.
- S. “*Person*” means an individual, partnership, corporation, association, or any other entity of whatever kind or nature.
- T. “*Process*” and “*Processing*” means to harvest, dry, cure, trim or separate parts of the marijuana plant.
- U. “*Public Place*” has the same meaning prescribed in the Smoke-Free-Arizona Act, A.R.S. § 36-601.01.
- V. “*Smoke*” means to inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic.

Sec. X-X-3 Marijuana Prohibited on Public Property.

- A. The use, sale, cultivation, manufacture, production or distribution of marijuana or marijuana products is prohibited on property that is occupied, owned, controlled or operated by Town, **unless otherwise determined by the Town Council.**
- B. It is unlawful for an individual to smoke marijuana in a public place or open space in Town.

Sec. X-X-4 Marijuana **Dispensaries ~~Establishments~~ Permitted; Nonresidential.**

- A. If authorized by state law and a valid permit has been obtained from the Town, a marijuana establishment is permitted in Town subject to the following conditions and limitations:
 - 1. Shall not be more than three **(3)** marijuana establishments operating in Town.
 - 2. Shall be authorized in **Commercial** zoning districts.

3. Shall not be located within five hundred (500) feet of the same type of use or a nonprofit medical marijuana dispensary. This distance shall be measured from the lot line of the property in which the businesses are conducted or proposed to be conducted.
4. ~~Shall not be located within _____ hundred feet of a residentially zoned property. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property boundary line of the residentially zoned property.~~
5. Shall not be located within five hundred (500) feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, public cemetery or community center. This distance shall be measured from the lot line of the property in which the business is conducted or proposed to be conducted to the property line of the protected use.
6. Shall be located in a permanent building on an established foundation adhering to Town building codes and shall not include any temporary, portable or self-powered mobile facilities, or trailer, cargo container or motor vehicle.
7. Shall be a total maximum five thousand (5,000) square feet. ~~Maximum square footage may be expanded subject to Use Permit application and hearing procedures set forth under Town Code.~~
8. ~~The secure storage area for the marijuana stored at the location shall not exceed _____ square feet of the total _____ square foot maximum floor area of the facility. Maximum square footage may be expanded subject to Use Permit application and hearing procedures set forth under [City/Town Code].~~
9. Shall have operating hours not earlier than 7 a.m. and not later than 7 p.m.
10. Shall not provide drive-thru services or offsite deliveries of marijuana or marijuana products.
11. Shall not allow a person to consume marijuana or marijuana products on the premises or provide outdoor seating areas.
12. Shall provide for proper disposal of marijuana remnants or by-products. The remnants or by-products shall not be placed within the facility's exterior refuse containers, Town trash can, bin or other Town facility, or in any park refuse container unless authorized by the Town.
13. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of Town.
14. Shall not sell marijuana or marijuana products, except as permitted by state law to consumers.

15. Shall not display or keep marijuana or marijuana products that are visible from outside the premises.
16. Shall comply with applicable county health regulations for food preparation and handling.
17. Shall comply with applicable laws to safely and securely engage in extraction processes.
18. Shall submit a written security plan to the Town that describes the actions taken to deter and prevent unauthorized entrance into limited access areas including use of security equipment, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras.
19. For a marijuana establishment that engages in cultivation or manufacturing, shall submit a written operations plan to the Town that describes the following:
 - i. Procedures showing that the marijuana cultivation will be conducted in accordance with state and local laws and regulations regarding use and disposal of pesticides and fertilizers.
 - ii. The legal water source, irrigation plan, wastewater systems to be used, and projected water use.
 - iii. The plan for addressing odor and other public nuisances that may derive from the establishment.

Sec. X-X-5 Marijuana Testing Facility Permitted

- A. It shall be unlawful for a person to operate a marijuana testing facility at any location within the Town without obtaining a Conditional Use Permit for **Agriculture, Commercial, and Industrial Zones**, from the Town in accordance with Town Zoning Code 17.32._____, including any application and review procedures pursuant to _____.
- B. A marijuana testing facility is permitted in Town subject to the following conditions:
 1. There are no more than three **(3)** marijuana testing facilities operating in Town.
 2. Shall ensure that access to the area of the facility where marijuana or marijuana products are being tested or stored for testing is limited to a facility's owners or authorized agents.
 3. Shall ensure that transportation of marijuana or marijuana products is in compliance with applicable law.
 4. Shall comply with all testing processes, protocols, standards, and criteria adopted by the Department for testing marijuana and marijuana products.

5. Shall maintain records, equipment and instrumentation as required by the Department.
6. Shall submit a written security plan to the Town that specifies the measures that will be taken to deter and prevent unauthorized entrance into limited access areas including the use of security equipment to detect unauthorized intrusion, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras that provide coverage of all entrances to and exits from limited access areas and all entrances to and exits from the building and has sufficient recording resolution.

Sec. X-X-6 Individual’s Primary Residence for Personal Use

- A. To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation, and cultivation is permitted in a residential zoning district in Town and is subject to the following conditions and limitation:
1. It shall be unlawful for any individual who is at least twenty-one (21) years of age to possess, transport, cultivate or process more than six (6) marijuana plants.
 2. It shall be unlawful for two or more individuals who are at least twenty-one (21) year of age to possess, transport, cultivate or process more than twelve (12) marijuana plants at the individuals’ primary residence.
 3. Except as provided by A.R.S. § 36-2801 et al. and this Section, it shall be unlawful for an individual to otherwise cultivate marijuana in a residential zoning district within the Town limits.
 4. Individuals shall not process or manufacture marijuana by means of any liquid or gas other than alcohol, that has a flashpoint below one hundred (100) degrees Fahrenheit.
 5. Kitchen, bathrooms, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing, or cultivation.
 6. A residence shall not emit dust, fumes, vapors, or odors into the environment and individuals shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of Town.
 7. Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.
 8. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft, or other optical aids.

Sec. X-X-7 Retail Sales from Marijuana and Marijuana Products.

To the fullest extent allowable by law, the sale of marijuana and marijuana products is authorized within the Town from a marijuana establishment and is tangible personal property as defined in A.R.S. § 42-5001 and subject to the transaction privilege tax in the retail classification and use tax.

Sec. X-X-8 Fees.

- A. The fee for the permits shall be established by resolution and included in the Town Fee Schedule.

Sec. X-X-9 Violations.

- A. It is unlawful and a violation of this article for a person to sell, cultivate, process, manufacture or transport marijuana or marijuana products if the person fails to meet all the requirements in this article or state law, including the Department's rules.
- B. It is a violation of this article for any person to provide false information on any permit application.
- C. Each day any violation of any provision of this article shall continue shall constitute a separate offense.

Sec. X-X-10 Enforcement; Penalties.

- A. The cultivation, dispensary, infusion, manufacturing, or testing permit may be revoked by the Town for violation of any provision of this article, for any violation of the requirements of the permit, or if the Department revokes the license for a marijuana establishment or marijuana testing facility. If a permit is revoked, the permittee shall have the right to appeal the decision of the Town to the Board of Adjustment as outlined in Chapter 17.92 of the Town Code.
- B. Violations of this article are in addition to any other violation enumerated within the Town ordinances or the Town Code and in no way limits the penalties, actions or abatement procedures which may be taken by the Town for any violation of this article, which is also a violation of any other ordinance or Code provision of the Town or federal or state law. Conviction and punishment of judgment and civil sanction against any person under this article shall not relieve such person from the responsibility of correcting prohibited conditions, or removing

prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.

~~C. Civil Penalty: Violations of any provision of this article shall be civil code offenses which may be adjudicated and enforced by the Town civil hearing process set forth in subsection _____ or Town Court under Section ____ of the Town Code.~~

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Recitals.

The recitals above are fully incorporated in this Ordinance by reference.

Section IV. Effective Date.

Emergency.

Because of the urgent need for the implementation of the Town's regulations concerning recreational marijuana, the immediate operation of this Ordinance is necessary for the preservation of the health, safety, and general welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and Council as required by law.

Section V. Zoning Considerations.

In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance.

Section VI. Preservation of Rights and Duties.

This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section VII. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Green to be added, Blue my additions, Yellow selected League option

PASSED AND ADOPTED by the Common Council of the [City/Town] of _____, Arizona, this ____ day of _____, 202_, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 202_.

_____, Mayor

ATTEST:

_____, [City/Town] Clerk

APPROVED AS TO FORM:

[City/Town] Attorney

I, _____, [CITY/TOWN] CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE [CITY/TOWN] OF _____ ON THE _____ DAY OF _____, 202_, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 202_.

_____, [City/Town] Clerk

TOWN OF SPRINGERVILLE
Fee Schedule January 1, 2021

COMMUNITY DEVELOPMENT

BUILDING	LICENSES & PERMITS
Plan/Design Review Fee:	Business license 20.00
Residential 100.00	Business licesne renewal 20.00
Commercial 300.00	Liquor license processing 150.00
Manufactured Home 350.00	Fireworks license per year 500.00
Modular Home (Residential) 400.00	In addition to business, vendor/peddler licenses
Modular Building (Commercial) 600.00	Vendor/Peddler permit
FBB Residential 600.00	Per year 100.00
Inspection Fee:	Per quarter 50.00
Mandory Inspection (2) 94.00	For 10 days 25.00
Each additional inspection 47.00	Sign permit 25.00
Electric Meter Inspection 47.00	Conditional use permit 125.00
(Included with all structures with electrical service)	Special event permit 100.00
Building Permit Fee: Fees will vary in accordance with IBC/UBC Building Valuation Data - February 2015 Charts and Formulas adopted in Ord. 2015-005	Tower permit 500.00
Extention Fee: Six Month Permit Extension 82.00	Special event permit 100.00
<i>Construction without permit twice the cost</i>	
ZONING	SUBDIVISIONS
Variance 200.00	Subdivision 400.00
Rezone request 200.00	Per subdivision lot 10.00
Appeals 200.00	Amendements/Reversions 300.00
Zoning code book 50.00	Minor landsplit application 200.00
Zoning/Town maps 15.00	
Abandonment of easements 200.00	
MARIJUANA BUSINESSES	SEXUALLY ORIENTED BUSINESSES
Conditional use permit 125.00	Business application 1,000.00
Business license/Investigation (one time fee) 500.00 1,000	Annual renewal 500.00
Business license annual fee 500.00 +1,000 500 -50.00	Employee license application 250.00
Employee permit/license fee 250.00	Employee annual renewal 250.00
<i>All fees for medical marijuana despensaries are ^{businesses} the sole responsibility of the business owner</i>	Escort application 250.00
	Escort annual renewal 250.00

17.32.030 - Conditional uses (conditional use permit required). AG

- A. The keeping of fowl exceeding fifty (50) in number.
- B. The keeping of pigs exceeding ten in number over the age of six months.
- C. Publicly owned and operated parks and recreation areas and centers.
- D. Churches or similar places of worship.
- E. Schools, public and private elementary and high.
- F. Colleges, universities and professional schools.
- G. Golf, rod and gun, tennis and country clubs.
- H. Campgrounds.
- I. Commercial stables.
- J. Cemeteries.
- K. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
- L. ~~Medical~~ Marijuana Cultivation, subject to the following conditions and limitations:
 - ~~(1)~~ Applicant shall provide:
 - a. The name(s) and location(s) of the offsite medical marijuana dispensary associated with the cultivation operation.
 - b. A copy of the operating procedures adopted in compliance with A.R.S. 36- -2804.B.1.c and
 - c. A survey sealed by a registered land surveyor the location of the nearest medical marijuana dispensary or cultivation location if within five hundred (500) feet.
 - (2) Retail sales of medical marijuana is prohibited.
 - ~~(3)~~ Shall not be located within two hundred (200) feet of the same type of use or a medical marijuana dispensary. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
 - ~~(4)~~ Shall not be located within two hundred (200) feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the cultivation business is conducted or proposed to be conducted to the property line of the residentially zoned property.
 - ~~(5)~~ Shall not be located within five hundred (500) feet of a preschool, kindergarten, elementary, secondary or high school, or two hundred (200) feet from a place of worship, public-park or community center. This distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation business is conducted or proposed to be conducted to the property line of the protected use.
- M. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed in this section and not detrimental to the public

health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

(Ord. No. 2011-002, 4-6-11)

17.68.030 - Conditional uses (conditional use permit required). *C-1*

- A. Establishments serving food or beverages outside of a closed building and drive-in facilities.
- B. Mortuaries.
- C. Radio and TV studios.
- D. All commercial broadcasting and receiving antennas.
- E. Establishments whose principal function is basic research, design and pilot or experimental product development, provided such activities are conducted within a completely enclosed building.
- F. Headquarters buildings or charitable, philanthropic and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature.
- G. Indoor commercial recreation establishments such as bowling alleys, billiard parlors and skating rinks.
- H. Indoor theaters, assembly halls, ballrooms and lodges.
 - I. Taxi stand, bus stop, public parking lots and garages.
 - J. New and used automobile, truck, mobile/manufactured home and agricultural equipment sales.
- K. Wholesale establishments.
- L. Lumber yards and building supplies.
- M. Automobile repair garages.
- N. Pet shops.
- O. Veterinary clinics and kennels.
- P. Residences and uses as allowed in the MF-7 zone, subject to the property development standards of the MF-7 zone.
- Q. Mobile/manufactured home parks, subject to the property development standards of the MHP zone.
- R. Outdoor commercial recreation establishments.
- S. Drive-in theaters.
- T. Construction yard and equipment yard.
- U. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
- ~~V. Medical Marijuana Dispensary (no cultivation), subject to the following conditions and limitations:~~

Replaced by the League language

- ~~(1)~~ Applicant shall provide:
 - a. The name(s) and location(s) of the off-site medical marijuana dispensary associated with the cultivation operation.
 - b. A copy of the operating procedures adopted in compliance with A.R.S. 36—2804.B.1.c.
 - c. A survey sealed by a registered land surveyor showing the location of the nearest medical marijuana dispensary or cultivation location if within two hundred (200) feet.
 - d. A site plan, floor plan, building permits for occupancy change, and a security plan.
- ~~(2)~~ Shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
- ~~(3)~~ Shall not be larger than a maximum of one thousand (1,000) gross square feet.
- ~~(4)~~ Shall not be located within two hundred (200) feet of the same type of use. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are being conducted or proposed to be conducted.
- ~~(5)~~ Shall not be located within two hundred (200) feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the cultivation business is conducted or proposed to be conducted to the property line of the residentially zoned property.
- ~~(6)~~ Shall not be located within five hundred (500) feet of a preschool, kindergarten, elementary, secondary or high school; or two hundred (200) feet of a place of worship, public-park or community center. This distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation business is conducted or proposed to be conducted to the property line of the protected use.
- ~~(7)~~ Shall have operating hours not earlier than ten a.m. and not later than seven p.m.
- ~~(8)~~ Drive-through services are prohibited.
- ~~(9)~~ Cultivation of medical marijuana is prohibited.
- ~~(10)~~ Shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the facility's exterior refuse containers.

W. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those listed in this section and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part); Ord. No. 2011-002, 4-6-11)

17.76.030 - Conditional uses (conditional use permit required). **I-1**

A. ~~Medical Marijuana Cultivation~~, subject to the following conditions and limitations:

- ~~(1)~~ Applicant shall provide:
 - a. The name(s) and location(s) of the off-site medical marijuana associated with the

cultivation operation.

- b. A copy of the operating procedures adopted in compliance with A.R.S. 36-2804.B.1.c.
- c. A survey sealed by a registered land surveyor showing the location of the nearest medical marijuana dispensary or cultivation location if within two hundred (200) feet.

- ~~(2)~~ Shall be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
- ~~(3)~~ Shall not be larger than a maximum of one thousand (1,000) gross square feet.
- ~~(4)~~ Shall not be located within two hundred (200) feet of the same type of use. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are being conducted or proposed to be conducted.
- ~~(5)~~ Shall not be located within two hundred (200) feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the cultivation business is conducted or proposed to be conducted to the property line of the residentially zoned property.
- ~~(6)~~ Shall not be located within five hundred (500) feet of a preschool, kindergarten, elementary, secondary or high school; or within two hundred (200) feet of a place of worship, public-park or community center. This distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation business is conducted or proposed to be conducted to the property line of the protected use.
- ~~(7)~~ Shall have operating hours not earlier than ten a.m. and not later than seven p.m.
- ~~(8)~~ Drive-through services are prohibited.

B. ~~Medical~~ Marijuana Infusion Manufacturing Facility:

- ~~(1)~~ Applicant shall provide:
 - a. Name and location of the offsite cultivation location, if applicable.
 - b. A copy of the operating procedures adopted in compliance with A.R.S. 36-2804.B.1.c.
 - c. A survey sealed by a registerd land surveyor showing the location of the nearest medical marijuana dispensary or cultivation location if within two hundred (200) feet.
- ~~(2)~~ Shall not be located within two hundred (200) feet of the same type of use. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are being conducted or proposed to be conducted.
- ~~(3)~~ Shall not be located within two hundred (200) feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the cultivation business is conducted or proposed to be conducted to the property line of the residentially zoned property.
- ~~(4)~~ Shall not be located within five hundred (500) feet of a preschool, kindergarten, elementary, secondary or high school; or within two hundred (200) feet of a place of worship, public-park

or community center. This distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation business is conducted or proposed to be conducted to the property line of the protected use.

(5) There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.

C. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed in this section and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

(Ord. No. 2011-2, 4-6-11)

**TOWN OF SPRINGERVILLE
MEMORANDUM**

TO: Springerville Town Council
FROM: Kelsi Miller, Town Clerk
DATE: 01/20/2021
SUBJECT: Clarification on Conflicts of Interest

SUGGESTED MOTION:

STAFF REPORT

A Councilmember has requested this item be placed on the agenda. I **suggest motioning into executive session** as allowed under A.R.S. 38-431.03A(3).

I have also attached the A.R.S 38-503 regarding Conflict of interest; exemptions; employment prohibition

38-503. Conflict of interest; exemptions; employment prohibition

A. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.

B. Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

C. Notwithstanding the provisions of subsections A and B of this section, no public officer or employee of a public agency shall supply to such public agency any equipment, material, supplies or services, unless pursuant to an award or contract let after public competitive bidding, except that:

1. A school district governing board may purchase, as provided in sections 15-213 and 15-323, supplies, materials and equipment from a school board member.

2. Political subdivisions other than school districts may purchase through their governing bodies, without using public competitive bidding procedures, supplies, materials and equipment not exceeding three hundred dollars in cost in any single transaction, not to exceed a total of one thousand dollars annually, from a member of the governing body if the policy for such purchases is approved annually.

D. Notwithstanding subsections A and B of this section and as provided in sections 15-421 and 15-1441, the governing board of a school district or a community college district may not employ a person who is a member of the governing board or who is the spouse of a member of the governing board.

**TOWN OF SPRINGERVILLE
MEMORANDUM**

TO: Springerville Town Council
FROM: Kelsi Miller, Town Clerk
DATE: 01/20/2021
SUBJECT: Town Manager

SUGGESTED MOTION:

I move to retain Joseph Jarvis as the Town Manager and Council to negotiate a new contract in the future.

OR

I move to table this item

STAFF REPORT

Council, **I suggest you motion into Executive Session for detailed discussion regarding personnel** as allowed under A.R.S. 38-431.03A(1)

Negotiations of a new contract are not necessary at this time, if you do not agree upon a new contract by April 2, 2021 his current contract will be extended for one year (April 2, 2022) with the current terms. You may appoint Council members to negotiate the terms of the contract, or agree that you all wish to do the negotiations.

**TOWN OF SPRINGERVILLE
MEMORANDUM**

TO: Springerville Town Council
FROM: Joseph Jarvis, Town Manager
DATE: 01/20/2021
SUBJECT: Lockhart Building LLC

SUGGESTED MOTION:

a. I move to approve the Limited Release and Settlement Agreement.

STAFF REPORT

Staff Report: Staff has been discussing outstanding issues with the owner of property where the XA Bar resides. With the assistance of the Town's contracted attorney, Tevis Reich, we have obtained a settlement agreement.

SUGGESTED MOTION:

b. I move to approve Resolution 2021-R004, regarding the easement at the Lockhart building.

STAFF REPORT

Staff Report: As part of the settlement agreement, the Town will abandon the easement that was given to the Town in 1957. The Town will retain a portion of the easement for access to utilities on the north-west part of the property.

LIMITED MUTUAL RELEASE AND SETTLEMENT AGREEMENT

This Limited Mutual Release and Settlement Agreement (Agreement) is effective on the last dates signed by the parties (“Effective Date”) and is by and among Lockhart Building, LLC (“Lockhart”) and 19 South Mountain, LLC (“South Mountain”) on the one hand, and the Town of Springerville, a Political Subdivision under the state of Arizona (“Springerville”) on the other hand. Lockhart and South Mountain shall hereinafter be referred to as (“Owners”) and Owners and Springerville shall collectively hereinafter be referred to individually as a “Party” and collectively as the “Parties.”

RECITALS

Owners each own an undivided interest in the real property described in Document # 2007-003730 as Parcel II and in Document # 2008-007360 as Parcel No. 3, Apache County Public records (the “Property”).

On or about August 8, 2006 a purported easement was recorded, allegedly against the Property and in favor of Springerville at Document number 2006-009394, Apache County Public Records (“Alley Easement”).

On June 16, 2020 Owners tendered a letter demanding that Springerville execute a Quit Claim Deed to the Property.

The Parties dispute the validity and effectiveness of the Alley Easement.

To avoid the costs and uncertainty of litigation, the Parties hereto now desire to settle and compromise the disputes between them.

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, without admitting liability, and subject to the conditions and obligations contained herein, the Parties wish to settle the identified issues and claims as follows:

AGREEMENT

1. The Recitals are incorporated herein and acknowledged to be true and correct in all material aspects and are hereby made a part of this Agreement by reference.
2. It is agreed that, subject to and conditioned upon the approval of the town

Council for the Town of Springerville, that the Springerville agrees to abandon the Alley Easement with recording a Notice of Abandonment of Easement in the form attached hereto as **Exhibit A** and, in its place, the Owners agree to grant Springerville a substitute utility easement with the Utility Easement Agreement attached hereto as **Exhibit B**. Each are contingent upon one-another and shall be recorded at the same time, but in the order of the Notice of Abandonment of Easement first followed by the Utility Easement Agreement.

3. Upon the satisfaction of the obligations in paragraphs 1 and 2 of this Agreement, each being an express condition precedent, each Party agrees to release all outstanding claims, demands, suits and charges against one-another and hereby does fully and forever release, remise, acquit and discharge the other Party, their successors, assigns, managers, members, associates, agents, attorneys, employees, council members and representatives, including but not limited to any principals or partners thereof, from any and all claims, rights, demands, suits, actions or causes of action, losses, costs, obligations, liabilities, expenses, debts and duties (collectively "Claims") which arise out of, were asserted (or could have been asserted) concern or otherwise relate to the Alley Easement, including the Owners' use of the Property but excepting and excluding matters concerning health and safety, regulatory control matters concerning the Property reserved to municipalities such as Springerville, permitting matters and land use/zoning code matters. Such released Claims expressly include, but are not necessarily limited to, Claims of validity/invalidity regarding the establishment of, use, possession, rights to enter upon or other matters generally concerning, but expressly limited to, the Alley Easement. This release only applies to matters and Claims expressly released; all other matters having been reserved to the Parties.

4. Owners represent that they are duly formed and validly existing limited liability companies under the laws of the state of Arizona and each have the full right, power and authority and have taken all actions required by its organizational documents and applicable law and have obtained all consents which are necessary to authorize or enable them to execute and deliver this Agreement and the agreements referenced herein, and to grant the easement and encumber the property as provided hereunder. There is no agreement to which Owners are a party or, to Owner's knowledge, binding on either Owner which is in conflict with this Agreement. Owners agree that if any lender, lienholder or priority encumbrance forecloses or has the effect of making the Utility Easement Agreement void or unenforceable, or the Utility Easement is otherwise claimed to be void, unenforceable or ineffective for any reason, that the limited release in Section 3 of this Agreement shall be void and unenforceable. The representations and warranties hereof shall survive any breach or termination of this Agreement.

5. This Agreement does not constitute an admission of liability on the part of either Party, all liability having been denied, at all relevant times, and which continues to be

denied.

6. In the event any action is filed to enforce or defend this Agreement, the prevailing Party in such action shall be entitled to, in addition to any other damages or relief available to them, an award of reasonable attorney's fees and costs incurred in connection with such action.

7. In executing this Agreement, each Party hereto acknowledges that it has consulted with and had the advice of counsel of its own choosing in negotiations for and preparation of this Agreement and was fully advised by counsel with respect to all rights which are affected by this Agreement.

8. For purposes of construction and interpretation, this Agreement shall be deemed to have been jointly drafted by counsel for the Parties hereto, and any ambiguities, if any, shall not be construed for or against any Party.

9. This Agreement is made and entered into in the State of Arizona and shall in all respects be interpreted, enforced, and governed under the laws of the State of Arizona. Any dispute with respect to the performance or enforceability of this Agreement shall be filed in the Superior Court for the County of Apache, State of Arizona.

10. This is the entire agreement among the Parties with respect to the subject matter hereof. It includes all of the terms, promises, representations and understandings made by the Parties, and it supersedes any earlier written or oral understandings or agreements between the Parties concerning this Agreement. No Party hereto nor its respective attorneys or advisors or agents have made any promise, representation or warranty, whether expressed, implied or statutory, not contained herein, concerning the subject matter of this Agreement in order to induce the Parties hereto to execute this Agreement, and each signatory acknowledges that such Party has not executed this instrument in reliance on any promise, representation or warranty not contained herein.

11. Each Party to this Agreement certifies that it has read all of this Agreement and fully understands all of the same.

12. Each of the Parties represents warrants and covenants that it is not under duress, and signs this Agreement freely and voluntarily.

13. Each Party to this Agreement will cooperate and diligently perform any further acts, and things and execute and deliver any documents that may from time to time be reasonably necessary or otherwise reasonably required to consummate, evidence, confirm and/or carry out the intent and provisions of this Agreement, all without undue delay or

expense and without further consideration.

14. This Agreement may be executed in separate counterparts, each of which shall be deemed an original and all of which, collectively, shall comprise one and the same instrument. The parties agree that those signatures and initials transmitted by facsimile or e-mail pdf will be acceptable and may be treated as originals, and that the Agreement containing all signatures and initials may be executed partially by original signature and partially by facsimile or e-mail pdf.

15. If any clause or provision of this Agreement is held to be illegal, invalid or unenforceable under any law applicable to the terms hereof, then the remainder of this Agreement shall not be affected thereby.

16. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective representatives, successors, affiliates, members and assigns; provided, however, the foregoing shall not be deemed or construed to confer any right, title, benefit, cause of action or remedy upon any person or entity not a party hereto, which such party would not nor did not otherwise possess.

17. The waiver by any Party of any right granted to it hereunder shall not be deemed a waiver of any other right.

IN WITNESS WHEREOF, the Parties have executed this Agreement effective on the date shown below.

**Town of Springerville, a Political
Subdivision under the State of Arizona**

By _____
Its _____
Title _____

Date: _____

**Lockhart Building, LLC an Arizona
limited liability company**

By: _____
Traegen Knight, *Manager*

Date: _____

**19 South Mountain, LLC, an Arizona
limited liability company**

By: _____
Traegen Knight, *Manager*

Date: _____

EXHIBIT “A”

When Recorded Return To:

Law Office of Tevis Reich, PLLC
6 E. Dale Ave
Flagstaff, AZ 86001

NOTICE OF ABANDONMENT OF EASEMENT

WHEREAS, the Town of Springerville, a political subdivision organized under laws of the state of Arizona, claims an interest in a non-exclusive easement over and upon a portion of certain land identified as Apache County Assessor Parcel number 105-20-088 and more particularly described at **Exhibit A** hereto, such interests having been purportedly created pursuant to that certain document recorded at Document number 2006-009394, Apache County Public Records (“Alley Easement”).

For valuable consideration, receipt of which is acknowledged, **the Town of Springerville** does hereby releases, forever abandons and relinquishes any rights or interest in the Alley Easement, including any such other rights or interests created by the recording at Document number 2006-009394, Apache County Public Records.

DATED this _____ day of _____, 2020.

TOWN OF SPRINGERVILLE
A Political Subdivision under the State of
Arizona

By: _____

Its: _____

EXHIBIT A
Abandoned Easement

BEGINNING AT A POINT WHICH LIES 2,931.30 FEET NORTH AND 2,062.40 FEET WEST OF THE SOUTH QUARTER CORNER OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 29 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, APACHE COUNTY, ARIZONA;

THENCE NORTH 61 DEGREES 03 MINUTES WEST, A DISTANCE OF 104.60 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 24 DEGREES 43 MINUTES WEST, A DISTANCE OF 168.50 FEET;

THENCE NORTH 61 DEGREES 03 MINUTES WEST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 24 DEGREES 43 MINUTES EAST, A DISTANCE OF 168.50 FEET;

THENCE SOUTH 61 DEGREES 03 MINUTES EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT “B”

UTILITY EASEMENT AGREEMENT

This Utility Easement Agreement (this “Agreement”) is made by and between Lockhart Building, LLC, an Arizona limited liability company (“Lockhart”) and 19 South Mountain, LLC, an Arizona limited liability company (“South Mountain”) (collectively, the “Owners” and/or “Grantors”), and Town of Springerville, a Political Subdivision under the state of Arizona (hereinafter, “Springerville” or “Grantee”), with reference to the following recitals, which are expressly made part of this Agreement.

RECITALS:

WHEREAS, Lockhart is the owner of Apache County Assessor Parcel number 105-20-088 (the “**Property**”); except that Lockhart and South Mountain each own an undivided interest in the strip of property described at **Exhibit A**;

WHEREAS, Grantors hereby desire to grant to Springerville, and Springerville wishes to accept, a perpetual non-exclusive easement over and upon a portion of the Property more particularly described at **Exhibit B (“Easement Area”)** upon the terms and conditions set forth herein.

WHEREAS, a reference map, depicting the Property and Easement Area is attached hereto as **Exhibit C**;

AGREEMENT:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owners hereby declare, covenant and agree as follows:

1. Purpose and Uses of Easement. Grantors hereby grant and convey to Grantee, and its successors and assigns, a perpetual, non-exclusive easement appurtenant (the “Easement”) on, over, across and through the Easement Area, for the purpose of repair, maintenance, installation, operation, reconstruction, replacement, inspection and removal, at any time and from time to time, of the existing underground utilities and improvements associated therewith, including new or redesigned improvements and upgrades which may hereinafter be installed, within the Easement Area, above and below grade.
 - a. Additional Rights of Grantee. Grantor further grants to the Grantee the right from time to time to improve, reconstruct, relocate and replace the existing underground utilities and associated improvements with any other number or type of similar improvements, or utilities, in the original location or locations

within the Easement Area, generally consistent with the intended purposes of the Easement.

2. Grantor's Rights in Easement Area.

- a. Grantor reserves the right to use the Easement Area for purposes that will not interfere with Grantee's full enjoyment of the rights granted herein, including but not limited to Grantor's right to allow others to use the Easement Area for ingress and egress.
- b. Grantor reserves the right to redevelop the Property and in the event that the redevelopment requires the relocation of the meters or underground utilities within the Easement Area, Grantor reserves the right to 1) relocate the underground utilities and improvements within the Easement Area, at Grantor's expense, to a new location either on or off the Property (the new location to be agreed upon by Grantor and Grantee) or to a new area on the Property provided that (a) Grantor has received the necessary and required approvals and permits for the redevelopment of the Property (b) Grantor designates a new and substantially comparable 'easement area' of sufficient size and with sufficient access to relocate the utilities and underground improvements to and grants to Grantee a new easement substantially comparable to this one for the same; and (c) that the new 'easement area' provide and grant to Grantee, an area of no less than a 5' radius from the location of any point of access, hatch, or shut off value, together with an additional area of reasonable size for the placement of materials, machinery and equipment which may be necessary for any future work, maintenance, repairs or installation of such underground utilities and improvements as may be required by Grantee.
- c. Grantor agrees not to install permanent buildings or structures over the Easement Area or the underground utilities thereon. Grantor may place landscaping in the Easement Area but shall not plant or maintain permanent trees, shrubs or other plant material in the Easement Area that would impede Grantee's access to any point of access to a hatch, meter or shut off value for the underground utilities or which could reasonable cause damage to the underground utilities within the Easement Area. Grantor may pave, concrete or improve the surface of the Easement Area and in the event Grantee requires access to the underground utilities within the Easement Area, Grantee shall repair and replace such surface improvements at Grantee's expense.

3. Abandonment. Should the Easement Area cease to be used by Grantee for the purposes herein specified for a period of six (6) consecutive months or more, then Grantor shall provide written notice to Grantee requesting Grantee to abandon this Easement. Upon receipt of such notice, Grantee shall confirm whether or not the Easement Area is being used or not. In the event the Easement is not being used, Grantee shall have the right to begin reutilizing the Easement within three (3) months from the date of receipt of written notice from the Grantor for a permitted purpose to prevent the abandonment of the Easement. If the Easement Area is not utilized within three (3) months (the “Reutilization Time”) from the date of receipt of written notice, this Easement shall terminate, and Grantee shall execute a termination of this Utility Easement Agreement to Grantor, in recordable form. In the event there is a dispute as to whether or not the Easement Area is being utilized as intended or permitted, the same shall constitute a conclusive presumption that the Easement is ‘in use’ and not abandoned unless and until a court of competent jurisdiction determines otherwise. In the event the Easement Area is utilized by Grantee after written notice and prior to the expiration of the Reutilization Time, the same shall reset all the abandonment time periods for purposes of this clause.

4. Maintenance of the Easement Area and Utilities. Grantor shall maintain in good condition and repair, or cause to be maintained and kept in good condition and repair, the Easement Area including without limitation the grade and surface of the Easement Area above the underground utilities, and around the manholes and access points. Grantor shall keep, maintain and be responsible for the underground lines and utilities from the point of the meter on towards the structures serviced by the line. Grantee shall keep, maintain and be responsible for the underground lines and utilities from the point of the meter toward the street and the connection points of the utility lines towards the public utility easement. The Owners obligation to repair and maintain such utility lines and connections shall be consistent with the rules, regulations and requirements promulgated by the Town of Springerville, from time to time, for any such other utility connections or improvements of the same type which connect to public utilities.

5. Grantee’s Obligations Regarding Easement Area.
 - a. All activities by the Grantee on the Easement Area, including access across Grantor’s Property, to service the utilities and access the Easement Area must be carried out in a reasonable manner and on a schedule reasonably expected to minimize disturbance to the Property. Notwithstanding, vehicular and pedestrian access may be partially or entirely prohibited or restricted during times of Grantee’s work provided that the time for completing such work and activities shall not be unreasonable.

- b. Grantee will make reasonable attempts to notify Grantor prior to performing any non-emergency scheduled construction, maintenance, repair or other work on or within the Easement Area if such work will inhibit Grantee's normal use or access to the Easement Area for more than two hours and Grantee shall in advance of any non-emergency work, provide Grantor notice of the date and estimated time for completion for such work. No notice of any kind shall be required for emergency work or repairs.
- c. In the event damage occurs from Grantee's use of or activities over or within the Easement Area or on Grantor's Property, including but not limited to the installation, maintenance, or operation of the utilities within the Easement Area, Grantee agrees to make such repairs or take such other action, at Grantee's sole cost, as may be necessary to restore the Easement Area and Grantor's Property to a condition comparable to the prior condition, including but not limited to replanting or resurfacing and restoring any other improvements or conditions impacted by Grantee's activities.

6. Indemnification.

- a. Grantor hereby releases, indemnifies and promises to defend and save harmless Grantee for, from and against any and all liability, loss, damage, expense, actions, and claims, including reasonable attorneys' fees and costs incurred by the Grantee in defense thereof, asserted or arising directly or indirectly on account of the acts or omissions of Grantor in the use of the Easement Area as provided for herein.
- b. Grantee hereby releases, indemnifies and promises to defend and save harmless Grantor for, from and against any and all liability, loss, damage, expense, actions, and claims, including reasonable attorneys' fees and costs incurred by the Grantor in defense thereof, asserted or arising directly or indirectly on account of the acts or omissions of Grantee in the use of the Easement Area as provided for herein.

7. Grantor Representations. Owners are duly formed and validly existing limited liability companies under the laws of the state of Arizona and each have the full right, power and authority and have taken all actions required by its organizational documents and applicable law and have obtained all consents which are necessary to authorize or enable them to execute and deliver this Agreement, to grant the easement and encumber the Property as provided hereunder. There is no agreement to which Grantor is a party or, to Grantor's knowledge, binding on Grantor which is in conflict with this Agreement. Grantors represent and warrant that they are the lawful owners of the Property and that the execution of this

Easement shall not constitute a breach or default of any other agreement. Grantor agrees that this Agreement shall not be subordinate to the interest of any lienholder or encumbrances upon the Property. The representations and warranties hereof shall survive any breach or termination of this Agreement.

8. Miscellaneous.

- a. This Easement shall be interpreted and construed according to the laws of the State of Arizona. The Owners hereby agree that the venue for any dispute arising out of this Easement shall be the Superior Court of Apache County, Arizona. In the event of any legal action or proceeding brought to enforce this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs incurred in such legal action or proceeding.
- b. This Easement may be executed in any number of counterparts, each of which shall be an original, and all such counterparts together shall be deemed to constitute one original agreement.
- c. This Easement embodies the entire agreement between Grantor and Grantee with respect to the subject matter hereof and supersedes all prior agreements, written or oral, with respect to the subject matter hereof.
- d. No change, modification, or waiver of any provision of this Agreement shall be valid or binding unless it is in writing, dated after the date hereof, and signed by the Parties intended to be bound and recorded in the Apache County Public Records.

IN WITNESS WHEREOF, the Owners have executed this Easement as of the date first written above.

LOCKHART BUILDING, LLC
An Arizona limited Liability Company

TRAEGEN KNIGHT,
Manager

Date

19 SOUTH MOUNTAIN, LLC
An Arizona limited Liability Company

TRAEGEN KNIGHT,
Manager

Date

EXHIBIT A
Property

BEGINNING AT A POINT WHICH LIES 2,931.30 FEET NORTH AND 2,062.40 FEET WEST OF THE SOUTH QUARTER CORNER OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 29 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, APACHE COUNTY, ARIZONA;

THENCE NORTH 61 DEGREES 03 MINUTES WEST, A DISTANCE OF 104.60 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 24 DEGREES 43 MINUTES WEST, A DISTANCE OF 168.50 FEET;

THENCE NORTH 61 DEGREES 03 MINUTES WEST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 24 DEGREES 43 MINUTES EAST, A DISTANCE OF 168.50 FEET;

THENCE SOUTH 61 DEGREES 03 MINUTES EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

Easement Area

Being an easement for utilities over and across a parcel previously described in document #2007-003730 and depicted on that Record of Survey Book 17 of land survey, Page 8, Records of Apache County;

Lying within Section 33, Township 9 North, Range 29 East, Gila and Salt River meridian; having been surveyed and described as follows:

COMMENCING at the most northeasterly corner of that parcel described in described in Document #2007-003730 and depicted on that Record of Survey Book 17 of Land survey, Page 8;

THENCE north $60^{\circ}42'15''$ West along said deed line, 58.31 feet to the Point of Beginning;

THENCE South $26^{\circ}26'52''$ West, 5.97 feet to a point;

THENCE North $63^{\circ}33'08''$ West, 4.60 feet to a point;

THENCE South $26^{\circ}26'52''$ West, 12.41 feet to a point;

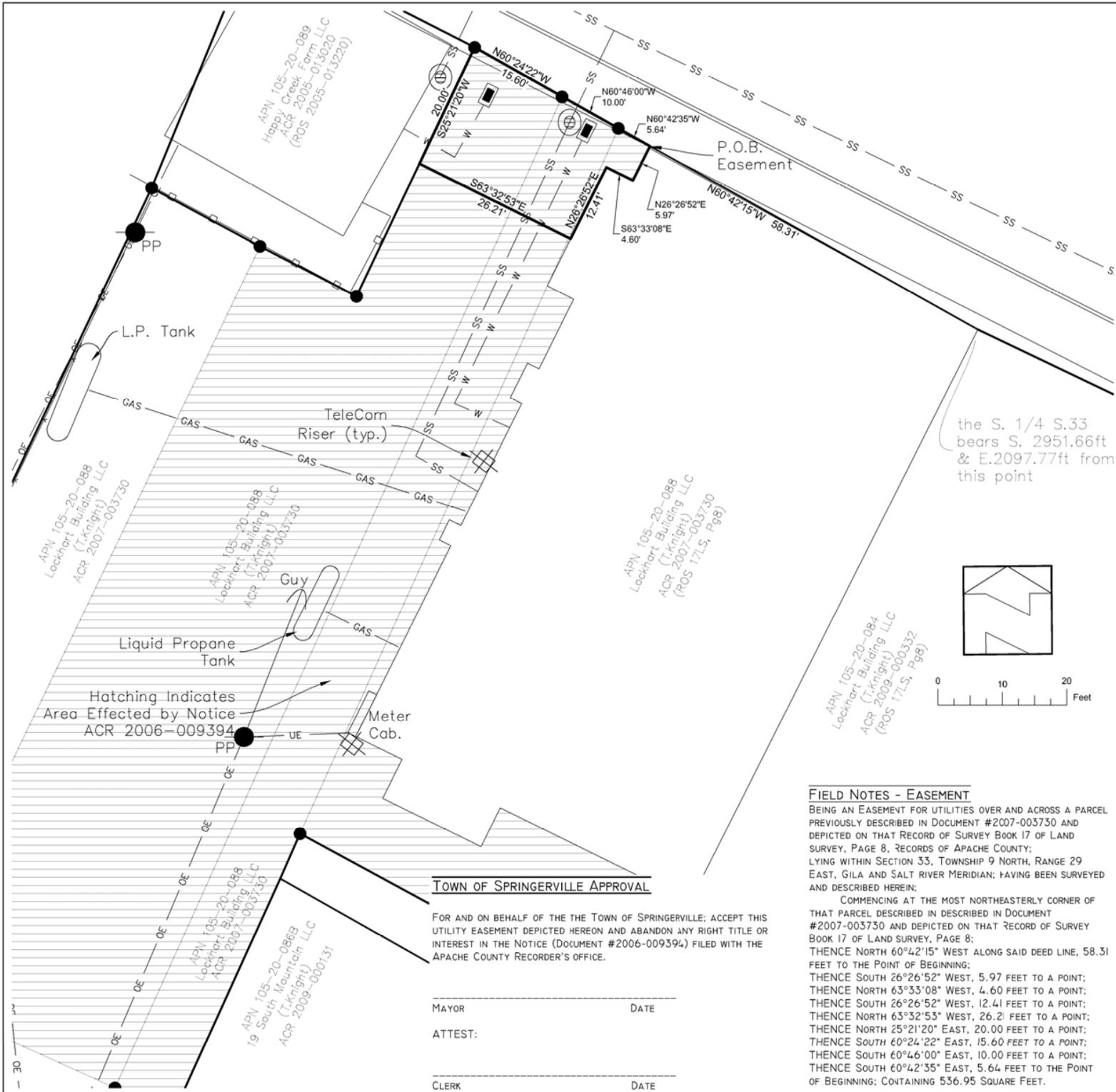
THENCE North $63^{\circ}32'53''$ West, 26.2 feet to a point;

THENCE North $25^{\circ}21'20''$ East, 20.00 feet to a point;

THENCE South $60^{\circ}24'22''$ East, 15.60 feet to a point;

THENCE South $60^{\circ}46'00''$ East, 10.00 feet to a point;

THENCE South $60^{\circ}42'35''$ East, 5.64 feet to the Point of Beginning; Containing 536.95 Square Feet.



RECORD OF SURVEY

DANIEL R. MUTH, PLS, CFEDS, GISP
 PROFESSIONAL LAND SURVEYOR
 CERTIFIED FEDERAL SURVEYOR
 GIS PROFESSIONAL
 P.O. Box 662
 SPRINGVILLE, AZ 85938-0662
 (928)-245-3922
 DAN.MUTH@DMJNPLS.COM



CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WAS PERFORMED UNDER MY DIRECT SUPERVISION AND THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 DANIEL R. MUTH, PLS, CFEDS, GISP
 AZRLS No. 31028

Daniel R. Muth
 DANIEL R. MUTH
 8/19/20

INDEXING INFORMATION

PROJECT NUMBER : 2020.085
 DATE OF SURVEY : 07/2020
 OWNER : LOCKHART BUILDING LLC
 APN : 105-20-088
 DEED REF : 2007-003730
 REQUESTED BY : TOWN OF SPRINGVILLE
 SECTION : 33
 TOWNSHIP : 09N
 RANGE : 29E
 MERIDIAN : GSRM
 COUNTY : APACHE

LEGEND

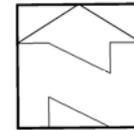
- PROPERTY BOUNDARY
- ADJOINING BOUNDARY
- PLS LINE
- X BARBED WIRE FENCE
- □ POLE FENCE OR WALL
- ○ CHAINLINK/ WIRE FENCING
- WATER COURSE/DRAINAGE
- ASPHALT/CONC. PAVING
- BUILDING LINE
- OE OVERHEAD ELECTRIC
- UE UNDERGROUND ELECTRIC
- OT OVERHEAD TELEPHONE
- UT UNDERGROUND TELEPHONE
- SS SANITARY SEWER
- ST STORM SEWER
- W WATER LINE
- GAS NATGAS/PROPAGAS

RECORDING INFORMATION

Exhibit C

OFFICIAL USE ONLY

the S. 1/4 S.33 bears S. 2951.66ft & E.2097.77ft from this point



FIELD NOTES - EASEMENT

BEING AN EASEMENT FOR UTILITIES OVER AND ACROSS A PARCEL PREVIOUSLY DESCRIBED IN DOCUMENT #2007-003730 AND DEPICTED ON THAT RECORD OF SURVEY BOOK 17 OF LAND SURVEY, PAGE 8, RECORDS OF APACHE COUNTY; LYING WITHIN SECTION 33, TOWNSHIP 9 NORTH, RANGE 29 EAST, GILA AND SALT RIVER MERIDIAN; HAVING BEEN SURVEYED AND DESCRIBED HEREIN;

COMMENCING AT THE MOST NORTHEASTERLY CORNER OF THAT PARCEL DESCRIBED IN DESCRIBED IN DOCUMENT #2007-003730 AND DEPICTED ON THAT RECORD OF SURVEY BOOK 17 OF LAND SURVEY, PAGE 8;
 THENCE NORTH 60°42'15" WEST ALONG SAID DEED LINE, 58.31 FEET TO THE POINT OF BEGINNING;
 THENCE SOUTH 26°26'52" WEST, 5.97 FEET TO A POINT;
 THENCE NORTH 63°33'08" WEST, 4.60 FEET TO A POINT;
 THENCE SOUTH 26°26'52" WEST, 12.41 FEET TO A POINT;
 THENCE NORTH 63°32'53" WEST, 26.21 FEET TO A POINT;
 THENCE NORTH 25°21'20" EAST, 20.00 FEET TO A POINT;
 THENCE SOUTH 60°24'22" EAST, 15.60 FEET TO A POINT;
 THENCE SOUTH 60°46'00" EAST, 10.00 FEET TO A POINT;
 THENCE SOUTH 60°42'35" EAST, 5.64 FEET TO THE POINT OF BEGINNING; CONTAINING 536.95 SQUARE FEET.

TOWN OF SPRINGVILLE APPROVAL

FOR AND ON BEHALF OF THE THE TOWN OF SPRINGVILLE; ACCEPT THIS UTILITY EASEMENT DEPICTED HEREON AND ABANDON ANY RIGHT TITLE OR INTEREST IN THE NOTICE (DOCUMENT #2006-009394) FILED WITH THE APACHE COUNTY RECORDER'S OFFICE.

MAYOR _____ DATE _____
 ATTEST: _____
 CLERK _____ DATE _____

RESOLUTION 2021-R004

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF SPRINGERVILLE, ARIZONA, APACHE COUNTY ACCEPTING THE UTILITY EASEMENT DEPICTED HERIN AND ABANDONING RIGHT, TITLE, OR INTEREST IT HAS IN THE PUBLIC EASEMENT LOCATED AT THE NORTHEASTERLY CORNER OF THE PROPERTY LINE OF THE LOCKHART BUILDING LLC. PARCEL 105-20-088 SPRINGERVILLE, ARIZONA AS PREVIOUSLY DESCRIBED IN DOCUMENT #2007-003730 RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF APACHE COUNTY, ARIZONA, IN BOOK 17 OF LAND SURVEY, PAGE 8

WHEREAS, the Mayor and Common Council of the Town of Springerville, as the governing body of real property located in the Town of Springerville, may dedicate public streets, sewer, water, drainage, and other utility easements or right of ways within the Town; and

WHEREAS, the Mayor and Common Council of the Town of Springerville, has the authority to accept or reject offers of dedication of private property by easement, deed, plat or other lawful means; and

WHEREAS, the Town Council of the Town of Springerville, by unanimous vote, hereby accepts the utility easement depicted heron and abandons right, title, or interest it has in the public easement located at the northeasterly corner of the property line of parcel 105-20-088 as shown in Exhibit A; and

BE IT RESOLVED that the Mayor of the Town of Springerville is hereby authorized to execute this Resolution and any other documents necessary to transfer good title to the recorded owners on behalf of the Town.

PASSED AND ADOPTED, by the Mayor and Town Council of the Town of Springerville this 20th day of January, 2020.

Phil Hanson, Jr., Mayor

ATTEST:

Kelsi Miller, Town Clerk

APPROVED:

Timothy B. Shaffery, Town Attorney
Shaffery Law Offices, P.L.L.C.

**TOWN OF SPRINGERVILLE
EASEMENT ABANDMENT
EXHIBIT "A"**

When recorded, please return to:

Town of Springerville
Attn: Town Manager
418 E. Main Street
Springerville, AZ 85938

**UTILITY EASEMENT DEPICTED
AND
ABANDONMENT OF ANY RIGHT TITLE OR
INTEREST**

**T. KNIGHT, LOCKHART BUILDING LLC.
APN 105-20-088**

With Exhibits

This is part of the official document



**TOWN OF SPRINGERVILLE
MEMORANDUM**

TO: Springerville Town Council
FROM: Joseph Jarvis, Town Manager
DATE: 01/20/2021
SUBJECT: Drug and Alcohol Testing Policies

SUGGESTED MOTION:

- a. I move to adopt Resolution 2021-R003, regarding the Drug and Alcohol Testing Policies.

- b. I move to authorize staff to secure contracts with White Mountain Regional Medical Center and their partners to fulfill duties within the Drug and Alcohol Testing Policy.

STAFF REPORT

The Management Team and Employers Council have been working together to create a new policy for drug and alcohol testing. The policies define that the Town will test new applicants, upon reasonable suspicion, following an accident, and return to duty/follow-up testing. As an employer we can define whether or not we test for drugs and alcohol. We also determine what substances we will test for. The first question staff will ask the Council is, do you want us to test for marijuana. The proposed policies define when a medical marijuana card holder cannot consume marijuana. Staff has been informed that we could not fire someone who has a legal substance in their system. But we can discipline, including termination, an employee for their actions while they have legal and/or illegal substances in their system. We will discuss this further at the Council meeting. The attached policies state that we will test for marijuana, but the Council may direct staff to modify the policies.

RESOLUTION NO. 2021-R003

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF SPRINGVILLE, ARIZONA, REPEALING RESOLUTION 499 AND 99-004 ABOLISHING THE 1999 EMPLOYEE DRUG AND ALCOHOL POLICY AND ADOPTING A NEW NON-DOT AND DOT EMPLOYEE DRUG AND ALCOHOL TESTING POLICY FOR THE TOWN OF SPRINGVILLE.

WHEREAS, the Town of Springerville's current Drug and Alcohol Policy and all previous Drug and Alcohol Policies used by the Town of Springerville are considered outdated; and

WHEREAS, it is in the best interest of the Town that a new Drug and Alcohol Testing Policy for employees who possess a Department of Transportation commercial driver's license and those who don't be adopted to replace all previous Drug and Alcohol Policies used by the Town of Springerville; and

WHEREAS, it is in the best interest of the Town, that the Town adopt a Drug and Alcohol Testing Policy to address employee related testing inquires; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Springerville, Arizona, that all Drug and Alcohol Testing Policies adopted and/or used by the Town of Springerville prior to January ____, 2021 be abolished, and the new Drug and Alcohol Testing Policies presented and approved by the Mayor and Town Council at a Public Meeting held on January ____, 2021 shall be the only Drug and Alcohol Testing Policies used by the Town of Springerville effective January ____, 2021.

PASSED AND ADOPTED by the Mayor and Council of the Town of Springerville this 20th day of January, 2021.

Phil Hanson, Jr., Mayor

ATTEST:

Kelsi Miller, Town Clerk

APPROVED AS TO FORM:

Timothy B. Shaffery
Shaffery Law Offices, P.L.L.C

I. PURPOSE

Town of Springerville is committed to a safe, healthy, and productive work environment for all employees free from the effects of substance abuse. Abuse of alcohol, drugs, or controlled substances impairs employee judgment, resulting in increased safety risks, injuries, and faulty decision making.

II. SCOPE

This policy applies to all employees, including supervisors, directors, and officers of Town. All employees have been issued upon initiation of this policy or upon hire (whichever is later) a copy of the Town policy that describes what substances will be tested for and under what conditions employees will be tested.

III. STATEMENT OF POLICY

To ensure a safe and productive work environment the Town prohibits the use, sale, dispensation, manufacture, distribution or possession of alcohol, drugs, controlled substances, medical marijuana, or drug paraphernalia on any company premises or work sites. This prohibition includes Town owned vehicles, or personal vehicles being used for Town business or parked on company property. Additionally, The Town of Springerville may take disciplinary action, including discharge, for the illegal (under federal or state law) off-duty use, sale, dispensation, manufacture, distribution, or possession of drugs and controlled substances and the illegal use or distribution of alcohol.

No employee shall report to work or be at work with alcohol or with any detectable amount of prohibited drugs in the employee's system. A detectable amount refers to the standards generally used in workplace drug and alcohol testing.

An Arizona medical marijuana registered cardholder may not possess or ingest medical marijuana while at work or work while impaired by medical marijuana. Additionally, if The Town of Springerville would lose a monetary or licensing benefit under federal law or regulation, the Town will refuse to hire or keep employed an Arizona medical marijuana registered cardholder.

When an employee must take prescription or over-the-counter drugs, the employee must ask the medical professional or pharmacist if the drug has any side effects which may impair the employee's ability to perform the employee's job duties safely or productively. If there is potential impairment of the employee's ability to work safely or productively, the employee must report this information to the supervisor. With input from the employee, the Town will determine if the employee should work in his or her regular job, be temporarily assigned to another job, or placed off work.

Furthermore, if the Town has designated a position as safety-sensitive and the company has a good faith belief that the employee is using any drug, whether legal,

decriminalized, or prescribed by a physician, that could cause an impairment while working, or otherwise impact the employee's job performance or ability to perform job duties, then the company may take appropriate action to exclude the employee from the safety-sensitive position. For instance, the Town may assign the employee to another job or place the employee off work. Any violation of this policy will result in disciplinary action up to and including termination.

IV. EMPLOYEE AND APPLICANT DRUG AND ALCOHOL TESTING

To promote a safe and productive workplace, the Town will conduct the following types of drug and alcohol tests for all employees:

- Pre-Employment
- Reasonable Suspicion
- Post-accident
- Return-to-Duty/Follow-up Testing

V. CATEGORIES OF EMPLOYEE SUBSTANCE TESTING

Pre-Employment Testing:

All persons seeking employment with Town shall undergo post-offer, pre-employment drug testing. Applicants will be informed that as a condition of employment they must pass a drug screening test.

Applicants who test positive without a legitimate medical reason will be notified that they have not met the standards for employment and will be informed they can have the confirmed positive test re-tested by a government certified lab selected by the applicant.

Reasonable Suspicion Testing:

An employee will be asked to submit to drug and alcohol testing when the employer reasonably suspects the employee is impaired or has used illegal drugs.

Reasonable suspicion testing may result from one of the following examples, and is not limited to the following:

- a) Specific, personal, and articulable observations concerning the employee's speech, walking, standing, physical dexterity, agility, coordination, actions, movement, demeanor, appearance, clothing, odor, or irrational or unusual behavior.
- b) The employee's negligence or carelessness in operating equipment, machinery or production or manufacturing processes; disregard for the safety of the employee or others; involvement in an accident that results in serious damage to equipment, machinery or property, disruption of a production or manufacturing process, or any injury to the employee or others.

- c) Violation of a safety rule or other unsafe work incident which, after further investigation of the employee's behavior, leads the supervisor/manager to believe that the employee's functioning is impaired.
- d) Other physical, circumstantial, or contemporaneous indicators of impairment.
- e) When a supervisor/manager has reasonable suspicion to request testing, the supervisor/manager will arrange to transport the employee to the collection site and will arrange for the employee's transport home.
- f) Town will place the employee on a paid/unpaid leave pending the receipt of drug testing.

Post-accident Testing:

An employee must submit to a drug and alcohol test after an on-the-job accident, including workplace injuries.

An accident for purposes of this policy is defined as an incident or occurrence in which:

- a) Property damage is estimated at greater than \$250.
- b) The accident involves use of a company vehicle.
- c) The accident involves an employee in a personal vehicle accident while on the job.
- d) An employee who is involved in an accident must immediately report the accident to his or her supervisor/manager.
- e) When a supervisor/manager observes or is notified of an accident as defined above, the supervisor/manager will initiate drug and alcohol testing. The supervisor/manager will order the employee to submit to a urine and/or breath test. The supervisor/manager will arrange to transport the employee to the collection site and will arrange for the employee's transport home.
- f) A Driver will not be allowed to return to work until a confirmed negative test result is received. Town will place the Driver on a paid/non-paid leave pending the receipt of drug testing results. (If the Driver test results are negative, they will be placed on paid leave. If the test results are positive, the Driver will be placed on non-paid leave.)
- g) A person dies or requires medical treatment.

Return to Duty/Follow-up Testing

If the Town elects to allow an employee to return to work following a positive test result, the employee must first pass a drug and alcohol test and subsequently submit to a program of unannounced testing for a period of not more than twelve (12) months from the date of return to duty.

VI. THE KINDS OF SUBSTANCES TESTED FOR WILL INCLUDE THE FOLLOWING SUBSTANCES OR THEIR METABOLITES

- ❖ Marijuana

- ❖ Cocaine
- ❖ Opiates
- ❖ Phencyclidine (PCP)
- ❖ Amphetamines
- ❖ Alcohol

VII. INSPECTION AND SEARCHES

Town may conduct unannounced inspection for violations of this policy in the workplace, work sites, or company premises. Employees are expected to cooperate during any inspection.

VIII. VOLUNTARY TREATMENT

Town supports sound treatment efforts. Whenever practical, the Town will assist employees in overcoming drug and/or alcohol problems as long as this policy has not already been violated.

If an employee seeks treatment for drug and/or alcohol use, the employee may be eligible to go into a drug and/or alcohol treatment program either through Town medical insurance program or at his or her own expense.

If the employee enters an appropriate treatment program, Town may place the employee on unpaid status but the employee will be required to use any accrued vacation time and sick leave while participating in the program, so long as the employee is complying with the conditions of treatment. The Town can require a release to work and/or verification of treatment from the health care provider as described in the company's medical leave policies. More information regarding availability of treatment resources and possible insurance coverage for treatment services is available from the Human Resources Department.

IX. SAFEGUARDS/CONFIDENTIALITY

The drug screen analysis is accomplished through urinalysis testing. Alcohol testing may be through breath testing or blood testing. Samples will be collected in a sanitary environment designed to maximize employee's privacy while minimizing the possibility of sample tampering. If there is a positive drug and/or alcohol result on the initial screening test, the laboratory or blood alcohol technician will automatically do a second test to confirm the results. The second drug test will be performed using gas chromatography/mass spectrometry or other scientifically accepted method. A positive breath alcohol test will be confirmed by a second breath test. In the event the drug and alcohol test result are dilute, the applicant or employee will be required to re-test if the test result is a negative dilute.

All drug tests are performed by a government-certified outside laboratory. All government-certified outside laboratories strictly follow chain of custody guidelines to

ensure the integrity of the testing process. The laboratory shall use a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and the appropriate medical training to evaluate positive results, medical histories, and any other relevant biomedical information.

The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. If the results of the initial test are negative, the testing laboratory will report the results to the Town. No additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the permitted levels for any of the five drugs tested or for alcohol, a second confirmatory test shall be performed. Only specimens that are confirmed positive on the second (confirmatory) test are reported positive to the MRO for review and analysis. The MRO will contact the employee personally, in the case of a positive test result. The laboratory has the responsibility of reporting to the Town whether the test results are positive or negative.

An applicant or employee who has a positive drug test result without a legitimate medical explanation may request that the original sample be analyzed again at the individual's expense by a government certified laboratory. All requests for an independent analysis must be made in writing to the Town Clerk within seventy-two (72) hours of notification of a confirmed positive test result.

Each applicant or employee will have an opportunity to discuss the test results with an MRO in a confidential setting. Additionally, each applicant or employee will have an opportunity to discuss the test results with a representative of the employer in a confidential setting. The Town will keep the test results confidential and will share the results only within the Town on a need to know basis, in administrative law or other legal proceedings, and when required by law. Each applicant or employee upon his or her written request may be provided with a written copy of the positive test result. Upon written request to the Town Clerk within seven (7) days of taking the test, an employee may access records relating to his drug and/or alcohol test.

X. DISCIPLINARY ACTION

Testing Positive

- a) Employees who test positive for drugs and/or alcohol are in violation of this policy.
- b) Refusal to comply
- c) Employees who refuse required testing are in violation of this policy.
- d) Interference with Testing
- e) Employees who adulterate, tamper with, or otherwise interfere with accurate testing are in violation of this policy.

- f) Any employee who has been observed using or possessing illegal drugs, medical marijuana, or alcohol during work time, including lunch breaks, or on Town premises is in violation of this policy.

XI. AT-WILL EMPLOYMENT

Nothing in this policy is to be construed to prohibit Town from maintaining a safe and secure work environment or to limit its right to impose disciplinary actions as it may deem appropriate for reasons of misconduct or poor performance, regardless of whether the misconduct or poor performance arises out of the use of alcohol and/or drugs. Such disciplinary actions may include termination of employment. Employment is at-will and subject to termination by Town or the employee at any time, with or without notice and with or without cause.

ACKNOWLEDGMENT AND RECEIPT

I have received a copy of Town of Springerville's Drug and Alcohol Testing Policy and understand that in order to continue my employment with Town of Springerville, I must abide by the terms of this policy.

I also verify that I have received information on the effects of alcohol and controlled substances on my health, work and personal life, signs, and symptoms of a problem and available methods of intervening when a problem is suspected.

I UNDERSTAND THAT THIS POLICY IN NO WAY MODIFIES MY STATUS AS AN AT-WILL-EMPLOYEE AND IN NO WAY IMPLIES, INFERS, OR GUARANTEES MY CONTINUED EMPLOYMENT FOR ANY DEFINITE TERM AND THAT I MAY BE DISMISSED AT THE DISCRETION OF THE COMPANY FOR OTHER REASONS THAN FAILING TO FOLLOW THE TERMS OF THIS POLICY.

Employee

Date

I. Purpose

Town of Springerville is committed to a safe, healthy, and productive work environment for all employees free from the effects of substance abuse. The use of controlled substances (as herein defined) or alcohol may pose a serious threat to health and safety by impairing employee judgment, resulting in increased safety risks, injuries, and faulty decision-making.

The use of controlled substances or the misuse of alcohol increases the risk of accidents, jeopardizes the safe work environment, and causes harm to an individual's health and personal life. The purpose of this policy is to establish procedures to support a safety and health program and to comply with minimum federal safety standards for safety-sensitive functions regulated by the Department of Transportation (DOT). These standards were designed to reduce accidents that result from Employee use of controlled substances and alcohol.

II. Scope

This policy ***applies to all drivers who are required to hold a commercial driver's license (CDL) to perform their job for Town of Springerville.*** For purposes of this policy, a driver is covered by DOT regulations as those regulations relate to the driver's fitness-for-duty and use of alcohol prior to going on duty, while on duty, or while operating or having physical control of a commercial motor vehicle. DOT testing for controlled substances under this policy requires that drivers abstain from the use of controlled substances at any time or risk violating DOT regulations prohibiting the presence of controlled substances in their body.

For the purposes of this policy, the term "***controlled substances***" means those included in DEA schedules one through five (1-5) such as for example marijuana, cocaine, amphetamines, Methylenedioxyamphetamine (MDA), opioids, and phencyclidine (PCP).

Under this policy performing a safety-sensitive function means ***all of the time*** after a driver begins to work or is required to be ready to work until the time the driver is relieved from work and all responsibility for performing work.

Safety-sensitive functions include:

- 1) All time at Town of Springerville or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by Town of Springerville.
- 2) All time inspecting equipment as required by the law or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- 3) All time spent at the driving controls of a commercial motor vehicle in operation.
- 4) All time, other than driving time, in or upon any commercial motor vehicle.

- except time spent resting in a sleeper berth
- 5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
 - 6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

When a driver must take prescription or over-the counter drugs, the driver must ask the medical professional or pharmacist if the drug has any side effects which may impair the driver's ability to safely or productively perform the driver's job duties. If there is the potential impairment of the driver's ability to work safely or productively, the driver must report this information to the supervisor. With input from the driver, Town of Springerville will determine if the driver should work in their regular job, be temporarily assigned to another job, or placed off-work.

III. Statement of Policy

1. No driver shall unlawfully manufacture, use, possess, or distribute controlled substances.
2. No driver shall report for work, perform any safety-sensitive functions or, while in the employ of Town of Springerville, have at any time, any controlled substance present in their body without a legitimate medical explanation. Presence of controlled substances will be determined by testing performed as described in this policy.
3. No driver shall perform safety-sensitive functions within four (4) hours of consuming alcohol.
4. No driver shall consume alcohol while performing safety-sensitive functions.
5. No driver shall possess alcohol while on duty.
6. No driver shall report to work or perform safety-sensitive functions while having an alcohol concentration of point zero two (.02) or greater. Drivers' alcohol concentration will be determined by testing performed as described in this policy.
7. No driver shall leave the scene of an accident, without a valid reason, before arranging to have both a controlled substance and alcohol test performed.
8. No driver shall consume alcohol after an accident unless eight (8) hours have elapsed, the Driver has been tested or the Town of Springerville has determined that the driver's performance could not have contributed to the accident, whichever occurs first.
9. No driver may refuse to take a required test.

IV. Consequences of Violation under Town of Springerville Policy

Any violation of this policy will result in discipline up to and including termination under a Town of Springerville independent authority, as provided for by the DOT.

A driver who tests positive for marijuana is in violation of Springerville's drug policy, even

if the driver is exempt from criminal prosecution under a state medical marijuana law or is using marijuana recreationally in conformity with a state law. Be advised that a positive drug test for marijuana constitutes a violation of Springerville's drug and alcohol policy and may lead to your termination. For more information, please speak with the Town Manager.

Drivers who adulterate or otherwise interfere with accurate testing required pursuant to this policy are in violation of this policy.

Any driver who has been observed using or possessing controlled substances or alcohol during work time, including lunch breaks, or on Town of Springerville premises is in violation of this policy.

Town of Springerville will not hire applicants who test positive for controlled substances without a legitimate medical explanation for said substance.

Town of Springerville will provide to any driver who violates a DOT drug and alcohol regulation a listing of Substance Abuse Professionals readily available to the Driver.

V. Minimum Consequences of Violation as Mandated by D.O.T.

If a driver tests positive for a controlled substance without a legitimate medical explanation or has an alcohol concentration of point zero two (.02) or greater, the driver will be removed from safety-sensitive functions.

To be eligible to return to work after testing at an alcohol concentration of point zero two (.02) to point zero three nine (.039), the driver must be off duty for at least twenty-four (24) hours.

To be eligible to return to work after a positive controlled substance test without a legitimate medical explanation or test indicating an alcohol concentration of point zero four (.04) or greater, the driver must be evaluated by a Substance Abuse Professional (SAP). If the SAP determines that additional treatment is necessary, the driver must complete such treatment. In addition, the driver will be subject to follow-up testing. The evaluation and treatment will be paid for by the employee.

The above consequences are minimum requirements as set out by the D.O.T. Compliance with the above does not guarantee a driver will be returned to work following a violation of this policy. Drivers will be subject to disciplinary action up to and including termination for violation of this policy, regardless of eligibility to return to work under the DOT regulations.

Before a Driver returns to duty requiring the performance of a safety-sensitive function after violating the alcohol or controlled substance provisions outlined by DOT, the Driver shall undergo a return-to-duty test with a result indicating a verified negative test, or confirmation of a legitimate medical explanation for a positive test. The test will be paid

for by the employee.

VI. Substance Screening

For the purpose of assuring compliance with the Federal Department of Transportation regulations and this policy, applicants for safety-sensitive positions and drivers who perform safety-sensitive functions will be subject to controlled substance and alcohol screening under the circumstances described below. Applicants and Drivers are required to submit to testing in the following circumstances as a condition of their employment.

VII. Types of Testing

Pre-employment Testing

Applicants for driving-related positions shall undergo a test for the presence of controlled substances prior to being hired or used by Town of Springerville. Under no circumstances may a driver perform a safety-sensitive function until a confirmed negative result, or legitimate medical explanation for, the positive controlled substance result, is received.

Applicants who refuse to submit to testing will not be hired.

Testing for Current Drivers

1. Post-Accident Testing

Any Driver involved in an accident in which a fatality occurs must immediately submit to a controlled substance and an alcohol test. Any Driver who receives a citation for a moving traffic violation must immediately submit to a controlled substance test and the Town of Springerville will require testing even if a citation is not issued to the driver, upon its independent authority an alcohol test if:

- (a) The accident results in a fatality, or bodily injury to a person who must immediately receive medical treatment away from the scene
- (b) One or more of the vehicles involved is towed from the scene

A Driver will not be allowed to return to work until a confirmed negative test result is received. The Town of Springerville will place the Driver on a paid/non-paid leave pending receipt of the of drug testing results.

2. Reasonable Suspicion Testing

A Driver will be required to submit to controlled substance or alcohol test upon reasonable suspicion. **Reasonable suspicion means that the actions, appearance or conduct of the Driver on duty are indicative of the use and/or presence in the Driver's body of a controlled substance or alcohol.**

Reasonable suspicion is based on specific, contemporaneous, articulable observations

concerning the appearance behavior, speech, or body odors of the Driver.

A Driver will not be allowed to return to work until a confirmed negative test result is received or a verifiable legitimate medical explanation produced for the controlled substance. The Town of Springerville will place the Driver on a paid/non-paid leave pending the receipt of either. If the Driver test results are negative, they will be placed on paid leave. If the test results are positive without a legitimate medical explanation, the Driver will be placed on non-paid leave.

3. Follow-Up and Return to Duty

Any Driver who has been required to or voluntarily undergoes rehabilitation for substance abuse must submit to a drug test and receive a confirmed negative test result and an alcohol test (with a result of less than point zero two.(02)) before returning to work. In addition, the Driver will be subject to follow-up testing in accordance with the recommendations of the Substance Abuse Professional. Rehabilitation and testing will be paid for by the employee.

VIII. Testing Procedures

1. Controlled Substances

Controlled substance screening shall be conducted in a laboratory certified by the Department of Health and Human Services (DHHS) and in accordance with the Procedures for Transportation Workplace Drug Testing Programs. All controlled substance screening includes split sampling which provides that a urine sample be split into two separate containers.

Precautions shall be taken to ensure that the specimen is not adulterated or diluted during the collection procedure and that the information on the sample matches the information on the custody and control form.

Dilute test results will be treated as follows:

- Dilute positives are treated as a verified positive test;
- Dilute negatives with the creatinine concentration equal to or greater than 2 mg/dL but less than or equal to 5 mg/dL will be retested under direct observation. A second dilute negative result will be treated as a negative test result;
- Dilute negatives with the creatinine concentration greater than 5 mg/dL will/will not be retested. A second dilute negative result will be treated as a negative test result unless the MRO directs Town of Springerville to retest under direct observation.

The substance screen will test for the following drugs: marijuana, cocaine, opioids, amphetamines, phencyclidine (PCP) and ecstasy.

Any positive initial test will be confirmed by a gas chromatography/mass spectrometry

(GC/MS) test.

The Town of Springerville shall employ a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and appropriate medical training to evaluate positive test results, medical history, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

The MRO shall also review all specimens which are found to be adulterated or substituted specimens. In the instances of an adulterated or substituted specimen, the MRO will provide the driver an opportunity to present a legitimate medical explanation. If no legitimate medical explanation is provided, the MRO will report the verified adulterated or substituted specimen to the Town of Springerville Town Manager. The Town of Springerville will consider the verified adulterated or substituted specimen as a refusal to test and immediately remove the Driver from performing safety-sensitive functions. The Driver may then be subjected to the disciplinary action under the Town of Springerville's independent authority.

The MRO will be the sole custodian of the individual test results. The MRO will advise the Town of Springerville only of whether the test results were negative or positive.

After receiving notification of a verified positive test, an adulterated or substituted specimen, a Driver may request that the split sample be analyzed. Such a request must be made within seventy-two (72) hours of notification of the verified positive test. If such a request is made, the sample will be tested at another DHHS certified laboratory, at the Driver's expense. Upon written request within seven (7) days of a verified positive test, the Driver may obtain copies of any records pertaining to their controlled substance tests.

2. Alcohol Testing

Alcohol testing shall be conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT). The Driver will provide a breath sample. If a Driver's alcohol concentration is greater than point zero two (.02), a second, confirmation test will be performed.

IX. Refusal to Submit to Testing

This provision regarding the refusal to submit to testing excludes applicants for employment. Refusal to submit to testing is a violation of this policy. Any Driver refusing to submit to testing will be referred to a Substance Abuse Professional and will face appropriate disciplinary action. The following behaviors constitute a refusal:

Refusal to submit is defined as:

1. Refusal to appear for testing

2. Failure to remain at the testing site until the testing process is complete
3. Failure to provide a urine specimen
4. In instances of observed or monitored collection, failure to allow observation or monitoring
5. Refusal to sign the testing form
6. Failure to provide adequate breath
7. Failure to take a second test as directed
8. Otherwise fail to cooperate in the testing process,
9. Perform any actions which prevent the completion of the test
10. A test result reported by the MRO as a verified adulterated or substituted test,
11. Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation
12. Failure to undergo a medical examination or evaluation when directed,
13. Tampering with, attempting to adulterate, adulteration or substitution of the specimen, or interference with the collection procedure
14. Not reporting to the collection site in the time allotted
15. Leaving the scene of an accident without a valid reason before the tests have been conducted

X. Commercial Driver's License Drug and Alcohol Clearinghouse

Pursuant to regulations establishing requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse, the following personal information collected and maintained under this part shall be reported to the Clearinghouse:

1. A verified positive, adulterated, or substituted drug test result
2. An alcohol confirmation test with a concentration of point zero four (.04) or higher
3. A refusal to submit to any test required by FMCSA regulations
4. An employer's report of actual knowledge
 - a. On duty alcohol use
 - b. Pre-duty alcohol use
 - c. Alcohol use following an accident
 - d. Controlled substance use
5. A substance abuse professional (SAP) report of the successful completion of the return-to-duty process
6. A negative return-to-duty test
7. An employer's report of completion of follow-up testing

XI. Voluntary Driver Self-Identification Program

Town of Springerville supports sound treatment efforts. Whenever practical, the Town of Springerville will assist Drivers in overcoming drug and alcohol problems as long as this policy has not already been violated. A Driver may not self-identify in order to avoid required testing.

The following is required to participate in this voluntary program:

- a) The Driver makes the admission of alcohol misuse or controlled substances use **prior** to reporting to duty to perform a safety-sensitive function
- b) The Driver does not perform a safety-sensitive function until the Town of Springerville is satisfied that the Driver has been evaluated and has successfully completed education or treatment requirements.

Drivers who seek voluntary treatment prior to a violation of this policy will not be disciplined for making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program. The Driver will be allowed a sufficient opportunity to seek evaluation, education, or treatment to establish control over the driver's drug or alcohol problem. Drivers who seek voluntary assistance will be returned to safety-sensitive duties only upon successful completion of an educational or treatment program as determined by a drug and alcohol abuse evaluation expert. Prior to the Driver participating in a safety-sensitive function, the Driver shall undergo a return-to-duty test with a result indicating an alcohol concentration of less than zero point two (0.02) and/or controlled substance test with a verified legitimate medical reason or negative test. In addition, the Town of Springerville may monitor any Driver who voluntarily reports under this provision by conducting unannounced follow-up testing not to exceed sixty (60) months following the Driver's return to work.

If the Driver elects to enter an appropriate treatment program, the Driver may be placed on unpaid status but will be required to use any accrued vacation time and sick leave while participating in the evaluation and treatment program so long as the Driver is complying with the conditions of treatment. The Town of Springerville will have the right to require verification from the health care provider for a release to work and/or verification of treatment as covered in the Company's medical leave policies. More information regarding availability of treatment resources and possible insurance coverage for treatment services is available from the Town Clerk.

XII. Town of Springerville Representative

Please contact the Town Manager if you have any questions about this policy or wish to discuss issues related to the use of controlled substances or the misuse of alcohol.

XIII. Inspection and Searches

Town of Springerville may conduct unannounced inspection for violations of this policy in the workplace, worksites, or company premises. Drivers are expected to cooperate in any inspection.

XIV. At Will Employment

Nothing in this policy is to be construed to prohibit Town of Springerville from maintaining a safe work environment or imposing disciplinary action as it deems appropriate for reasons of misconduct or poor performance, regardless of whether the

misconduct or poor performance arises from drug or alcohol use. Such disciplinary actions may include termination of employment. Employment is at-will and subject to termination by Town of Springerville or the Driver at any time, with or without notice and with or without cause.

ACKNOWLEDGMENT AND RECEIPT

I have received a copy of Town of Springerville's D.O.T. Drug and Alcohol Testing Policy and understand that in order to continue my employment with Town of Springerville, I must abide by the terms of this policy.

I also verify that I have received information on the effects of alcohol and controlled substances on my health, work and personal life, signs and symptoms of a problem and available methods of intervening when a problem is suspected.

I UNDERSTAND THAT THIS POLICY IN NO WAY MODIFIES MY STATUS AS AN AT-WILL-EMPLOYEE AND IN NO WAY IMPLIES, INFERS, OR GUARANTEES MY CONTINUED EMPLOYMENT FOR ANY DEFINITE TERM AND THAT I MAY BE DISMISSED AT THE DISCRETION OF THE COMPANY FOR OTHER REASONS THAN FAILING TO FOLLOW THE TERMS OF THIS POLICY.

Employee

Date

RESOLUTION 499

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF SPRINGVILLE, ARIZONA, REGARDING THE ESTABLISHMENT OF A DRUG-FREE WORKPLACE FOR THE TOWN OF SPRINGVILLE.

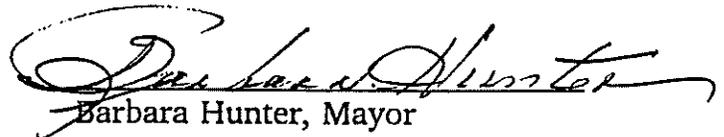
WHEREAS, the Town wishes to work toward maintaining a safe, drug-free environment for its employees; and

WHEREAS, the Town wishes to assist employees in identifying and combating Substance Abuse problems; and

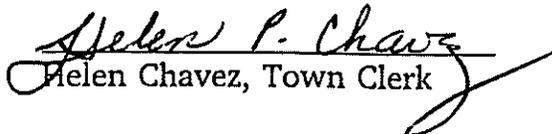
WHEREAS, the costs of substance abuse are injuries, illnesses, lost productivity and morale problems.

THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town Springerville adopts the attached policy regarding the establishment of a drug-free workplace. The Mayor and Common Council further requests that NOTICES similar to the one attached be placed in all Town buildings and workplaces. The policy and notices may be amended from time-to-time by the Town Manager without further approval of the Town Council.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Springerville this 19th day of Jan., 1993


Barbara Hunter, Mayor

ATTEST:


Helen Chavez, Town Clerk

APPROVED:

Jack Barker, Town Attorney

Dear Fellow Employee:

The purpose of this brochure is to communicate the Town's administrative regulation regarding "Substance Abuse Policy Guidelines."

The Town recognizes that substance abuse is a problem which impacts the work place. It has been estimated that 14 percent of the population in our country abuses alcohol or drugs. It has been proven that employees who abuse these substances have about four times more accident than non-abusers and that at least one third of worksite accidents can be attributed to drug or alcohol use. The Town is concerned with this and wants to work towards maintaining a safe, drug-free environment for its employees.

The Town's philosophy on substance abuse is to emphasize education and rehabilitation., Counseling and health recovery are available to those willing to use them.

Even with our emphasis on education and rehabilitation, it must be understood that disciplinary action will be taken against those who continue to demonstrate poor job performance whether or not the result of substance abuse. Disciplinary action will also be taken against those who are involved with or under the influence of drugs or alcohol while on the job.

Please become familiar with the Town's Substance Abuse Policy Guidelines. The Town Manager is available to assist individual employees and supervisors in addressing specific problems.

Sincerely,

Sam Gardom
Town Manager

SUBSTANCE ABUSE GUIDELINES

TOWN OF SPRINGVILLE

An Employee Manual

SUBSTANCE ABUSE

(A) **Purpose:** The Town of Springerville recognizes that its employees are its most important resource. The purpose of this document is to outline the Town of Springerville's policy regarding substance abuse and to provide guidance to supervisors in addressing these substance abuse issues.

(B) **Scope:** This policy applies to all Town of Springerville employees.

(C) **Policy Guidelines:** The Town's policy has been broken down into eleven basic guidelines which address the problem from both the employee's and the supervisor's perspective. Some of these guidelines have been highlighted with a * which indicates that additional guidance on programs available and procedures to be followed on these matters are included in Section D of this document.

1. The Town of Springerville recognizes that substance abuse may have an adverse effect on employee safety and job performance and it is concerned with this impact.

2. The Town of Springerville recognizes that substance abuse can be successfully treated, enabling the employee to maintain or return to a satisfactory job performance level.

* 3. Employees who are concerned about their alcohol and/or drug use are strongly encouraged to voluntarily seek assistance. The Employee Assistance Program is available as a resource for all employees. (See Section D).

4. It is employee's responsibility to demonstrate satisfactory job performance.

* 5. It shall be the responsibility of supervisors at every level to encourage employees to use the Employee Assistance Program when deteriorating or unsatisfactory job performance does not respond to usual supervisor actions or when on-the-job incidents or behavior are a cause for concern. A supervisor should not attempt to diagnose an employee's personal problems. The supervisor's role is to monitor job performance. (See Section D).

6. The employee's compliance with recommendations by the Employee Assistance Program is voluntary. Use of this program does not replace normal disciplinary procedures for unsatisfactory job performance.

7. The employee's job security and/or promotional opportunities will not be negatively impacted by utilization of the Employee Assistance Program or any other treatment services.

8. Confidentiality is an essential element of both the Employee Assistance Program and substance abuse treatment. Any employee violating this confidentiality will be subject to serious disciplinary action.

* 9. Reporting for work under the influence of alcohol, drugs, or any substance which negatively impacts an employee's job performance to the slightest degree is prohibited. When there exists reasonable cause to suspect that the employee is under the influence of alcohol, drugs, or any substance while working, the supervisor may direct the employee to submit to drug screening and blood alcohol tests. Refusal to submit to such test will result in disciplinary action up to and including dismissal. Any employee using medication or prescribed drugs which may interfere with his/her job duties, shall report this fact to his/her supervisor before going on duty. (See Section D).

10. The use or unlawful manufacture, distribution, dispensing or possession of alcohol, drugs or controlled substances while on duty or on Town property is prohibited and will not be tolerated by the Town. Any employee who violates this section of th policy will be subject to appropriate discipline as determined by the Town Manager.

11. Prevention and treatment of alcohol and substance abuse among employees will be addressed through educational programs available to all Town employees.

(D) **Additional Programs and Procedures:** To better guide employees; and their supervisors on how to handle certain substance abuse matters, more in depth guidance follows. Information is provided on the programs available and the procedures which should be carefully followed.

Guideline No. 3: Employees who are concerned about their alcohol and/or drug use are strongly encouraged to voluntarily seek assistance. The employee assistance program is available as a resource for all employees.

The Employee Assistance Program (Town Manager) offers confidential counseling, assessments, and referral to appropriate screening and treatment facilities. Any employee of the Town of Springerville wishing confidential assistance for a possible alcohol or drug problem can call the Town Manager and arrange for an appointment.

All self-referral contacts are held in confidence by the Town Manager unless the employee requests, through specific written release of information, that the department supervisor, or other parties be notified. If the problem involves danger to employees or to the public or increased liability for the Town because of the nature of the employee's job duties, the Town Manager shall notify the department supervisor that the employee's assignment should be modified, where possible.

The employee can schedule the appointment on his/her own time (days off, before or after the work shift, during lunch break) without letting anyone in the department know of this. The employee can also schedule the appointment on Town time with the approval of the supervisor. Sick leave may be used for counseling with the Town Manager or use of a treatment program with the approval of the Town Manager and the employee's supervisor.

Health Insurance - Health insurance coverage may apply to substance abuse treatment within the terms of each individual's specific policy. The employee assumes the financial responsibility for all services which are not covered by insurance.

Guideline No. 5: It shall be the responsibility of supervisors at every level to encourage employees to use the employee assistance program when deteriorating or unsatisfactory job performance does not respond to usual supervisory actions or when on-the-job incidents or behavior are a cause for concern. A supervisor should not attempt to diagnose an employee's personal problems. The supervisor's role is to monitor job performance.

Observation - A supervisor who observes a continuing decline in job performance or attendance is encouraged to refer the employee to the Town Manager when usual supervisory actions have failed to yield improvement. If the employee refuses to accept the referral, the supervisor should document this fact.

To make a supervisory referral:

(1) The supervisor documents the job performance or attendance problems of the employee.

(2) The supervisor discusses these observations with the employee and requests he/she meet with the Town Manager.

(3) The supervisor calls the Town Manager and describes the job performance problems. An appointment for the employee is scheduled on Town time as "Town business."

(4) After the appointment, the Town Manager or treatment program counselor will let the supervisor know if the employee did or did not keep the appointment and if and when subsequent appointments are scheduled. The Town Manager or treatment program counselor will continue to let the supervisor know if the employee is following recommendations. The nature of the problems will not be discussed with the supervisor unless the employee requests this through specific written release of information. Any supervisor who violates the employee's confidentiality will be subject to disciplinary action.

Guideline No. 9: Reporting for work under the

influence of alcohol, drugs, or any substance which negatively impacts an employee's job performance to the slightest degree is prohibited. When there exists reasonable cause to suspect that the employee is under the influence of alcohol, drugs, or any substance, the supervisor may direct the employee to submit to drug screening and blood alcohol tests. Refusal to submit to such tests will result in disciplinary action up to and including dismissal. Any employee using medication or prescribed drugs which may interfere with his/her job duties, shall report this fact to his/her supervisor before going on duty.

~~Determining~~ **"Reasonable Cause to Suspect"** - If a supervisor believes an employee may be under the influence of alcohol, drugs, or any other substance, the supervisor should determine if there is "reasonable cause to suspect." Reasonable cause to suspect shall be determined from all the facts and circumstances available including: slurred speech, red eyes, dilated pupils, incoherence, unsteadiness on feet, smell of alcoholic beverage or marijuana emanating from the employee's body, inability to carry on a rational conversation, increased carelessness, erratic behavior, inability to perform the job, or other unexplained behavioral changes, etc. The supervisor should document these observations in writing.

The supervisor should also speak with the employee to determine if there is a reasonable explanation for the conduct. The supervisor is encouraged to seek the opinion of at least one other supervisor. If, after these steps, the supervisor believes that there is reasonable cause to suspect that the employee may be under the influence of alcohol, drugs, or any other substance, the supervisor shall contact the Town Manager, or his designee, prior to asking the employee to submit to a drug screen and/or blood alcohol test.

Referral for Testing - If the Town Manager concurs that a drug screen and/or blood alcohol test is necessary, the employee shall be asked to sign a consent form submitting to the test and authorizing release of the test results to the Town Manager. The employee should be informed that the tests will be conducted on Town time, paid for by the Town, and are part of his/her job responsibilities. The employee should be informed that refusal to take the test or sign the release of information may result in disciplinary action up to and including dismissal. The employee shall be accompanied to a Town-designated collection facility for the testing. After the testing has been completed, the employee; shall be placed on administrative leave with pay and taken home.

Testing - Testing may include blood samples, urine samples, breath samples and field sobriety testing. Two tests shall always be performed.

Test Results - An employee who tests positive shall be considered to be unfit for duty and shall remain or be placed back on administrative leave with pay until further notice by the department.

Discipline/Treatment - If, on the basis of test results and/or the observation of the employee's behavior, the supervisor determines that the employee was under the influence of alcohol, drugs, or any other substance while on duty, appropriate disciplinary action, up to and including dismissal, will be taken.

The employee may be referred to a drug/alcohol screening program for assessment for possible participation in a rehabilitation or treatment program. However, participation in a rehabilitation or treatment program shall not preclude the Town from exacting appropriate disciplinary action.

For more information regarding substance abuse and assistance offered by the Town of Springerville, please call:

* Sam Gardom, Town Manager at 333-2656

RESOLUTION NO. 99-R004

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF SPRINGERVILLE, ARIZONA APPROVING A DRIVERS' DRUG AND ALCOHOL POLICY FOR TOWN EMPLOYEES WHO DRIVE TOWN VEHICLES AND WHO HAVE COMMERCIAL DRIVER'S LICENSES.

WHEREAS, the Town is required under the provisions of the Federal Omnibus Transportation Employee Testing Act of 1991 to implement a drug and alcohol testing program for Town employees who drive Town vehicles and who have commercial driver's licenses; and

WHEREAS, the Town has a policy in place, but wishes to memorialize it in writing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Springerville, Arizona that:

Section 1: The Town hereby adopts the attached Drivers' Drug and Alcohol Policy for Town employees who drive Town vehicles and who hold commercial driver's licenses.

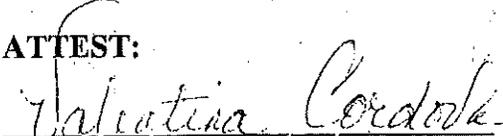
Section 2: The Town Manager shall designate a Program Coordinator to implement the Drivers' Drug and Alcohol testing program of the Town within the guidelines of Federal and State law and of this Policy.

PASSED, ADOPTED AND APPROVED by the Mayor and Common Council of the Town of Springerville, Arizona, this 17th day of March, 1999.

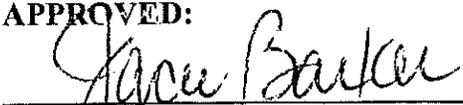
TOWN OF SPRINGERVILLE


Michael W. Dew, Mayor

ATTEST:


Valentina Cordova, Town Clerk

APPROVED:


Jack Banker, Town Attorney

OFFICIAL COPY

FILE COPY

TOWN OF SPRINGERVILLE DRUG & ALCOHOL POLICY

It is the policy of the Town of Springerville that its drivers should be free from drug and alcohol abuse. Consequently, the use of illegal drugs or improper use of alcohol by drivers is prohibited. The overall goal of drug and alcohol testing is to ensure a drug-free and alcohol-free transportation environment and to reduce accidents, injuries and fatalities. The requirements of this policy are in addition to other requirements established by federal and state law and board policy regarding the use of alcohol and drugs. In some instances, those laws or policies may be more restrictive than the requirements set out in this policy.

The Town of Springerville is required under the provisions of the federal Omnibus Transportation Employee Testing Act of 1991 to implement a drug and alcohol testing program for all persons subject to commercial driver's license requirements. This program includes drug and alcohol testing such drivers for reasons of reasonable suspicion, random, post-accident, return-to-duty and follow-up and pre-employment drug testing. In addition, the Town of Springerville is responsible for maintaining appropriate records, and notifying drivers of the requirements and consequences of the program.

IMPLEMENTATION DATE

The testing program referred to in this policy shall be implemented on January 1, 1996.

DEFINITIONS

For the purpose of this policy, the following terms are defined:

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl and isopropyl.

Driver - Any person who operates a commercial motor vehicle. This include full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors.

Drug - Includes any of the following controlled substances: marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). Medical Review Officer (MRO)-A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a Town of Springerville's drug testing program who meets the qualifications as listed in 49 CFR 40.3.

Regulations - Those regulations promulgated by the Department of Transportation found at 49 CFR part 40, and the regulations promulgated by the Federal Highway Administration found at 49 CFR part 382, as from time to time amended

Safety Sensitive Function - Includes all on-duty functions performed from the time a driver begins work or is required to be ready to work. It includes driving; waiting to be dispatched, inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for

1. Was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or

2. Receives a citation under state or local law for a moving traffic violation arising from a recordable accident. A recordable accident includes: (a) bodily injury requiring immediate treatment away from the accident scene, or (b) disabling damage to one or more vehicles requiring the vehicle to be towed or transported away from the scene of the accident.

Drivers shall make themselves readily available for testing, unless such driver has the need for immediate medical attention.

No such driver shall use alcohol for eight hours after the accident, or until after he or she undergoes a post-accident alcohol test, whichever comes first. An alcohol test must be performed within eight hours following an accident and a drug test within 32 hours. Drivers must follow all post-accident instructions given by the Town of Springerville.

Post-accident testing requirements may be fulfilled by properly administered tests conducted by federal, state and/or local law enforcement officials as long as the results of those tests are provided to the Town of Springerville.

RANDOM TESTING

Alcohol and drug testing shall be conducted on a random basis at unannounced times throughout the year in accordance with the federal regulations. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made. Random selections shall be spread throughout the year. Drivers who have been told of their random selections shall, from the point of being informed, devote every action to providing a specimen. Any action that impedes the proper administration of a test shall be considered refusal to test.

REASONABLE SUSPICION TESTING

Any qualified supervisor or Town of Springerville administrator who has reasonable suspicion to believe that a driver has violated the alcohol or drug prohibitions of the Town of Springerville shall require the driver to submit to reasonable suspicion test. A qualified supervisor or administrator must be a person who has been properly trained, in accordance with federal regulations, to make a determination that reasonable suspicion exists. This reasonable suspicion must be based on specific, contemporaneous, articulate observations concerning the appearance, behavior, speech or body odors to the driver. The observations may include indication of the chronic and withdrawal effects of drugs.

Alcohol testing is authorized for reasonable suspicion or only if the required observations are made just before, during or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the Town of Springerville shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours, and the Town of Springerville will state in the record the reasons for not administering the test.

A qualified supervisor or Town of Springerville administrator who makes observations leading to a reasonable suspicion test shall make a written record of his or her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

RETURN TO DUTY TESTING

An alcohol or drug test shall be conducted when a driver who has violated the Town of Springerville's alcohol or drug prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty test produces a verified test result of less than 0.02.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty test produces a verified negative result.

FOLLOW-UP TESTS

A driver who violates the Town of Springerville's alcohol or drug prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving an alcohol or drug problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during or just after the time when the driver is performing safety-sensitive functions. Refusal to Submit to Tests - No driver shall refuse to submit to any of the tests. An employee will be considered to refuse to submit when he or she fails to provide adequate breath or urine for testing when notified of the need to do so, or when he or she engages in conduct that clearly obstructs the testing process. Such refusal will be treated as if the Town of Springerville received a positive test.

TESTING PROCEDURES

The Town of Springerville shall follow the federal guidelines and standards of the Department of Health and Human Services and the Department of Transportation regarding testing and laboratory procedures. This shall include a selection of sites with appropriately trained personnel for alcohol and drug testing, selection of a laboratory certified by the Department of Health and Human Services to conduct drug specimen analysis, and selection of a Medical Review Officer to verify laboratory drug test results. The drug and alcohol testing program of this Town of Springerville shall provide individual privacy in the collection of specimen samples to the maximum extent possible. The specimen collection procedures and chain of custody shall ensure that specimen security, proper identification and integrity are not compromised.

ENFORCEMENT

Employees whose conduct involved alcohol and drug use cannot return to duty in a safety-sensitive function until the return-to-duty test produces the required result. A driver who is tested and found to have an alcohol concentration of 0.02 or greater, but less than 0.04 shall not perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period but not less than 24 hours after the test was administered. Further employment actions up to and including termination may be instigated in accordance with the Drug Free Workplace Act of 1988 (P. L. 101-226), other state and federal laws, and Town of Springerville policy. In the event a driver tests positive for drugs, or has a confirmed alcohol concentration of

0.04 or greater, or violates a prohibited conduct, the Town of Springerville does not guarantee that a position will be held open for a driver in the event that they become re-qualified.

REHABILITATION

The Town of Springerville shall provide for the identification of a Substance Abuse Professional (SAP) for treatment for those employees who have violated the prohibitions of the regulations. This information shall include the names, addresses and telephone numbers of SAPs and counseling and treatment programs. Any rehabilitation or evaluation sought shall be at the expense of the driver.

EMPLOYEE'S RECORDS

Employees' alcohol and drug test results and records shall be maintained in strict confidentiality and released only in accordance with law. Upon written request a driver shall receive copies of any records pertaining to his or her use of alcohol or drugs, including any records pertaining to his or her tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver. Test records shall be maintained with the separate medical files of each employee.

TOWN OF SPRINGERVILLE RECORDS AND REPORTS

The Town of Springerville shall maintain records of its alcohol and drug prevention programs as required by federal law in 49 CFR 382.401.

NOTIFICATION

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations Title 49, Part 382, together with a copy of the Town of Springerville's policy. The program coordinator shall ensure that all covered employees receive written materials explaining the Town of Springerville's drug and alcohol misuse prevention program requirements including:

1. The identity of the program coordinator, a contact person knowledgeable about the materials, policy, administrative regulations and the Omnibus Act;
2. The categories of employees covered;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning prohibited conduct;
5. The circumstances under which employees will be tested;
6. Procedures used in the testing process;
7. The requirement that a driver submit to alcohol and drug tests administered in accordance with federal law;

8. An explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater, but less than 0.04; and
11. Information on the effects of drug and alcohol misuse on personal life, health and safety in the workplace.

Drivers shall also receive information about legal requirements, Town of Springerville policies and disciplinary consequences related to the use of alcohol and drugs.

Employees shall sign a statement certifying that they have received the materials.

Before any driver operates a commercial motor vehicle, the Town of Springerville shall provide him or her with post-accident testing requirements.

Before drug and alcohol tests are performed, the Town of Springerville shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The Town of Springerville shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his or her employment application.

The Town of Springerville shall notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The Town of Springerville shall also tell the driver which controlled substance(s) were verified as positive.

In the event a driver tests positive for a controlled substance, the driver shall have the right to have the split specimen (collected at the same time as the tested specimen) re-tested, provided that the driver provides written notice to the Medical Review Officers (MRO) within 72 hours of being notified of the positive result.

NOT A CONTRACT - This policy does not create a contract, either express or implied. The Town of Springerville may change the policy at any time, without notice.

**TOWN OF SPRINGERVILLE
MEMORANDUM**

TO: Springerville Town Council
FROM: Joseph Jarvis, Town Manager
DATE: 01/20/2021
SUBJECT: Pioneer Irrigation Co. Representative

SUGGESTED MOTION:

No motion is required.

Staff is requesting that the Town Council to select a Town representative to attend the Pioneer Irrigation Company Inc. Annual Meeting.

STAFF REPORT

The Town of Springerville is a member of the Irrigation Company Inc. and owns shares of the company. The Town may attend the meeting, vote on board membership, and run for a board seat.

**TOWN OF SPRINGERVILLE
MEMORANDUM**

TO: Springerville Town Council
FROM: Joseph Jarvis, Town Manager
DATE: 01/20/2021
SUBJECT: Planning and Zoning Administrator

SUGGESTED MOTION:

I move to appoint Manager Jarvis as the Planning and Zoning Administrator.

OR

I move to table this item

STAFF REPORT

Per 16.08.010 and 17.20.010 of the Town Code, the Town Council shall appoint a Planning and Zoning Administrator. At this time, the Manager Jarvis is fulfilling these roles for the Town of Springerville.