

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

**Tuesday, September 1, 2020 at 4:00 pm
3675 East Highway 260, Star Valley, AZ
(Star Valley Town Hall)**

The Agenda for the meeting is as follows:

- PRAYER was offered by Vice Mayor McKinney.
- 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. **Council Members appeared telephonically.**

- **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 August 18, 2020.

**B. Approval of Claims Payable from August 16, 2020 through August 31, 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 Binney.

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. **Second Reading and Public Hearing, discussion and possible action concerning Ordinance No. O 20-02 captioned as follows: AN ORDINANCE OF THE TOWN OF STAR VALLEY, ARIZONA, RELATING TO THE TRANSACTION PRIVILEGE TAX; ADOPTING “THE 2012-2014 AMENDMENTS TO THE TAX CODE OF THE TOWN OF STAR VALLEY” BY REFERENCE; ESTABLISHING EFFECTIVE DATES; PROVIDING FOR SEVERABILITY AND PROVIDING PENALTIES FOR VIOLATIONS.**

Town Manager Grier stated this is the second reading of the ordinance and this issue was discussed at the first reading. Finance Administrator Nutt is present if clarification is needed, concluded Mr. Grier. Mayor Coon opened the meeting to the public. There was no public present and the mayor closed the public hearing portion. Mayor Coon then opened discussion to the council. There was no discussion.

A motion to approve and adopt Ordinance No. O 20-02, An Ordinance of the Town of Star Valley, Arizona, relating to the Transaction Privilege Tax; Adopting the “2012-2014 Amendments to the Tax Code of the Town of Star Valley” by reference; establishing effective dates; providing for severability and providing penalties for violations was made by Council Member Davis and was seconded by Council Member Binney.

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.

2. **Second Reading and Public Hearing, discussion and possible action concerning Ordinance No. O 20-03 captioned as follows: AN ORDINANCE OF THE TOWN OF STAR VALLEY, GILA COUNTY, ARIZONA, DEANNEXING CERTAIN TERRITORY CONSISTING OF SEVERAL SECTIONS OF LAND LOCATED IN (SECTIONS 1, 2, 11 and 12) TOWNSHIP 10 NORTH, RANGE 11 EAST, AND, (SECTIONS 13, 14, 23, 24, 25, 26, 35 and 36) TOWNSHIP 11 NORTH, RANGE 11 EAST OF THE GILA AND SALT RIVER MERIDIAN, GILA COUNTY, ARIZONA, TO GILA COUNTY CONTINGENT UPON ANNEXATION OF SAID TERRITORY BY GILA COUNTY PURSUANT TO THE PROVISIONS OF A.R.S. § 9-471.02; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.**

Mayor Coon opened the meeting to the public. There was no public present and the mayor closed the public hearing portion. Mayor Coon stated council thoroughly discussed the annexation during previous council meetings. Mayor Coon then opened discussion to the council. There was no discussion.

A motion to approve and adopt Ordinance No. O 20-03, An Ordinance of the Town of Star Valley, Gila County, Arizona, deannexing certain territory consisting of several sections of land located in (Sections 1, 2, 11 and 12) Township 10 North, Range 11 East, and, (Sections 13, 14, 23, 24, 25, 26, 35 and 36) Township 11 North, Range 11 East of the Gila and Salt River Meridian, Gila County, Arizona, to Gila County contingent upon annexation of said territory by Gila County pursuant to the provisions of A.R.S. § 9-471.02; providing for repeal of conflicting ordinances; and providing

for severability was made by Council Member Binney 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 to adopt Resolution No. R 20-08 – Adopting the Model Uniform Video Service License Agreement and the Application and Affidavit for Uniform Video Service License.

Town Clerk Chapin stated she would like to take a moment to explain the circumstances behind the necessity to adopt Resolution No. R 20-08. Explained Ms. Chapin, the Town was required to adopt the “Video Service License Agreement,” and the “Application and Affidavit for Uniform Video Service License” forms after the passage of Senate Bill 1140. This Senate Bill requires municipalities to issue a video service license to video service providers as well as adopt a standard application/affidavit. At the June 18, 2019 meeting, reported Town Clerk Chapin, council approved the forms. Ms. Chapin referred to the attachments provided to council.

Reported Town Clerk Chapin, the Town recently received a request from Sparklight, a cable television company, for the Town’s application/affidavit. She contacted the League of Cites & Towns legal counsel regarding various questions she had about the process and in doing so was advised that the Town adopt a resolution to officially declare these documents to be public records. Ms. Chapin concluded she is asking council to adopt Resolution No. R 20-08 in order to officially declare these documents as public records.

Council Member Rappaport questioned if this means that any video the Town puts out is a government document “No,” responded Town Manager Grier. It’s a franchise agreement that the Town would collect franchise fees similar to APS. Sparklight is a private cable company looking to run a cable through Star Valley.

Finance Administrator Nutt clarified the process of creating the forms and public access to those forms allows a video service company to provide their service in the Town of Star Valley and allows the local municipality to have a way to tax them. That is considered a franchise tax, explained Ms. Nutt. Just as APS provides power service and Suddenlink provides internet in this area, the Town collects, by franchise tax, a small percentage of their sales. Sparklight is a video provider and it is a different franchise tax. The creation and proposal of this resolution and the following ordinance are so the Town can begin to tax that service here in Star Valley.

Finance Administrator Nutt pointed out that Ms. Chapin has provided council with the price of taxation, which is percentage based. Staff does not have an estimate right now on how much the Town hopes to collect from this video service in the next quarter, reported Ms. Nutt. At the end of the calendar year, when a fiscal update is provided, the finance department will be able to include Sparklight’s first quarterly payment, concluded Ms. Nutt.

Discussion followed between Council Member Rappaport and Ms. Nutt concerning license fees and contract language. Town Manager Grier added this is dictated to the Town by Senate Bill 1140 to pass and have the ordinance in place and have the application available. If towns and cities do not follow state law, their state shared revenues can be taken away from them. This falls under the category of not overthinking it with Senate Bill 1140 requiring it, concluded Mr. Grier.

A motion to adopt Resolution No. R 20-08, adopting the Model Uniform Video Service License Agreement and the Application and Affidavit for Uniform Video Service License was made by Council Member Davis and was seconded by Council Member Armington.

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 No, Council Member McDaniel Yes, Mayor Coon Yes.

The motion was voted on and passed 6 – 1.

4. First Reading and Public Hearing concerning Ordinance No. O 20-04 captioned as follows: RELATING TO BUSINESS REGULATIONS; TO CONFORM TO ARIZONA REVISED STATUTES TITLE 9, CHAPTER 13 AS ADOPTED BY LAWS 2018 CHAPTER 331 (SENATE BILL 1140); AND ADOPTING THE MODEL UNIFORM VIDEO SERVICE LICENSE AGREEMENT AND THE APPLICATION AND AFFIDAVIT FOR UNIFORM VIDEO SERVICE LICENSE.

Town Clerk Chapin stated this is a public hearing and first reading of Ordinance No. 20-04 relating to business regulations. Council has been provided a copy of the ordinance and since there is no public in attendance, it is not necessary to read the ordinance. The adoption of this ordinance, explained Ms. Chapin, will allow the Town to conform to A.R.S. Title 9, Chapter 13 adopting the Model Uniform Video Service License Agreement,” and the “Application and Affidavit for Uniform Video Service License” and adopting Video Services to Star Valley Town Code.

The adoption of this ordinance, explained Town Clerk Chapin, will also allow for collection of the quarterly license fee which is 5% of the gross revenue the video service provider receives from its subscribers located within the Town boundaries. Informed Ms. Chapin, the second reading and public hearing of Ordinance No. 20-04 is scheduled for the September 15th council meeting. No action is required tonight, concluded Ms. Chapin.

Mayor Coon opened the meeting to the public. There was no public present and the mayor closed the public hearing portion. Mayor Coon then opened discussion to the council. There was no discussion.

5. Discussion and possible action regarding a paving project at Sprague crossing.

Town Manager Grier reported this project had been discussed back when he and Finance Administrator Nutt gave a fiscal opinion when the coronavirus first started. At that time, caution was advised with spending. Mr. Grier stated he does think the Town is in a position, with its budget, that some projects can be taken on regardless of what the financial future looks like.

Town Manager Grier stated he believes everyone is familiar with the crossing the Town did some time ago on Sprague Road. The opposite side of Sprague crossing and up the hill was paved, explained Mr. Grier, leaving the section between Moonlight Drive and the cement apron unpaved. The Town knew at some point this would need to be visited. This paving project would take away the ongoing maintenance cost of grading. Mr. Grier referred to the attached bid price from Mr. Haught of some \$13,000.00. Staff recommendation is to go forward with the project, concluded Mr. Grier.

Mayor Coon commented this is a little more than a minor road repair. Questioned Mayor Coon, with this project are there any county or state requirements, permits or inspections. Town Manager Grier answered the county does not have jurisdiction over the Town on road projects. There was no further discussion.

A motion to approve paving the area from Moonlight to Sprague crossing for an estimated cost of \$13,239.14 was made by Council Member Binney and was seconded by Council Member Davis.

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.

- **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 up this portion of the meeting for public comment. There was no public in attendance and the Mayor closed this portion of the meeting.

- **ADJOURNMENT**

A motion to adjourn the meeting was made by Council Member Davis and was seconded by Council Member Binney.

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 1st day of September 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 4th day of September 2020.

Eddie Chapin, Town Clerk