



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 there 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) | Minutes published on 01/14/2021, adopted on 01/20/2021