

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

Mayor Kim Holaway called the regular council meeting to order and welcomed those present. Mayor Holaway reported that all council members are present. Mayor Holaway led the Pledge of Allegiance, and Bruce Ray offered the invocation.

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

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

ITEM #5: REPORTS

A. MAYOR

Mayor Kim Holaway reported she has attended the following meetings or events:

- 2010 Census presentation (more information will be in the Eagar Breeze newsletter);
- Round Valley School District Budget Meeting;
- Eagar and Springerville Joint Council Meeting – Round Valley Round Up Event;
- Wellness Coalition Walk to School – Round Valley Primary School;
- Navajo and Apache Counties Mayor and Council Association Meeting.

Mayor Holaway reminded those in attendance of Ready, Set, Relax evening that will be recognized on April 14th.

B. COUNCIL

Councilor Byron Smith attended the Hoyer Campground reopening on behalf of Mayor Holaway in Greer. Members of the Greer community raised enough money to provide the

campground with port-a-potties. Since that time the Recovery Act has allocated some money to the Forest Service for these types of projects.

Councilor Steve Erhart attended the Navajo and Apache Counties Mayor and Council Association Meeting.

C. STAFF

Town Manager Bill Greenwood reported that at the Navajo and Apache Counties Mayor and Council Association Meeting there was an Arizona Department of Environmental Quality (ADEQ) update given; information on Water Infrastructure Finance Authority (WIFA) programs were discussed; and there was discussion to support a land exchange for the Oak Flat mining project near Globe.

Police Chief Mike Hogan reported that Cadet Dean Walker would graduate from the police academy on May 7th; he will be in-house training until September.

Chief Hogan reported that he has two officers that are currently on medical leave due to injury and illness. He is now staffed with six out of nine (supposed to be ten) police officer positions. The one School Resource Officer will be available after the school year end.

ITEM #6: OPEN CALL TO THE PUBLIC

Joe Sitarzewski asked the Council to consider an ordinance mandating spaying and neutering for cats and dogs, and to consider an ordinance to allow only hands-free cell phone use while driving. This is Mr. Sitarzewski's seconded request for these ordinances, this time he has made his requests in writing, which he will give to the Town Clerk. He stated that he has sample ordinances upon request.

Dave Kalinowski stated that he is a resident of Elk Crest Subdivision and he has appreciated the irrigation ditch clearing that the town has performed. He is concerned about a drainage pipe that the town installed off of the hill. He states that the pipe is sticking out and is an eyesore, as well as a danger to the public. He also suggested that the town place some grating at the entrance of the drainage pipe.

Mayor Holaway directed Mr. Greenwood to follow up on both of these citizen's concerns.

ITEM #7: UNFINISHED BUSINESS

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

None

B. REPORT AND UPDATE REGARDING CODE ENFORCEMENT OF THE TOWN OF EAGAR, I.E. OUTDOOR STORAGE, JUNK VEHICLES

Community Development Director Bruce Ray submitted to the Council, an outline of procedures he takes on Code enforcement. He stated that the town does perform selective enforcement on a complaint basis. To do it any other way, Mr. Ray would like direction from the Council on solutions on how to encourage or assist major violators and property owners to clean their properties. The major violators each have reasons as to why they can't or won't comply with the Code. Additional requirements make enforcement of the Code difficult, such as titles for vehicles not available to the property owner.

At Councilor Steve Erhart's request, Mr. Dan Muth explained a scenario he had suggested to Springerville. In another community, he had witnessed that the animal control officer was an active participant in code enforcement.

ITEM #8: NEW BUSINESS

A. DISCUSSION AND CONSIDERATION TO SUPPORT THE SUMMER FOOD PROGRAM FOR CHILDREN PROPOSAL

Mayor Holaway reported that this program is funded by the U.S. Department of Agriculture's Food and Nutrition Service and will be sponsored by the Round Valley Unified School District. The program will take place at Ramsey Park and will not interfere with rentals. The Town's only responsibility will be to empty the trash. The program is free for children between the ages of 1-18, and will occur Monday-Friday on June 1-26, 2009.

Vice-Mayor James Nelson moved to support the Summer Food Program for Children Proposal. Councilor Steve Erhart seconded; all were in favor, motion carried unanimously. 7-0

B. DISCUSSION AND CONSIDERATION OF REGIONAL BRAND PARTICIPATION AS INTRODUCED BY THE NAVAJO COUNTY REGIONAL DEVELOPMENT COUNCIL TO SOUTHERN NAVAJO AND APACHE COUNTIES

Creating a regional brand was discussed at a meeting of the Navajo County Regional Development Council that Mr. Greenwood had attended. Mayor Holaway wants input from the Council if Eagar should pursue this idea. Mr. Greenwood was give direction to continue to keep abreast of this program and when costs and other factors are determined, Eagar would then consider if participation is advantageous.

C. DISCUSSION AND CONSIDERATION OF MAIN STREET AND TOWN CLEAN UP COMMITTEE

There is enough interest in the community to launch a committee that will make recommendations to the Council regarding the beautification of Main Street, and give insight to code enforcement issues. There are already several volunteers to serve on the committee and tonight Joe Sitarzewski, Councilor Dustin Sanders, and Councilor Guy Phelps volunteered to join the committee.

D. DISCUSSION AND CONSIDERATION OF RESOLUTION 2009-09 RENEWING MEMBERSHIP WITH RURAL ARIZONA GROUP HEALTH TRUST AND APPOINTING TRUSTEES FOR THE TOWN OF EAGAR

After some discussion regarding the membership renewal period, Vice-Mayor James Nelson moved to approve Resolution 2009-09 renewing the Town's participation in the Trust for a 5-year membership period commencing July 1, 2009 and terminating June 30, 2014; and appoints Eva Wilson as Trustee and Katie Wood as Alternative Trustee. Councilor Byron Smith seconded; all were in favor, motion carried unanimously. 7-0

E. DISCUSSION AND CONSIDERATION OF RESOLUTION 2009-10 AUTHORIZING THE TOWN OF EAGAR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT REGARDING WORKERS' COMPENSATION IN JOINT ACTIVITIES WITH OTHER GOVERNMENTAL ENTITIES

Councilor Dustin Sanders moved to approve Resolution 2009-10 authorizing the Town of Eagar to enter into an Intergovernmental Agreement regarding workers' compensation in joint activities with other governmental entities. Councilor Gary Finch seconded; all were in favor, motion carried unanimously. 7-0

F. DISCUSSION AND CONSIDERATION OF RESOLUTION 2009-11 AUTHORIZING THE TOWN OF EAGAR TO AUTHORIZE SIGNATURE OF THE INTER-GOVERNMENTAL AGREEMENT SIGNED FEBRUARY 12, 2008 WITH ARIZONA DEPARTMENT OF REVENUE FOR ADMINISTRATION OF SALES TAX COLLECTION

Vice-Mayor James Nelson moved to approve Resolution 2009-11 authorizing the Town of Eagar to authorize signature of the Intergovernmental Agreement signed February 12, 2008 with Arizona Department of Revenue for administration of sales tax collection. Councilor Dustin Sanders seconded; all were in favor, motion carried unanimously. 7-0

G. DISCUSSION AND CONSIDERATION OF RESOLUTION 2009-12 AUTHORIZING THE TOWN OF EAGAR'S PARTICIPATION IN AN ARIZONA STATE PARK GRANT IN REGARDS TO A MOTORIZED TRAIL GRANT

Grants Administrator Rick Pinckard stated that the grant application is to repair areas of the Saffell Canyon ATV Trail; mainly replacement of several cattle guards, drainage at the trailhead, and signage.

Councilor Gary Finch moved to table this item until the April 21, 2009 council meeting. Councilor Steve Erhart seconded; all were in favor, motion carried unanimously. 7-0

H. DISCUSSION, AND FIRST READING OF ORDINANCE 2009-02, AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PARCELS 104-17-007B, 104-17-008, 104-17-011, AND 104-20-001A FROM AR-20 AND AG TO C-1 AND AR-43 AS REQUESTED BY GORDON ROBINSON

The request is to change Parcel 104-20-001A to C-1, and Parcel 104-17-007B, the south 200 feet of frontage along Central Avenue to C-1 and the remaining part of the parcel to AR-43. This zoning amendment application meets the minimum requirements for a zoning amendment. Notification of the zoning hearing was properly published and posted. The Planning and Zoning Commission held a public hearing and no public was present to oppose the zoning change. The applicant plans on selling his property once the zoning is changed. C-1 zoning can be subdivided for residential.

I. DISCUSSION AND CONSIDERATION TO CANCEL THE LEASE AGREEMENT WITH JACK MCCALL FOR THE SCREENING PLANT EFFECTIVE APRIL 30, 2009

Vice-Mayor James Nelson moved to cancel the Lease Agreement with Jack McCall for the screening plant effective April 30, 2009. Councilor Steve Erhart seconded; Councilor Byron Smith opposed, motion carried. 6-1

J. DISCUSSION AND CONSIDERATION TO REQUEST PROPOSALS FOR THE OPERATION OF THE CINDER PIT

The Council directed Town Manager Bill Greenwood to draft a Request for Proposal so that the cinder pit can continue to operate under a contract. Arrangements can be made to purchase cinders from the town until it is contracted out.

K. EXECUTIVE SESSION AS ALLOWED BY A.R.S. §38-431.03.A3, DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OF THE PUBLIC BODY

Councilor Dustin Sanders moved to enter into executive session at 8:40 p.m. Councilor Gary Finch seconded; all were in favor, motion carried unanimously. 7-0

Councilor Gary Finch moved to reconvene into regular session at 9:45 p.m. Councilor Dustin Sanders seconded; all were in favor, motion carried unanimously. 7-0

ITEM #9: SIGNING OF DOCUMENTS

Mayor Holaway signed Resolutions 2009-09, 2009-10, and 2009-11.

ITEM #10: ADJOURNMENT

Councilor Gary Finch moved to adjourn regular session at 9:46 p.m. Councilor Dustin Sanders seconded; all were in favor, meeting adjourned.

Attest: _____

Mayor: _____

Regular Council Session
April 7, 2009

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 April 7, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Eva M. Wilson, Town Clerk