

**MINUTES
EAGAR TOWN COUNCIL
REGULAR MEETING
22 W. 2nd St., Eagar, AZ
March 10, 2009 – 7:00 P.M.**

Mayor Kim Holaway called the meeting to order and welcomed those present. Mayor Holaway stated that all council members are present. Mayor Holaway led the Pledge of Allegiance, and Mike Hogan offered the invocation.

COUNCIL PRESENT: Kim Holaway, Mayor
 James Nelson, Jr., Vice Mayor
 Gary Finch
 Dustin Sanders
 Guy Phelps
 Byron Smith
 Steve Erhart

STAFF PRESENT: Bill Greenwood, Town Manager
 Bruce Ray, Director of Community Development
 Mike Hogan, Chief of Police
 Katie Wood, Finance Administrator
 Elwin Browning, Public Works Administrator
 Doug Brown, Town Attorney
 Eva Wilson, Town Clerk

ITEM #5: REPORTS

A. MAYOR

The Eagar and Springerville Councils held a joint meeting to discuss the *Round Valley Round Up*, a joint tourism event that will be held May 23rd.

“*Ready, Set, Relax*” will be recognized on April 14th, encouraging families to take time off to spend together.

Beginning in April, the Eagar Council will meet in regular session on the first and third Tuesday of the month.

Agenda item #9 F will not be heard tonight and may be added to a future agenda. Agenda item #9 E will not be heard tonight due to illness of the presenter.

B. COUNCIL

None

C. STAFF

None

ITEM #6: OPEN CALL TO THE PUBLIC

Richard McBride stated that the Gymnastic Program recently held their program and it was another success. The Town sponsors the Gymnastic Program and Mr. McBride offered his appreciation to the Town for their continued support.

ITEM #7: CONSENT AGENDA

APPROVAL OF MINUTES OF THE JOINT COUNCIL MEETINGS HELD FEBRUARY 2009

APPROVAL OF MINUTES OF EAGAR TOWN COUNCIL MEETINGS HELD FEBRUARY 2009

APPROVAL OF FEBRUARY 2009: BANK TRANSMITTALS 1-22, BANK OF THE WEST CHECKS WRITTEN FROM 13046-13059, NATIONAL BANK OF AZ CHECKS WRITTEN FROM 25715-25889, PAYROLL DIRECT DEPOSIT VOUCHERS 2120901-2260938, COMMUNITY FIRST CREDIT CARD PURCHASES

Vice-Mayor James Nelson moved to approve the Consent Agenda as presented. Councilor Dustin Sanders seconded; all were in favor, motion carried unanimously. 7-0

ITEM #8: UNFINISHED BUSINESS

A. DISCUSSION AND CONSIDERATION OF THE MONTHLY FINANCIAL REPORT / STATUS OF FISCAL YEAR 2008/2009 BUDGET, AND THE TOWN'S SALES TAX REVENUE REPORT

Finance Administrator Katie Wood reported that she has removed the expenditures and revenues pertaining to WIFA; those projects have been placed on hold for now. She has also backed out \$147,955 from HURF as the Town will not receive this revenue.

Town Manager Bill Greenwood reported that sales tax revenues are down slightly from this same time period last year. This is the first month that this has happened since this report has been submitted to the Council.

B. DISCUSSION AND CONSIDERATION OF THE CINDER PIT FINANCIAL STATUS

The cinder pit is operating at approximately the same loss it has experienced since the Town signed the Lease Agreement. Councilor Steve Erhart recommends rescinding the Lease Agreement with Jack McCall. Councilor Erhart did suggest that the Town find interested

private parties to operate the cinder pit until the Town could be released from the Lease Agreement. The Town could place the money it is spending to operate the cinder pit into a reserve fund. Councilor Erhart also suggested that weight scales at Blue Hills or Reidhead's could be used to weigh the outgoing product; this will give an accurate measure to charge from.

Councilor Dustin Sanders moved to exercise the 30-day option to rescind the Lease Agreement with Jack McCall for the Cinder Pit by the first of April to be effective May 1, 2009; and at the same time to put out a letter to private parties to operate the cinder pit for 30 days. Vice-Mayor James Nelson seconded the motion.

Discussion: Councilor Guy Phelps stated that the Town should never have entered into the Lease Agreement if the Town wasn't willing to give it a viable chance. Councilor Gary Finch stated that the cinders are a needed product in the community by citizens and contractors; however, he believes the Town may be competing with private enterprise.

Citizen Dale Hall stated that he operates a gravel pit and in his experience the Town has not given the cinder pit an opportunity to recoup its losses. He stated that the Town has approximately \$30,000 - \$40,000 worth of material on hand at this time and when the product is sold the Town will show no loss.

Four were in favor of the motion; Councilor Byron Smith, Councilor Guy Phelps, and Mayor Kim Holaway opposed, motion carried. 4-3

C. DISCUSSION AND CONSIDERATION OF ANY ACTION TO BE TAKEN ON LEGISLATIVE ISSUES

Mayor Holaway has drafted a letter to Senator Sylvia Allen (with copies forwarded to Representative Jack Brown, and Representative Bill Konopnicki) regarding municipalities ability to assess impact fees.

Mayor Holaway has also drafted a letter Congresswoman Ann Kirkpatrick urging her support for use of woody biomass products obtained from National Forests.

The Little Colorado Recreation Committee regional committee had received a donation to conduct a conceptual design study for a new swimming pool. The Recovery Act disallows for swimming pools to be proposed as a project.

ITEM #9: NEW BUSINESS

A. DISCUSSION AND CONSIDERATION TO CANCEL THE RODEO GROUND LEASE WITH APACHE COUNTY

Bryce Hamblin stated that his non-profit group would like the Town of Eagar to cancel the Lease Agreement it has with Apache County in regards to the rodeo arena and event center. He stated that he would like to see Apache County and the Town renegotiate the Lease
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Agreement on the “Blue Building”, and he would like to enter into an agreement with Apache County for the rodeo arena, grandstands, and parking area.

Mr. Hamblin argued that the Town does not know how to manage the arena nor do they have the funds to make needed modifications to the facility. He also argued that the Apache County Sheriff’s Posse does not effectively sponsor the 4th of July Annual Sheriff’s Posse Rodeo. He stated that he would allow the Sheriff’s Posse to continue selling beer/concessions at the 4th of July rodeo as a fund raiser.

Mr. Hamblin stated that if his group operated the rodeo grounds, all of the money would go back into the facility to make the much needed modifications, provide insurance for events, and that he would then be able to entice many diverse events to the arena, thus bringing revenue to the community. Mr. Hamblin’s supporters reported how the arena is too antiquated for modern rodeo events, how the facility needs significant modifications and management.

Vice-Mayor James Nelson stated that in his meetings with Mr. Hamblin, Mr. Hamblin has never submitted an organized, operational, “concrete” proposal of his ideas; nor has he provided any documentation to prove successful history, knowledge, or experience of this type of endeavor. All of Mr. Hamblin’s presentations have been speculative.

Councilor Gary Finch stated that the Sheriff’s Posse’s primary funding for their search and rescue efforts, that benefit all of Apache County, is received from the 4th of July rodeo proceeds.

The Apache County Sheriff’s Posse has already made multiple financial obligations for the upcoming 97th Annual Rodeo.

The Town has always advised Mr. Hamblin that the arena is available for his group to lease or sublease. The Town has suggested alternative dates (other than July 4th) for Mr. Hamblin to hold rodeo events.

There was much discussion and argument between Mr. Hamblin, Mr. Hamblin’s supporters, citizens, and members of the Apache County Sheriff’s Posse. Mayor Holaway and several other council members expressed their displeasure in the involved party’s inability to come together with their experience, knowledge, ideas, and commitment to the community to bring a quality product to the area.

Town Manager Greenwood stated that last year the Town had a Rodeo Committee that was working on a grant and other plans for the facility. He recommended that the Rodeo Committee be re-established and plans for the facility continue. Mayor Holaway and Councilor Byron Smith suggested that Mr. Hamblin and the Sheriff’s Posse work on a solution together.

B. DWAYNE WALKER TO ADDRESS THE COUNCIL REGARDING SELECTIVE CODE ENFORCEMENT – JUNK VEHICLES

Dwayne Walker stated that he was issued a citation for violation of Town Code 18.64.160. Mr. Walker stated that he was cited based on a complaint that the Community Development Department received from a neighbor. He would like the Town to either enforce all code violations based on active enforcement or not to enforce the code at all – he does not agree with complaint based enforcement. Mr. Walker stated that he received a “rude letter” from the Town “threatening” him to ratify the situation.

Mr. Walker stated he is willing to donate to the Town a front-end loader, one day a month, on a Saturday, to help those citizens that cannot afford to clean up their yards. The Town must supply the labor.

Mr. Walker introduced his attorney, Jack Barker. Mr. Barker stated that he had been the Town of Pinetop-Lakeside’s Town Attorney for numerous years. That Pinetop-Lakeside had cleaned up their community with active and complaint-based code enforcement. The code enforcement officer was expected to knock on the violator’s door, and to “nicely” request for the property owner to clean up their property. Their enforcement relied on the education of the public via newspaper articles, flyers and one-on-one conversations.

Their code allowed a maximum of 90 days for the property owner to clean up their property or the Town would clean it for them for a fee. If the fee is not paid, their code allows a lien to be placed on the property until payment is received. Mr. Barker stated that these types of violations can be costly to take through the court process.

Vice-Mayor Nelson inquired as to whether the Town could send out manpower once a week for at least 4 hours to conduct active enforcement. Community Development Administrator Bruce Ray stated that his department is currently working on the Town’s Capital Improvement Plan, Town’s General Plan, as well as being responsible for flood plain matters, planning and zoning, and normal building permit duties. Councilor Gary Finch stated it is not the Town’s responsibility to keep the town clean; it is the Town’s responsibility to enforce the code.

Mr. Ray is given direction by the Council to perform active code enforcement for the remainder of the fiscal year, to keep track of time and expenses so that the department can report back to Council on its fiscal and manpower needs, and to meet with Mr. Walker regarding his donation offer to clean up “in-need” properties on Saturdays. Mr. Ray is to report back to the Council the first meeting in April.

C. DISCUSSION AND CONSIDERATION OF PLACING A STOP SIGN ON 2ND STREET (EAST AND WEST) AT HAMBLIN STREET

Police Chief Mike Hogan observed a lot of traffic traveling from Butler Street onto 2nd Street eastbound, crossing Hamblin Street to the Intermediate School. That the surrounding routes of travel to the school have four-way stop signs except 2nd Street at Hamblin Street. He
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observed that 2nd Street has a sidewalk that connects the Intermediate School with the Middle School that many school children use. Therefore, Chief Hogan recommends that a stop sign be placed on 2nd Street at Hamblin Street for safety purposes.

Vice-Mayor James Nelson moved to place a stop sign on 2nd Street, east and west, at Hamblin Street. Councilor Steve Erhart seconded; all were in favor, motion carried unanimously. 7-0

D. DISCUSSION AND CONSIDERATION OF APPLICATION AND PROCESS REGARDING "COPS" GRANT

Chief Hogan reported that the Recovery Act will allow the restoration of the COPS Grant that was originally started with President Clinton. Chief Hogan understands this version of the grant to pay 100% up to \$75,000 a year for "new" police officer position. After three years, the Town is required to budget for and keep the position. The grant is not intended to supplant positions. Chief Hogan is asking for the Council's approval before he applies for the grant.

Councilor Finch would like more information on all the strings that are attached with this federal grant. Councilor Erhart would also like more information on the particulars of the grant.

Council directed Chief Hogan to apply for the grant, as the Town does not have to accept the grant if it is awarded. The Council directs Chief Hogan to supply them with a summary of the grant packet and to readdress them on this item.

E. DISCUSSION AND CONSIDERATION TO APPOINT TWO COUNCIL MEMBERS TO THE TECHNICAL ADVISORY COMMITTEE FOR THE TOWN OF EAGAR GENERAL PLAN UPDATE

Community Development Administrator Bruce Ray is requesting two members of the Council to serve on the Technical Advisory Committee for the Town's General Plan Update. As Councilor Erhart is the Community Development liaison, he will serve on the committee. Councilor Sanders volunteered to also serve on the committee.

F. DISCUSSION OF THE RECOMMENDED CHANGE FROM THE UTILITIES BOARD TO THE TOWN CODE AS IT RELATES TO RENTER AND LANDLORD OBLIGATIONS FOR DISCONNECTION FEES DUE TO VACANCY

Mayor Holaway struck this item from the agenda; it may be on a future agenda.

G. FISCAL YEAR 2009-2010 BUDGET DISCUSSION
1. GRANTS

- 2. PARKS AND RECREATION
- 3. COUNCIL

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Mayor Holaway struck this item from the agenda due to illness by the presenter.

ITEM #10: SIGNING OF DOCUMENTS

Signed the minutes of February 2009.

ITEM #11: ADJOURNMENT

Councilor Gary Finch moved to adjourn the meeting at 9:15 PM. Seconded by Councilor Dustin Sanders; all were in favor, motion carried unanimously.

Attest: _____

Mayor: _____

Vice-Mayor _____

Council: _____

CERTIFICATION OF COUNCIL MINUTES

I hereby certify that the foregoing minutes are true and correct copy of the minutes of the regular session of the Town of Eagar, Arizona held on March 10, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Eva M. Wilson, Town Clerk