

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

**Tuesday, May 21, 2019 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.
- 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 APRIL 2019**

Chief Wisner with Hellsgate Fire District was unable to attend.

- **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 May 7, 2019.

B. Approval of Claims Payable from May 1, 2019 through May 15, 2019 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 McDaniel.

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 street light designs and prospective costs for the SR260 Street Light project. Presentation by engineer Dale Miller with Rick Engineering.**

Town Manager Grier informed council that Dale Miller will be giving his presentation telephonically and Scott Jones with APS is in attendance to answer any questions. Dale Miller asked council to refer to the provided Preliminary Engineering Study Report that gives an overview on potential street light locations, costs, distances and other options. Mr. Miller explained the design proposed by APS is based on the design implemented in Payson's highway corridor. Mayor Coon commented that a practical way to minimize costs would be to use as many existing power poles as possible. The spacing between the poles may vary somewhat and cause some variation in light distribution but he does not think it should be an issue. Mayor Coon stated he thinks the uniform spacing is going to be a little difficult because of driveways and other obstructions. Mayor Coon then asked if the cost could be lowered to around \$40,000.00 if all the available poles were used. "Yes," answered Mr. Miller. Mr. Miller explained one of the concerns with irregular spaced lighting is creating lighter spots and darker spots as opposed to uniform lighting throughout the corridor. The concern is dealing with safety and drivers having to adjust their eyes to the lighter and the darker. Mr. Miller stressed uniform lighting is safer through a corridor as opposed to variable lighting. Mr. Miller reported he tried to use as many existing poles as possible in order to keep the cost as low as possible at the lowest cost option of \$45,000.00. What he would do during the final design would be to look at the lighting and make sure the Town and APS are comfortable with it by doing a photometric analysis to assess its effectiveness.

Mr. Miller pointed out the highest cost option is all new poles at \$99,000.00 and that the \$72,000.00 option may be more in the ballpark of what it might take. Mr. Miller stated if all of the existing poles are used the cost would be down in the \$45,000.00 range. Mayor Coon asked if that would be for $\frac{3}{4}$ of a mile. Mr. Miller responded he does not think there are existing poles east of the $\frac{3}{4}$ mile and it would require all new poles and asked Mr. Jones for confirmation. "That is correct," responded Mr. Jones. Vice Mayor McKinney reminded everyone that the original concept was to make the corridor safer for citizens to cross the highway at night and secondly for drivers to recognize they are coming into a Town. Vice Mayor McKinney stated he supports the lower cost version of the project, the use of existing poles, covering the main core of the stretch and saving money. It can be expanded sometime in the future if necessary, stated Vice Mayor McKinney. Mayor Coon reported there are twenty poles on the southside from Plant Fair to Milky Way and with that many poles the Town should be able to utilize them. On the other side there are six poles, so poles would need to be put up on that side. Mayor Coon stated he does not see any reason to put up poles on the southside which would save the Town some \$20,000.00.

Mr. Miller mentioned one of the factors is that it is an ADOT corridor and they will review the plans and sign off on them. He has no problem developing a plan that uses all of the existing poles and supplementing those as needed to try to get the lighting as uniform as possible. Mr. Miller forewarned that ADOT could require revisions which would affect the price, but ADOT may approve as submitted. Mr. Jones stated he agrees with Mr. Miller and clarified the corridor belongs to ADOT and they get the final say. Council Member Binney stated if ADOT changes it the Town doesn't have to do the project. Council Member Binney asked if break-away poles are required. Mr. Miller answered break-away poles are not customary and not required in an urban corridor – being defined as having curb, gutter and sidewalks. Also, in an area with pedestrian activity, break-away bases are not recommended for the safety of pedestrians. Council Member Rappaport asked if the poles in Payson are wired underground.

Mr. Jones responded they have a mixture of both underground and overhead. Council Member Rappaport asked if the existing poles are wood. Mr. Jones answered they are and that it would be the responsibility of APS to maintain and replace if needed. Council Member Rappaport asked if the lines could be placed underground between the wooden poles. Mr. Jones answered the Town would have to pay for that. It is a transmission line and is very expensive to convert to underground. Mr. Miller responded a street light circuit could be put between the existing power poles at a fairly considerable additional cost. Mr. Jones added the Town would incur the cost of trenching and installation of conduit. If the Town stays overhead APS pays for all the installation of the wire up to 300 foot per light. APS would provide the underground wire, but the Town would be required to do the trenching and the conduit, which is generally not inexpensive. Council Member Rappaport asked for an idea of the cost to go underground. Mr. Miller estimated at \$10.00 a running foot the cost would be around \$100,000.00. Mr. Jones commented that \$10.00 a foot is dirt cheap, especially if you get into any rock. Mayor Coon pointed out the northside of the road already has a lot of lines through there, including the Tower well, and he is not sure there will be room for another line. Mr. Miller reported the northside at Circle K is an extremely congested corridor with a storm sewer line, Town of Payson transmission line, new water line for Circle K wells, and two major telephone lines. Putting in one more conduit could prove to be difficult, stated Mr. Miller.

Council Member Davis questioned the difference between the \$45,000.00 and \$83,500.00 options. Mr. Miller explained the price difference is based on using new poles versus using existing poles and the quantity of poles. The \$83,000.00 option gives uniform spacing and uniform distribution of light versus the low-cost option of spotty lighting. Council Member Armington asked if the Town chooses the \$45,000.00 option and later wants to add to it, would the Town incur additional costs, or would it just be the cost of poles and wire. Mr. Miller answered additional poles could be added at the cost of \$2,400.00 per pole and asked Mr. Jones if he agreed. "Yes," stated Mr. Jones. Council Member Binney stated his concern about the Town's liability if there aren't the right amount of lights. Mr. Miller responded it is customary to light up intersections to provide improved safety as opposed to making the entire corridor safer by lighting it. It is difficult to speculate if someone who has an accident will blame the Town. Mr. Miller stated he does not have a good answer if it creates additional liability but believes it is a minimal risk. The Town is trying to improve the safety of the corridor and the safety of pedestrians and that certainly reduces liability overall. Council Member Rappaport stated she believes the lights will help to slow down drivers.

Town Manager Grier stated he does not think additional liability would be created. Mr. Grier stated he would like to clarify that the cost of the engineering design is not included in Mr. Miller's information. Mr. Miller responded an additional \$6,000.00 would be incurred for design purposes, which would also include the ADOT encroachment permit for review and approval of the lighting plan. Council Member Binney disclosed he is arguing against the lights. Council Member Binney explained one of the things he enjoyed when he moved to Star Valley was the sky and he is concerned about the reflection of the lights. He doesn't feel the Town is doing it for pedestrians because according to the ADOT study there are no pedestrians crossing the street. If it's really unsafe, stated Council Member Binney, ADOT would light it. Council Member Rappaport commented if there are lights people will know they are entering a Town. Twenty-six lights for the \$45,000.00 would be plenty, advocated Council Member Rappaport. Mayor Coon responded he agrees and would go along with $\frac{3}{4}$ of a mile and utilizing existing poles as much as possible. Mr. Miller suggested the Town could install solar powered speed feedback signs past Milky Way as a way to get people to slow down. Council Member Rappaport asked if the Town is still putting other designs out to bid. The Town would not be putting other designs out to bid, responded Town Manager Grier.

A motion to approve the street light design in the amount of \$52,000.00 was made my Council Member McKinney 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 No, Council Member Rappaport Yes, Council Member McDaniel Yes, Mayor Coon Yes.

The motion was voted on and passed 6 – 1.

2. Discussion and possible action to adopt Resolution No. R 19-04 – A Resolution of the Mayor and Common Council of the Town of Star Valley, Arizona authorizing the Town Manager to apply for funds from the Tohono O’odham Nation and providing for the expenditure of such funds.

Town Clerk Chapin reported she is applying for funds from the tribes for the purchase and installation of a zip line for the playground at the park and that this tribe requires a resolution be submitted with the application. Council Member Rappaport asked the amount of funds being requested. Ms. Chapin answered about \$25,000.00. Town Manager Grier explained the gaming agreement requires the tribes to provide this money to communities and that the Town has been applying for these funds diligently since incorporation. The Town very seldom has success but keeps trying. Mr. Grier stated the tribes spend money closer to home and the funds usually go to some entity closer to the tribes. However, reported Mr. Grier, the Town did receive \$38,000.00 from Ak-Chin in the past. Mr. Grier clarified this is just a requirement with the resolution for the Town to apply.

A motion to adopt Resolution No. R 19-04 authorizing the Town Manager to apply for funds from the Tohono O’odham Nation was made my 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 Yes, Council Member McDaniel Yes, Mayor Coon Yes.

The motion was voted on and passed 7– 0.

3. Discussion and possible action concerning Town of Star Valley code compliance. Presentation by Town Manager Grier.

Town Manager Grier stated he would like to talk about code compliance and what it is, especially for the new council members. A violation of Town Code, explained Mr. Grier, is initiated by a written complaint. A code compliance officer is sent out to determine whether or not there is a code compliance issue. A letter is then sent explaining the violation of the code and giving a 30-day notice to comply. If compliance is not achieved, reported Mr. Grier, a civil complaint is filed, which usually gets some sort of response. Code compliance requires a significant amount of work and the goal is to achieve compliance. It is a difficult issue as often times council members will be confronted by someone from the community feeling picked on by the Town. Mr. Grier stated that code compliance is somewhat subjective in that it has to have all the elements of violation of the Town Code. He has to look at a property and determine whether or not there is in fact a code compliance issue. Mr. Grier explained the process he goes through in making that determination. First, he believes Star Valley doesn’t want a lot of government interference. He looks at the community as a whole and the level of the violation and egregiousness. He also looks at the property rights of the neighbors, as Town Code protects the property rights of those property owners. Mr. Grier stated he looks at all those factors and determines whether or not to go

forward and go through the steps that he articulated previously. If code compliance is not achieved, a civil complaint is filed, and he then goes to court. The offending party is required to go to court as well, stated Mr. Grier. They do what's called a pre-trial conference and usually by this time the offending party is much more willing to talk. They then go in front of the judge and the judge explains if the violation is not cured within a certain amount of time that there will be a per day fine. The fine is suspended if the offending party corrects the code violation. The end goal is to achieve violation compliance, stated Mr. Grier.

Town Manager Grier stated code compliance is a frustrating job and one that staff would rather not do. What he expects out of council members – because he knows they will be confronted by property owners – is to come to Town Hall to look at the code violation file and get educated right away. There are times it is necessary to do this because there may be pending litigation, explained Mr. Grier. Once there is pending litigation council members need to be careful about what is said with the opposing party. We do it right and fairly – it's an important part of what we do and if we don't do it, then we wouldn't need a Town Code, stated Mr. Grier. Council Member Rappaport asked if the Town of Payson is being paid to do code inspections. Mr. Grier responded code compliance is done in-house and that the Town of Payson is contracted to perform building inspections and plan review. Council Member Rappaport questioned when the paperwork starts. Mr. Grier answered it starts with the complaint form which includes the name of the complaining party, the location of the violation and the type of violation. Council Member Rappaport acknowledged that a complaining party is required to go through the proper channels and fill out a complaint form at Town Hall. "Yes," answered Mr. Grier, adding that council will usually hear from a constituent after a complaint has been filed against them. Council Member Rappaport asked what she should do as a council member. Mr. Grier responded he understands that council members listen to their constituents and suggested council look into it and see what the issue is and be informed before they weigh in. It is a bit frustrating when council members weigh in without being informed, disclosed Mr. Grier. Mayor Coon commented not to offer an opinion and that less is best. Mr. Grier explained that legally speaking what council says can be an admissible statement in court, even without being in court testifying. Council Member Armington commented to listen and get back to them.

- **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. There were no comments 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 Armington.

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 21st day of May 2019. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 22nd day of May 2019.

Edie Chapin, Town Clerk