

**EAGAR TOWN COUNCIL
LEGAL ACTIONS
FEBRUARY 3, 2009**

UNFINISHED BUSINESS

CONSIDERATION OF APPOINTMENT OF A COUNCIL MEMBER FOR THE UNEXPIRED TERM OR NEXT REGULARLY SCHEDULED ELECTION AND TAKING OF OATH BY THE APPOINTEE

Councilor Dustin Sanders moved to appoint Steve Erhart to the vacant position on the council. There were no other nominations. Councilor Guy Phelps seconded; all were in favor, motion carried unanimously. 6-0

The oath of office was administered and taken by Mr. Erhart, and he took his seat on the council.

NEW BUSINESS

CONSIDERATION OF A “PARTNER UP, ARIZONA” PROCLAMATION SUPPORTING A DRUG-FREE AMERICA

Vice-Mayor James Nelson moved to support Proclamation “Partner Up, Arizona”. Councilor Gary Finch seconded.

Discussion: Police Chief Mike Hogan, speaking on behalf of the Apache County Youth Council, stated that drug awareness is ongoing with anti-meth presentations to public bodies, and programs in schools. Councilor Byron Smith would like the town to participate in broadening drug-free awareness through this proclamation.

All were in favor of the motion, motion carried unanimously. 7-0

DISCUSSION AND CONSIDERATION OF THE ROUND VALLEY RODEO CLUB (RVRC) FEE FREE USE OF THE EAGAR ARENA FOR THE 2009 RODEO SEASON

Vice-Mayor James Nelson moved to grant the Round Valley Rodeo Club fee free use of the Eagar Arena for the 2009 rodeo season. Councilor Byron Smith seconded.

Discussion: Marilee McBride stated that the RVRC holds six jackpot events, as well as three rodeo events over the summer. Last year the RVRC recorded 150 children participated in the rodeo club events. The RVRC has been an active volunteer for Eagar Daze organizing and running the foot race events, and they plan to do so again this year. The RVRC also gives the Town twenty percent of its membership fees per season. The use of the arena lights will be minimal, and RVRC members work the arena on a tractor provided by the Town. Public Works Director Elwin Browning stated that the RVRC has always taken great care of the arena and facilities when they use them.

Vice-Mayor Nelson had investigated the cost to the Town to allow this activity, and determined other than minimal fuel cost for the tractor and lights, that the arena is not in great demand prohibiting the Town from generating revenue from its use.

All were in favor of the motion, motion carried unanimously. 7-0

DISCUSSION AND CONSIDERATION TO APPOINT JOHN UDALL TO THE PLANNING AND ZONING COMMISSION TO FINISH THE TERM THAT ENDS JANUARY 1, 2010

Councilor Gary Finch moved to appoint John Udall to the Planning and Zoning Commission. Councilor Dustin Sanders seconded; all were in favor, motion carried unanimously. 7-0

DISCUSSION AND CONSIDERATION OF RESOLUTION 2009-03 ADDING THE EAGAR PERSONNEL POLICY SECTION 21 ADOPTING A FRAUD POLICY FOR THE TOWN OF EAGAR

Vice-Mayor James Nelson moved to approve Resolution 2009-03 adding to the Eagar Personnel Policy Section 21 adopting a Fraud Policy with an amendment to the policy to read: "SECTION 21.9 – "ADMINISTRATION": The Finance Director is responsible for the administration, revision, and interpretation of this policy." Councilor Steve Erhart seconded.

Discussion: The Fraud Policy calls for an Audit Committee to be assembled for the purpose of investigations. Finance Administrator Katie Wood suggested that the Audit Committee consist of community members that have a strong background in finances such as a Certified Public Accountant.

All were in favor of the motion, motion carried unanimously. 7-0

DISCUSSION AND CONSIDERATION OF RESOLUTION 2009-04 AMENDING THE TOWN CODE BY REVISING TITLE 2, SECTION 2.04.070(A), PAID HOLIDAYS

Vice-Mayor James Nelson moved to approve Resolution 2009-04 amending the Town Code by revising Title 2, Section 2.04.070(A), Paid Holidays. Councilor Byron Smith seconded; all were in favor, motion carried. 7-0

DISCUSSION AND CONSIDERATION OF RESOLUTION 2009-06 APPROVING BANK OF THE WEST FINANCING OF RAMSEY PARK FOR THE OUTRIGHT PURCHASE OF 216 EAST 2ND AVENUE (PULSIPHER PROPERTY) FOR THE EAGAR SPORTS COMPLEX

Vice-Mayor James Nelson moved to approve Resolution 2009-06 approving Bank of the West financing of Ramsey Park for the outright purchase of 216 East 2nd Avenue (Pulsipher Property) for the Eagar Sports Complex. Councilor Dustin Sanders seconded.

Discussion: Councilor Gary Finch asked whether the fire department buildings were encumbered as collateral for the loan. Community Development Director Bruce Ray stated that Ramsey Park is made up of five parcels and he believes that the fire department straddles two parcels. To

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exclude the fire department from encumbrances, would involve a survey and appraisal that could cost in excess of \$4500. Ms. Wood stated that the Ramsey Park property is third in line as collateral after State Shared Revenues first and sales tax revenues second.

Mr. Greenwood stated that the Town will try to prompt Bank of the West to complete the loan by February 13th. State Parks must have notice of the loan by this date or the grant will be forfeited.

All were in favor of the motion, motion carried unanimously. 7-0