

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

**Tuesday, March 19, 2013 @ 6:00 pm
3675 East Highway 260, Star Valley, AZ
(Star Valley Town Hall)**

The Agenda for the meeting is as follows:

- CALL TO ORDER
- PRAYER was offered by Pastor Jerry Green
- PLEDGE OF ALLEGIANCE
- ROLL CALL:

Mayor Rappaport X , Vice-Mayor Newland X , Council Member Hartwell X , Council Member Binney X , Council Member Coon X , Council Member Leis X , Council Member Henderson X .

- **GILA COUNTY SHERIFF'S REPORTS FOR FEBRUARY, 2013.**

Lt. Tim Scott, of the Gila County Sheriff's Department, gave the Sheriff's Reports for the month of February, 2013.

- **COMMENTS FROM THE PUBLIC**

Mayor Rappaport stated he was changing the order of the meeting, and would now open the meeting to public 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.

Battalion Chief Dave Bathkey, of the Hellsgate Fire District, stated it is the intent of the Fire District to give a monthly report to the Council, on the second meeting of each month. Mr. Bathkey stated there were 23 calls during the month of February; response was made to a house fire in Christopher Creek, a house fire in Tonto Village, a commercial fire alarm in the Payson area, a car accident with injuries in Ellison Creek, and 15 emergency medical service calls, and 4 special duty calls. Mr. Bathkey stated 10 burn permits have been issued for Star Valley, with a year to date of 24. Also, 8 building permits have been reviewed and approved. Water usage for February was zero, with year to date 800 gallons. Through the fuel reduction program, Hellsgate has refunded year to date \$1,230.00 to Star Valley residents. Mr. Bathkey stated the fuel reduction program is coming to an end

- **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 March 5, 2013.**
- B. Approval of Claims Payable from March 1, 2013 through March 15, 2013, for the General fund and for the Water Department.**

A motion to approve consent agenda items A and B was made by Council Member Coon, and was seconded by Council Member Leis.

A roll call was taken:

Mayor Rappaport X, Vice-Mayor Newland X, Council Member Hartwell X, Council Member Binney X, Council Member Coon X, Council Member Leis X, Council Member Henderson X. The motion was voted on and passed 7-0.

- **DISCUSSION ITEMS:**

- 1. Discussion and possible action regarding revision and update to Town Zoning Code, including authorizing Town Manager to enter into contract to have this work done.**

Town Manager Grier stated the Town Code was created at the time of incorporation and was the result of “cutting and pasting” from the county code and several other towns. Mr. Grier stated there are inconsistencies with the zoning code and the area maps utilized by the Town.

Town Manager Grier stated it his recommendation that a contract to revise the zoning code not be entered into at this time. Since putting this item on the agenda, Mr. Grier he has given the issue additional attention and believes there may be some “clean-up work” that needs to be done on the code, but not to the extent of \$7,000.00 as set forth in Mr. Fitzer’s proposal. Mr. Grier stated he recently met with LaRon Garrett, Director of Community Development for the Town of Payson. Mr. Garrett has many years of experience and agreed that he does not think the entire code needs to be rewritten. Mr. Grier suggested going to Mr. Fitzer with the proposal that he work for \$40.00 an hour and address the inconsistencies in the code and the maps initially.

Council Member Hartwell asked why the zoning revision issue was not being given to the Planning and Zoning Commission rather than going to an outside source. Town Manager Grier stated he does not believe the Planning and Zoning Commission has the expertise to take on such a project. Mr. Grier stated that he believes it is even beyond his own capabilities as an attorney, and that it requires a zoning expert. Council Member Leis also expressed his belief that this could not be done “in-house.”

Council Member Leis inquired as to the Town’s exposure if the necessary amendments are not made to the code. Town Manager Grier stated it is important to review and make certain the code is accurate, or the Town could be faced with “non-favorable” businesses. Mr. Grier elaborated that it not something that can be ignored, but he is not sure of the exact fix, nor is he sure the Fitzer proposal is the fix. Mr. Grier cautioned that the Council needs to be aware of the problems with the code and that something does need to be done to fix the problems.

Council Member Binney stated he read the proposal as item one being \$7,000.00, item two \$14,000.00, and item three \$21,000.00, for a grand total of \$42,000.00. Town Manager Grier stated that was not his reading of the proposal. Mr. Grier stated if Mr. Fitzer would work for \$40.00 an hour and have him address the inconsistencies in the code, that would probably be the best route to undertake for now. Discussion followed as to whether it would be better to go with an hourly price or a fixed price. Council Member Leis suggested the Town Manager determine exactly what Mr. Fitzer should address and obtain an estimate for just that work.

Town Manager Grier suggested the Council Members individually express their stand on this issue, including whether they want to pursue amending the code and then how to proceed. Council Member Coon stated he is in agreement that the code needs to be revised, but the Council needs to

determine where it wants to go first. Council Member Binney agreed that it needs to be done, and that it should be done by a professional, at a fixed price. Council Member Hartwell agreed that it needs to be done, and the Council needs to determine the “full picture” before it proceeds with the fix. Vice-Mayor Newland expressed concern over provisions that might be removed from the code, and Town Manager Grier explained the “grandfather clause” provisions. Council Member Henderson agreed the code needs to be amended, and that a professional should do the work preferably at a bid price. Council Member Leis asked where this project would fit into the Town’s current project schedule. Town Manager stated the Council needs a professional to determine what needs to be done, and he encouraged the Council to give thought to determining how soon it wants to move forward.

Town Manager Grier stated another issue the Council needs to address is once it gets the proper zoning in place, how does it want to proceed with zoning compliance. Mr. Grier stated he would start looking into how best to proceed with analyzing what needs to be done to the code, and he encouraged the Council to keep this issue as a necessary future project.

2. Discussion and possible action regarding water meter replacement project for the Water Department, including authorizing Town Manager to expend the necessary funds.

Town Manager Grier stated the water department has done a recent assessment of the water system and determined there are approximately 100 meters that need replacement. Some of the meters are approximately 50+ years old, some have been damaged, etc. Mr. Grier stated there is sufficient money in the current fiscal year to do the replacement project. The balance of the meters most likely will not require replacement until 2020. Mr. Grier pointed out the council books contained information on the replacement project and estimated cost.

Council Member Binney indicated he was in favor of replacing the meters. Mr. Binney also inquired if a profit and loss statement could be provided on behalf of the water department so the Council would have a better idea of how it is doing financially. Town Manager Grier and Council Member Binney discussed how this could be done and what numbers to work from – start-up costs included, or the day to day operation costs. Mr. Grier pointed out most of what Mr. Binney is looking for is contained in the water enterprise fund entries.

Council Member Henderson asked what type of meter would be replacing the old or damaged meters. Town Manager Grier pointed out Mr. Rippey’s report stated they were Sensus brand, and they are manual read.

A motion that the Council authorize the Town Manager to proceed with the water meter replacement project, and he is authorized to spend the sum of \$20,000.00 for this project was made by Council Member Leis, and was seconded by Council Member Binney. The motion was voted on and passed 7-0.

3. Discussion and possible action regarding establishing a policy and procedure for conducting town council meetings.

Council Members Hartwell, Coon and Binney, and Vice-Mayor indicted their satisfaction with the manner in which Mayor Rappaport conducts the meetings. Council Member Henderson expressed her satisfaction also, but inquired as to whether or not a policy exists requiring the public to sign in. Council Members Coon and Leis both stated people need to state their name and address when they want to make public comments or statements. Council Leis also stated his belief that it is the mayor’s job to control the meeting, and that the council needs to stand behind the mayor in this regard. Mayor Rappaport pointed out that since the incorporation of the town there has been no set policy in place for conducting meetings.

Mayor Rappaport also stated in the future when a sizeable number of people appear for a meeting, at the beginning of the meeting he will start how the meetings are conducted. Council Member Leis suggested that if a meeting starts to get out of hand, the mayor should bang the gavel, stop the meeting, and look to the council for a motion to adjourn. This procedure was agreed to by the council members present.

Mayor Rappaport then asked for public comment on this issue.

Ray Lyons, resident of Star Valley, stated he had no problems with this procedure. However, referencing the “hot head”, he asked if it would be advantageous to have a “sergeant at arms” or a member of law enforcement being present at the meetings to help control them. Town Manager Grier stated he has spoken with both Sheriff Shepherd and Lt. Scott of the Gila County Sheriff’s Dept., and in the future law enforcement will be available when needed. Council Member Binney expressed concern that police presence may be intimidating to people.

Chaya Schonberger, 94 Sprague Road, Star Valley, stated this was the first council meeting she has attended; that her background is social work, but she currently works internationally; and she believes everyone at the meeting “has a right to be safe.” She believes a person has a right to come to the meeting and say what they want to say, and if it cannot be stated in a manner that is safe for those present, then she does not belong at this meeting. Ms. Schonberger stated there are people who are disruptive and hurtful, which creates an unsafe situation. Ms. Schonberger stated she does not know how the council can encourage people to express their opinions and ensure their safety at all times.

Ray Lyons stated that the Town has a “pretty good record” since it has only had one incident of a “hot head” attending a meeting in six years.

Council Member Hartwell suggested utilizing a sign-in sheet as this would assist in identifying people and also assist in organization of the meeting. Council Member Hartwell also strongly recommended to the mayor that he never allow someone to take over the meeting such as was done several meetings ago.

4. Discussion and possible action regarding further work on the ditches along Pinon Road.

Town Manager Grier stated Roy Haught has been working on Pinon Road for several months, and the work is now completed, for a total price of approximately \$35,000.00. Mr. Grier stated that council members had been encouraged to go out and look at the “end product” prior to this meeting. Paving still needs to be done. Mr. Grier stated Vice-Mayor Newland has expressed some concerns about where the project should end up. The council needs to decide if it is satisfied with the current condition of Pinon Road, or if they want some other work to be done on it.

Vice-Mayor Newland stated the road is fine, but he believes some rocks (rip-rap) should be placed in the ditches “to keep the dirt from going,” or with two or three rains all the work will be undone. In response to inquiry from Council Member Hartwell, Vice-Mayor Newland stated he believes this needs to be done “all the way.” Town Manager Grier stated that Roy Haught did the work on Pinon Road that he believed needed to be done.

Council Member Coon stated he has gone out and looked at Pinon Road, as well as other roads in the area, and that no other roads are lined with rocks. Mr. Coon pointed out that in some of the ditches there is grass growing, which helps prevent erosion. Council Member Hartwell expressed her belief that rip-rap should be placed “at least around the culvert and a few feet from it.” Council Member Coon stated if they do this work on Pinon Road, then similar work will need to be done on the surrounding roads.

Council Member Leis stated he also went out and inspected Pinon Road, and several of the surrounding roads. Mr. Leis pointed out some of the homeowners along Pinon have already placed rip-rap in the ditches and cemented around the culverts. Mr. Leis stated “that road is probably right now the

finest drainage road that we have in the town.” Mr. Leis did not believe it is necessary to do any further work on Pinon Road.

Council Member Binney stated he also had inspected Pinon Road. Mr. Binney stated he attempted to call Roy Haught, who is out of town, and Mike Morris to obtain their opinions on this road. Mr. Morris said normally the entire area would not be lined, but just the areas that have a higher erosion potential. Mr. Binney stated it was his personal opinion there are some areas of Pinon Road that could benefit from placement of rip-rap. Mr. Binney suggested that if Roy Haught thinks it is acceptable, “give it a couple of rains and see.” Council Member Leis stated it is his opinion that the Pinon Road project, as originally approved by the council, is complete.

• ADJOURNMENT

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

The motion was voted on and passed 7-0.

APPROVED:

William S. Rappaport, Mayor

Date: _____

ATTEST:

Lois V. Johnson, 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 19th day of March, 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 27th day of March, 2013.

Lois V. Johnson, Town Clerk