

**MINUTES OF THE
REGULAR MEETING OF THE COMMON
COUNCIL OF THE TOWN OF STAR VALLEY**

**Tuesday, January 21, 2020 at 6:00 pm
3675 East Highway 260, Star Valley, AZ
(Star Valley Town Hall)**

The Agenda for the meeting is as follows:

- PRAYER was offered by Rev. Linda Wescott of Community Presbyterian Church of Payson.
- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL:
Vice Mayor McKinney X , Council Member Davis X , Council Member Armington X ,
Council Member Binney X , Council Member Rappaport X , Council Member
McDaniel X , Mayor Coon X .

- **HELLSGATE FIRE DISTRICT REPORT FOR DECEMBER 2019**
Chief Wisner with Hellsgate Fire District gave the report for December 2019.

- **CONSENT AGENDA ITEMS:**

All items listed under the Consent Agenda will be voted on with one motion. If discussion is desired regarding any Consent Agenda item, that item will be removed from the Consent Agenda and voted on separately.

A. Approval of the minutes from the Regular Council Meeting held on January 7, 2020.

B. Approval of Claims Payable from January 1, 2020 through January 15, 2020 for the General Fund and for the Water Department.

A motion to approve consent agenda items A and B was made by Council Member Davis and was seconded by Council Member Armington.

A roll call vote was taken:

Vice Mayor McKinney X , Council Member Davis X , Council Member Armington X , Council Member Binney X , Council Member Rappaport X , Council Member McDaniel X , Mayor Coon X .

The motion was voted on and passed 7 - 0.

- **DISCUSSION ITEMS:**

- 1. Town Manager report on upcoming projects.**

Town Manager Grier stated he would like to talk about the upcoming projects to familiarize council with them. Almost all of the projects began last year and the year prior and are now starting to manifest and will hopefully be completed by the end of this summer. Most of the projects have had to wait just because of weather (roads projects and water features). Mr. Grier asked Finance Administrator Nutt to talk about street lights since she is the lead on that project. Ms. Nutt reported the Town is in the implementation phase of the engineering study. Two studies of the engineer lines have been done because one came back that said none of the light poles would work. Today's appointment with the engineering department at APS was cancelled due to weather. That meeting has been rescheduled for Monday. The plan that was created by engineer Dale Miller will be reviewed along with how APS is responding to that plan, which sounds favorable. Ms. Nutt reported any slight adjustments that need to be made will be minimal and the Town will move forward within the budget that council set forth. Next Monday the Town will have a go/no go from APS after the field review and staff can come back to council with another update on an ETA for sinking the poles and creating the lights along the main corridor. Mr. Grier reiterated it looks favorable for it to come in within the budget. If it is more expensive it will be coming back to council.

Town Manager Grier reported the splash pad was a project that council approved in two parts. The water cannons and water features are in at Roy Haught's and Council Member Binney will be doing most of the work on that project. Council Member Binney reported he will be meeting with Roy Haught and Town Manager Grier next month to lay out the plans and get a concrete contractor for the foundation. Once the foundation is in the ditches will be dug and the piping will be put in. Mr. Grier stated he would like to see the splash pad done and ready by May 1st for the kids to enjoy. Town Manager Grier referred to Town Clerk Chapin for an update on the pickleball lights. Town Clerk Chapin reported the pickleball lights are in at Roy Haught's and will be installed once the weather permits.

Town Manager Grier reported the Town is waiting for the appraisal to come in for PW1/PW2. The Town is required by law, before continuing with the condemnation process, to have an appraisal and then to offer the appraised value to Mr. Nelson, the landowner. Mr. Grier explained the Town will seek immediate possession of the property, adding that it is a battle the Town will win. The Town is seeking an APS utility easement to run lines overhead on an un-usable piece of property. Not only is it important for the Town to seek immediate possession with the court but then the Town will know what the court will likely say the Town has to pay for it. It's pretty hard to argue with a good appraisal, stated Mr. Grier. Once the Town hears that number the cost of the condemnation will be more predictable. Then a letter will be sent to Mr. Nelson with the offer. Mr. Grier stated he doesn't anticipate Mr. Nelson will respond to that in any way and he has instructed the attorney to be ready to file litigation. PW1/PW2 is a very important project to the Town as it mitigates any sort of risk the Town faces with the Tower well. It doesn't just have value to existing water customers but to everyone in Star Valley. It's a big well at 400 gallons per minute and a very dependable aquifer. It may be one of the most important projects the Town is able to accomplish, concluded Mr. Grier.

Council Member Rappaport asked if the Town would have to pay more than the appraisal. Town Manager Grier answered only if Mr. Nelson was able to argue successfully that the appraisal was low. It's kind of hard to argue with an expert appraiser, added Mr. Grier. Council Member Rappaport asked if mental anguish is a factor. "No," answered Mr. Grier. Mayor Coon asked if the two wells will be put into the system immediately. Mr. Grier answered they will be put into the system. Running the electric is the last thing the Town has to do. The need is more as a back-up and to mitigate the risk of the Tower

well. Mr. Grier stated he hopes the Tower well is much less risk than what it used to be since Blue Ridge is online. Council Member Rappaport summed up there is just enough water to maybe help out Sky Run and that will keep everything in working order. Mr. Grier responded it is important the Town has PW1/PW2 online before taking over Sky Run. The Town would like to have back-up water for Sky Run, which it can only get from PW1/PW2. What PW1/PW2 really does is it guarantees water for Star Valley forever. Mr. Grier reported there is still one piece to address, which is additional redundant back-up for the Knolls well. PW1/PW2 lessens that need because it takes care of part of the burden of all the water users on the east end that the Knolls might have had to supply. When the Town bought the water company from Brooke Utilities, the Knolls well was really the only well. There was the Milky Way well, but it has not been a very good well and it has struggled along with the other wells in the area.

Mayor Coon asked if PW1/PW2 will be connected to Milky Way. "Yes," answered Mr. Grier, it will be connected and will be able to supply Milky Way and the storage tanks there as well. Council Member Armington asked if the valve to connect Sky Run has been found. Mr. Grier answered he hasn't heard from Water Operator Dean Shaffer on that and reported that Dean is scheduled to meet with the owner of Sky Run. Council Member Rappaport questioned if it is smart to hook the wells together. Town Manager Grier responded the wells should be hooked together so water can be supplied through all of them. The Town would like to see PW1/PW2 going before committing to Sky Run. It will be the first RV park and it will increase the water customer base. Mayor Coon asked if Sky Run will be supplied by the Sky Run well. Mr. Grier answered the Town would have the option to supply water with that well, which is a good well at 70 to 80 gallons per minute. It would be up to Water Operator Dean Shaffer as to how he rotates the wells. Mr. Grier reported the Lazy D has responded to a letter the Town sent and they have interest for the Town to supply water. He is trying to get some numbers together to see if the Town can come to an agreement with them in supplying water. The Lazy D has struggled with their water quality for some time now. If we come to terms that are agreeable, that would be RV park number two that the Town brings online. It is a goal for the Town, concluded Mr. Grier, to start bringing RV parks online and increase the customer base to try to increase the revenue so the Town does not have to look at increasing water rates.

Town Manager Grier referred to Finance Administrator Nutt for an update on the next CDBG (Community Development Block Grant) project. Ms. Nutt reported it is a water project that is replacing aging infrastructure in the Moonlight subdivision area. The income survey and ERR (Environmental Review) process have been concluded. The expansive paperwork has been submitted to ADOH (Arizona Department of Housing) and it found there are no significant impacts and nothing unexpected. After that, the Town will advertise for an engineer and then select an engineer. The Town will then advertise for a contractor as soon as the engineer has the opportunity to produce the plan. The Town hopes to break ground in May, concluded Ms. Nutt. Council Member Davis asked the amount of the grant. Ms. Nutt answered \$85,000.00, and it is forecasted to be on budget. Town Manager Grier added the grant was reduced from \$260,000.00. Once the Town was informed the CDBG money was being reduced, the footprint of the project was reduced. It's a project that is addressing some of the problems with the water system that Water Operator Dean Shaffer has been able to identify. Council Member Rappaport asked for confirmation that the \$85,000.00 will take care of a diminished project. "Right," confirmed Mr. Grier. That amount would be much smaller if the Town didn't have Ms. Nutt as the resource to administer the grant. CAG (Central Arizona Governments) was charging the Town \$24,000.00 to \$28,000.00 to administer. That in tandem with the reduction wouldn't leave much money for the project. Administering the grant in-house really saves that project and makes it worth it for the Town to continue to do. Council Member Binney stated he thought CAG took a percentage and not a fixed fee. Mr. Grier answered they take a percentage and they do the cost of administration. Ten percent of the gross amount

is taken by CAG, stated Mr. Grier. The Town is fortunate to have an employee not only skilled in financial administration but that can do a CAG grant as well. Council Member Binney asked if the Town is still on a every other year basis with the Town of Payson. "Yes," answered Mr. Grier.

Town Manager Grier reported the road projects done last year were Pinon, Mountain View, Switchman, and part of Highline with an overlay. He was not satisfied with part of it and the contractor has been contacted. There are ruts in the road from people driving over it before it was cured. The Town's position on that was lack of flaggers. People were driving on Highline with not a flagger to be seen. The contractor has notified the Town that once the weather warms to fifty degrees, they will fix some of the ruts on Highline and the sizable rut on Mountain View. For an expensive project like this the Town wants the roads to be better than when we started. Mr. Grier stated he was a little discouraged with the money the Town spent and the final product but thinks it will be okay as the Town held some \$8,000.00 on reserve on that project. It is his hope that the contractor will have enough pride in their work to come back out and fix it. Mr. Grier reported the Town continues to do road projects on a daily basis as we get information in from council or citizens. He will systematically identify and prioritize the need for overlay in the community, which will come back before council to decide.

Mr. Grier reported the park expansion of the grass area was approved by council and is targeted for May by Roy Haught. Staff has started to look at a few other projects such as the idea that Council Member McDaniel proposed of a nifty little climbing wall that looks safe and fun. Town Clerk Chapin is in the process of looking at prices. Mr. Grier reported he is starting to work on a children's interpretive trail. It will not be very costly and will be a good addition at the park, concluded Mr. Grier.

2. Discussion and possible action regarding contribution by the Town to the Payson Pro Rodeo Committee for the spring rodeo or combined spring and fall rodeos.

Council Member Rappaport questioned if the contribution amount requested is the same as last year. "The same amount as last year," confirmed Mayor Coon. Council Member Armington stated he will stand firm in his opinion that this is a community event. We need to show our support for our community and continue this support for the Pro Rodeo Committee. Vice Mayor McKinney stated he would like to second the comments of Council Member Armington. To full disclosure he is a member of the Pro Rodeo Committee and naturally he is in favor of this and for much the same reason. This is a cultural event that is unique to our neck of the woods and it's important that we be participant in keeping that tradition going. Mayor Coon stated he thinks it is a good idea and something that is kind of a tradition and probably part of the reason he moved two thousand miles. Mayor Coon stated he is curious as to why the fall rodeo is \$450.00 more than the spring rodeo. Council Member Davis answered it is a bigger rodeo and the August rodeo is the biggest rodeo.

A motion to approve a contribution to the Payson Pro Rodeo Committee in the amount of \$2,450.00 for the combined spring and fall 2020 rodeos was made by Council Member Armington and was seconded by Council Member McDaniel.

A roll call vote was taken:

Vice Mayor McKinney Yes, Council Member Davis Yes, Council Member Armington Yes, Council Member Binney Yes, Council Member Rappaport Yes, Council Member McDaniel Yes, Mayor Coon Yes.

The motion was voted on and passed 7 – 0.

3. Discussion and possible action regarding selection of how items go on the agenda per the request of Council Member Binney.

Council Member Binney stated this is really a pre-emptive agenda item. He recalled when Star Valley Town Council attended the Payson Town Council Work Study Meeting and that he's never seen so much hatred as that place had at that point in time. Essentially what the Town has is two people that can shut down an agenda item. We have seven people on the council, but that's not a vote of seven, that's a vote of two. Council Member Binney explained his idea that when a council member's turn comes up in the barrel to go to a pre-agenda meeting, and if there is something the council member wants on the agenda, it should be mandatory to go on the agenda at that time. Council Member Binney stated the public has a right to know what you think, whether it's foolish or not, it should go on that agenda. Council Member Binney clarified he's not saying you can't turn in written requests, and they can go on the agenda however it's agreed upon. It should go to a vote of seven and not two, advocated Council Member Binney. Council Member Davis asked if there had been an issue. Council Member Binney answered there hasn't and it's pre-emptive after watching the Town of Payson. He would like to make sure it can't happen here. Council Member McDaniel stated so one individual can get any item on the agenda because at that point it goes to the seven to vote upon. "Correct," answered Council Member Binney. It can't be shut down by two.

Town Manager Grier stated Council Member Binney's idea is not completely crazy. He has looked at this several different times in his tenure of being manager because you wouldn't want to have the council controlled by two people. Which could happen when you have the Mayor, the Vice Mayor and a rotating council member – the one common denominator that you have is the Mayor and Vice Mayor. If they were in cahoots it is possible that items wouldn't reach the agenda. Mr. Grier stated he doesn't think that's ever happened in all the Mayors the Town has had, however, that could change. The Town has tried to put into place a very good system that has merit. Mr. Grier explained that staff carefully looks at the volume that goes on to an agenda because council is less effective if there are a lot of different items on the agenda. We have staff meetings and plan out agendas. Agenda items move around depending on timing, priorities and volume. All three important things you start to lose with Council Member Binney's idea. There are some problems with his idea plus there are items that can be harmful just by virtue of them being on the agenda. To say that you can have an agenda item that's going to ruffle feathers can be harmful to the Town even if it's voted down. Town Manager Grier gave an example of a harmful agenda item and added you can also get redundant agenda items.

Town Manager Grier stated Council Member Binney's caution has merit but can be achieved in a different way and still preserve a method that has reason and value. Mr. Grier explained the common denominator of the Mayor and Vice Mayor can be changed and instead just have the Mayor and rotate alphabetically through the rest of the council. Then you don't have the same two that could be in cahoots. That would take away Council Member Binney's fear that you have two people that can completely control an agenda with a 2/3 vote. Council Member Rappaport stated she thinks there is going to be somebody that is passionately behind something that everybody else thinks is just nonsense. That needs to be framed right in the meeting and the pre-agenda meeting and she doesn't think that's out of the realm of possibility. Mr. Grier responded he doesn't think there has ever been a time when a decision making party has said they are not going to entertain an idea. That has always been important to every Mayor he has worked with. Council Member Binney stated he agrees with everything the Town Manager said and that it has always been handled really fairly. He's not against the idea of rotating two which would alleviate that problem. The Town Manager and staff does a great job, they really manage everything. His belief is a benevolent dictator is the best form of government, concluded Council Member Binney.

Mayor Coon stated the system in place now allows more of a filter. If somebody comes up with an idea, and it might be a good idea, it may need tweaking. The details have to be worked out so when it does go on the agenda, we don't have egg on our face. This prevents allowing one person to have authority and dictatorship. It's always better to be prepared rather than having an agenda item put on that might get a little bit goofy. Mayor Coon stated his philosophy is "if it ain't broke, don't fix it." The Town has never had a problem and he understands Council Member Binney's position because the Town is vulnerable. If we were to run into a council situation like they have in Payson when you have four against three then it could be a problem that maybe the Town would have to change at the time. Council Member Binney responded it would be too late at the time to change it. Mayor Coon responded it's never too late and the system can be changed if it starts becoming a problem. This isn't Payson, this is Star Valley. Discussion ensued between Mayor Coon and Council Member Binney. Council Member Binney disclosed it is a temporary feel good. Mayor Coon stated he doesn't like to get into over regulating and is cautious about too many regulations that are not even necessary.

Council Member Binney commented the public has the right to know how each of the council members thinks. Mayor Coon responded it would go through the process so it will get on the agenda, otherwise we could get some goofy agenda items. Council Member Binney stated it's too late to change it when it happens, and the public should know how every one of the seven council members thinks. Council Member Binney acknowledged he agrees with Town Manager Grier that a meeting can be too long. Town Manager Grier disclosed he doesn't disagree with Council Member Binney and stated his concern about how much attention something can get just by being on the agenda. Mayor Coon stated he likes the filter system in place now where it comes to the pre-agenda meeting and we have four people to discuss and tweak it out to make sure there is not a legal issue involved. The Town would be giving too much authority to one person and he won't support this, concluded Mayor Coon. Council Member Rappaport stated it's one thing to be in a room and be in the whole panorama of it. It's another thing to see it in black and white and we have to be careful with how we do that. If somebody is passionate about something, they can say anything credibly if they take the time. We are all responsible enough that if we put something in the right frame and that there's a process then that should be good enough, concluded Council Member Rappaport.

A motion that once every ten weeks when a council member goes to agenda, he can demand the item gets on the agenda and hopefully listens to the other three was made by Council Member Binney and was seconded by Council Member Rappaport.

A roll call vote was taken:

Vice Mayor McKinney No, Council Member Davis No, Council Member Armington No, Council Member Binney Yes, Council Member Rappaport Yes, Council Member McDaniel Yes, Mayor Coon No.

The motion was voted on and was denied 4 – 3.

- **COMMENTS FROM THE PUBLIC**

During this portion of the meeting, members of the public may address the Town Council on items that are not on the printed agenda. Any remarks shall be addressed to the Council as a whole and not to any individual member. Speakers are limited to three (3) minutes per person unless additional time is granted by the Mayor. The Council may not discuss or act upon matters raised during public comments.

The Mayor opened this portion of the meeting up for public comments.

Council Member Davis reminded everyone that this Saturday, weather permitting, is the ADOT clean-up. He asked everyone to go online and read the safety instructions that ADOT provides. Council Member Davis reported he will be bringing coffee and donuts and that everyone should meet at Town Hall at 9:00am.

There were no further public comments and the Mayor closed this portion of the meeting.

- **ADJOURNMENT**

**A motion to adjourn the meeting was made by Council Member Armington and was seconded by Council Member Davis.
The motion was voted on and passed 7 – 0.**

APPROVED:

Gary Coon, Mayor

Date: _____

ATTEST:

Eddie Chapin, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Star Valley held on the 21st day of January 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 24th day of January 2020.

Eddie Chapin, Town Clerk