

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

**February 2, 2021 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 and by ZOOM.**

- **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 Special Council Meeting held on January 12, 2021.

**B. Approval of Claims Payable from January 16, 2021 through January 31, 2021
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. Discussion and possible action regarding a proposed noise ordinance.**

Mayor Coon stated noise is always a difficult issue to regulate and to control. He believes an ordinance is necessary to determine the volume of noise acceptable for businesses and residents. Staff, reported Mayor Coon, has created a draft Resolution No. R. 21-02 and a draft Ordinance No. O 21-02 for council's review and consideration. Town Manager Grier stated there has been concern about the noise in the community – mostly complaints generated by the outside band at the Tonto Rim Bar & Grill. To try to get ahead of this he has been asked about different options that may be available to the Town in ordinance form. This ordinance may take some of the subjectivity out of what is too loud determined by decibel meters. The draft ordinance is in front of council to consider and ask questions, concluded Mr. Grier.

Mayor Coon stated he noticed the decibel reading seems to be proper and he knows that 60 decibels is considered normal speech. Mayor Coon added he thinks that would be appropriate. Vice Mayor McKinney stated he looked up on the internet to see what equivalent decibel levels were for some common everyday things. Vice Mayor McKinney asked how staff come up with the levels in the suggested ordinance. Town Manager Grier answered he has no idea about decibel levels and he borrowed the very well thought out and carefully drafted noise ordinance from Apache Junction.

Town Manager Grier reported he contacted Roy Haught and will be providing him with a copy of the ordinance so there will be no unintended consequences for those in construction. He has also spoken with Chief Tischer on several occasions and sent the noise ordinance to him for review. Chief Tischer, stated Mr. Grier, likes it and thinks it is doable. Mayor Coon pointed out you can go online and see comparisons such as 60 decibels is normal conversation, a motorcycle is 90 decibels and anything over 85 decibels will start destroying your hearing. Those are the numbers that can be used to start with, added Mayor Coon, and 60 and 65 seems to be what is used in the draft ordinance.

Council Member Davis asked if the Town has the equipment to measure decibel levels. “No we don't,” answered Mr. Grier. If council moves forward with the ordinance our law enforcement agency will purchase the meters at about \$400.00 apiece. At this point it is unknown as to how many would be needed. There will be some cost, stated Mr. Grier, but not necessarily a significant cost. The Town of Payson does not have a noise ordinance based on decibels and it would be up to the Town of Star Valley to purchase the meters. Mr. Grier acknowledged he is trying to encourage Chief Tischer to take it to his council and have them consider a similar noise ordinance, mostly because he thinks the cost of the decibel meters could be shared.

Council Member Binney reported he's looked at different meters and they need to be certified and calibrated to stand up in court. Mayor Coon queried if the Town would need to purchase certified meters that would be accepted in a court situation. Town Manager Grier responded he would leave it up to the Payson Police Department to purchase the decibel meters on the Town of Star Valley's dime. They would have to be meters that could stand up in court, added Mr. Grier. Mayor Coon asked if Chief Tischer has given any indication as to how many will be needed. Not how many, answered Mr. Grier, only the cost of about \$400 apiece. Mayor Coon stated it would help if Payson can get on board to share the cost of the meters. The Town, responded Mr. Grier, will have to go forward anticipating that the cost of the decibel meters will be on Star Valley.

Mayor Coon stated that it is important to address this before spring because as soon as the weather gets warm the bars will have outdoor bands and the police department will need something they can use to determine what is loud and what is not loud. Council Member Rappaport commented that the two towns should have a standard thing between them of how loud is loud. Mayor Coon acknowledged he agrees

that Payson and Star Valley should use a common decibel reading. Town Manager Grier responded that Star Valley can't dictate to the Town of Payson if they should have a noise ordinance based on decibel readings or not. That is the Town of Payson's call, explained Mr. Grier, and while he has tried to encourage Chief Tischer to take it to his council, it is very possible they may have no interest in doing that. The Town of Star Valley may have to go it alone, stated Mr. Grier, or we can wait to see if the Town of Payson enacts a noise ordinance.

Mayor Coon stated he thinks it would be to Star Valley's advantage to work with Payson and see if they want an ordinance. Council Member Rappaport commented it would be better if that were done. Mayor Coon emphasized he thinks it should be discussed with the Town of Payson. Council Member Binney responded it's not important what the Town of Payson does – what's important is what council does for its constituency – time doesn't need to be wasted working it out with Payson. Council Member Binney stated he believes it has to be addressed. It can be set at 60 and 65 and can be adjusted if necessary. This needs to be done for the people, concluded Council Member Binney.

Mayor Coon stated he thinks everyone agrees there is an issue that needs to be addressed. It is a problem and he doesn't know what decibel reading is best for it. Mayor Coon asked if it would be possible to revise or amend the ordinance if adjustments need to be made. Town Manager Grier answered the ordinance would have to be amended so everyone has fair notice that it is the law to abide by. Council Member Armington reported that last summer, after the Town received letters of concern from the trailer park, he used the decibel meter on his phone at the Lamplighter. The only person that truly had a complaint was the guy that can't hear his TV because he watches TV outside in his driveway. Council Member Armington stated that is not a fair assumption on this guys' part to sit outside without the enclosure of his home.

Queried Council Member Armington – Do we test the decibel at the residence that is complaining or at the offender? Town Manager Grier answered the ordinance does answer that. Council Member Binney responded the ordinance specifies it will be tested twenty feet outside the perimeter of the complaining residence. It's worth trying for a couple of thousand dollars – people deserve peace and quiet in the evening, concluded Council Member Binney. Council Member McDaniel questioned if 60 decibels is a regular conversation, is it a fair number for the restaurants and bars to actually be able to continue with their business in a way that makes sense? Mayor Coon responded it's not going to be easy. The Town will need to find a happy medium that people can hopefully live with. At least it gives the police department something to work with.

Mayor Coon reported he went to the Lamplighter with the decibel meter on his phone and listened to the music over there. If somebody was outside he spoke with them and asked them what they think about it. Mayor Coon disclosed he got mixed reactions – some people say they like hearing the music and other people say it's too loud. Council needs to address this, advocated Mayor Coon. He is comfortable with the ordinance, it covers anything he can think of and, it's a good starting point. Mayor Coon concluded he would like to work with Payson as it may be to Star Valley's advantage.

Town Manager Grier explained that was the very first thing he discussed with Chief Tischer and what he was pushing from the very beginning was whether or not Payson would consider the same ordinance so that there would be the same homogenous law in place between the two communities. That conversation has been had with Payson already and for whatever reason they haven't moved forward with that. Their council gets to decide what law they have in place. Council, explained Mr. Grier, can keep this on the table and see whether or not Payson is going to do anything. Mr. Grier stated he doesn't know what else he can do and certainly Payson has the autonomy to move forward or not move forward. If they had interest in it, concluded Mr. Grier, Chief Tischer would have already gone to his council and they would already been moving forward with it, but he has not heard that.

Town Manager Grier reported there have been at least a dozen written complaints about the Tonto Rim Bar & Grill last summer and it has been an ongoing problem. The cost of the law enforcement contract when it's renewed is going to be dictated by the amount of calls – the more calls will drive up the cost of the law enforcement contract. That probably offsets the cost of the decibel meters, pointed out Mr. Grier. The best case scenario, stated Mr. Grier, would be that Payson puts the same noise ordinance in place. They have had it for a couple months and to date he doesn't know if it's been considered at all. Mayor Coon asked if it would be appropriate to contact the Payson Town Manager. Mr. Grier responded he feels more comfortable communicating with Chief Tischer – it's his agency that does it and he certainly does not want to do an end around him. They've been great, concluded Mr. Grier, and he wouldn't want the relationship he's put in place with Chief Tischer to deteriorate in any way.

Mayor Coon asked if the general consensus is to go ahead with the plan. Council Member Rappaport responded if Payson is amendable, okay, if they are not amenable, then we go ahead. Council Member Binney commented the response we have to wait for is from Roy Haught. We've got to make sure we don't affect a major source of income for the Town. Other than that, advocated Council Member Binney, he's for doing it right now. We do need to wait until we get an answer from that industry, concluded Council Member Binney. Mr. Grier stated he agrees that's an important voice to hear. The Town doesn't want any unintended consequences that would affect that industry. Roy has agreed to review the noise ordinance and it shouldn't hold us up. Changes can be made on his input, concluded Mr. Grier.

Mayor Coon stated the ordinance does separate industry with commercial and residential and the industry decibel reading is considerably higher than the residential area. Town Manager Grier pointed out the ordinance is very detailed about hours of operation and decibel levels. Council Member Rappaport questioned if Roy's work isn't defined by OSHA rules. Mr. Grier responded it is a mining operation and the Town doesn't have the authority or jurisdiction to weigh in on what he's doing at his location. Regardless of whether or not the Town has jurisdiction, pointed out Mr. Grier, we should be reaching out to Roy and the construction industry and get their input.

Council Member Davis stated his concern is for the commercial businesses. The ordinance says 10:00 p.m. and a lot of bands play until midnight. The Town should not hurt the commercial businesses, concluded Council Member Davis. Council Member Binney responded he believes it should be 9:00 p.m. because people have the right to peace and quiet. Council Member Armington asked if a first offense could be a formal written warning instead of the \$350.00. Mr. Grier responded to consider it carefully. Mayor Coon stated that is a little harsh for a first offense and it should probably be a warning. Council Member Binney responded there's plenty of lead up in the ordinance. A \$350.00 fine is not given the first time, it takes a couple of violations. This gives people time to learn, stated Council Member Binney, and he does not think it needs to be modified.

A motion to set the matter for a first reading with the understanding that Town Manager Grier will go to Mr. Haught and get the input from the construction industry 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.

- 2. Discussion and possible action regarding a contribution to the Hashknife Pony Express requested by Council Member Armington.**

Mayor Coon reported last year the Town gave a very generous contribution of \$2,500.00. This year the Town's financial situation is much different with COVID-19 and the newly elected government. The economy is less predictable and the Town needs to be more selective with its priorities. The Pony Express is a fun tradition, stated Mayor Coon, and Star Valley has always supported it. With this unstable economy we need to give our support serious consideration. Mayor Coon gave Council Member Armington the first opportunity to speak. Council Member Armington stated he understands the situation with the finances and he will leave it up to council. He would like to see the support of the community behind the Hashknife. There was a pretty good crowd at the park last year to meet the riders and it could get better and better the longer the Town does it, concluded Council Member Armington.

Council Member Rappaport stated her concern that it will be a super spreader event. It's a fun, wonderful tradition but maybe not this year, concluded Council Member Rappaport. Council Member McDaniel reported she voted in favor of it last year and she doesn't feel that Star Valley saw any tangible benefit from the contribution. The Pony Express is great, stated Council Member McDaniel, and she loves it but she doesn't think it's appropriate to spend the Town's money on it. If council wants to donate from their own personal money, concluded Council Member McDaniel, she will contribute to that, but she doesn't want to support giving the Town's money away to this cause because she doesn't think the Town receives any benefit from it.

Council Member Binney responded he agrees with Council Member McDaniel one hundred percent. Council Member Binney stated he believes that all public money donations should have an audit and he would like to know where the \$2,500.00 is spent. He does not think it's the right thing to do with public money and he honestly believes most of the public doesn't want it. Council Member Binney concluded he will not vote to give public money away.

Vice Mayor McKinney stated he takes the points by his colleagues very much to heart and it is an unusual year again where it is very hard to predict the Town's finances going forward. He will take Council Member Rappaport's point about the dangers of spreading the plague to heart as well. As much as he appreciates the Hashknife Pony Express, concluded Vice Mayor McKinney, he does not think it is the right thing for Star Valley to do in 2021 and he will be reluctantly voting against it. Council Member Davis stated he agrees with Vice Mayor McKinney. Mayor Coon commented council seems to be in unison in their thoughts. It is an unusual year with the virus and a lot of things are up in the air. The Town needs to be a little careful how it spends money, concluded Mayor Coon, and he is in agreement. No one made a motion and it died for lack of motion.

- **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:

Edie 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 2nd day of February 2021. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 5th day of February 2021.

Edie Chapin, Town Clerk